



Whistle-blowing policy

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Contents

1. Aims	1
2. Legislation.....	1
3. Definition of whistle-blowing	2
4. Procedure for staff to raise a whistle-blowing concern.....	2
5. Trust procedure for responding to a whistle-blowing concern.....	2
6. Malicious or vexatious allegations	3
8. Approval.....	4
9. Links with other policies.....	4

1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but aren’t limited to):

- Criminal offences, such as fraud or corruption
- Pupils’ or staffs’ health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

3. Procedure for staff to raise a whistle-blowing concern

3.1 When to raise a concern

Staff should consider the examples in section 2 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

3.2 Who to report to

Staff should report their concern to the headteacher. If the concern is about the headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern. If you believe that your management is involved, you should approach:

- The LADO office – Tel no: 01432 261739 or email LADO@herefordshire.gov.uk

Concerns may be raised orally or in writing.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

3.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

4. School procedure for responding to a whistle-blowing concern

5. Investigating the concern

When a concern is received by the headteacher- referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 7 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the chair of governors, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

6. Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, governors and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

7. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

7. How the matter can be taken further

- 7.1 This policy is intended to provide you with an avenue to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
- The Ombudsman
 - The District Auditor
 - Your Trade Union
 - Your local Citizens Advice Bureau
 - Relevant professional bodies or regulatory organisations
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- A relevant voluntary organisation
- The Police.

7.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

8. Approval

This policy will be reviewed every 3 years.

These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

9. Links with other policies

This policy links with our policies on:

- Complaints procedure
- Safeguarding Policy including Child Protection
- Staff Code of Conduct

Appendix 1.

Taken from Sir Robert Francis's Freedom to Speak Up review

Principles for Whistleblowing

Theme 1 – the need for culture change

- culture of safety and learning
- raising concerns
- culture free from bullying
- culture of visible leadership
- value staff who raise concerns
- culture of reflective practice

Theme 2 – the need for improved handling of cases

informal and formal raising and resolution of concerns,

- prompt, swift, proportionate, and blame free investigation
- mediation and dispute resolution

Theme 3 – the need for measures to support good practice

- support to those raising concerns
- introduction of a Freedom to Speak Up Guardian
- provision of support is recommended to those who have difficulty finding employment in the NHS after making a protected disclosure
- training for every member of staff about raising concerns and handling them
- transparency accountable
- external review
- regulatory action
- NHS organisations that successfully support good practice should be recognized by way of their CQC assessment or by some other means

Theme 4 – the need for particular measures for vulnerable groups

- locums and agency and bank staff should have access to the same support and procedures as permanent staff,
- black and minority ethnic backgrounds who raise concerns might need action over and above what is in the report to support and protect them
- students and trainees should also be subject to all the principles
- primary care, standards for empowering and protecting staff to enable them to raise concerns freely

Theme 5 – the need extend the legal protection to NHS staff currently provided by the relevant legislation

