



Midsomer Norton Schools Partnership

Issued: September 2022
Review: Term 1 annually
LST: AWI

WHISTLEBLOWING POLICY

Preamble

This policy has been prepared in accordance with the Public Interest Disclosures Act 1998 and Employment Rights Act 1996. The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistleblowing" to mean the confidential raising of problems or concerns within an organisation by a member of staff. This is not "leaking" information but refers to matters of impropriety e.g. a breach of law, school procedures or ethics. Nor is whistleblowing the raising of a grievance within the school (which would be dealt with under the staff grievance procedures).

Introduction

The staff, Trustees and Governors of the Midsomer Norton Schools Partnership (Trust) seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. This policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school's disciplinary procedure.

We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

About this Policy

The aims of this policy are:

- a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- b) To provide staff with guidance as to how to raise those concerns.
- c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers and there is no length of service requirement for the policy to apply.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

When might the whistleblowing policy apply?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. This may include:

- a) criminal activity;
- b) failure to comply with any legal or professional obligation or regulatory requirements;
- c) miscarriages of justice;
- d) danger to health and safety;
- e) damage to the environment;
- f) bribery [under our Anti-corruption and Bribery Policy];
- g) facilitating tax evasion [contrary to our Anti-facilitation of tax evasion policy];

- h) financial fraud or mismanagement;
- i) breach of our internal policies and procedures [including our Code of Conduct
- j) conduct likely to damage our reputation or financial wellbeing;
- k) unauthorised disclosure of confidential information
- l) negligence;
- m) the deliberate concealment of any of the above matters.

A whistleblower should ask a few questions before taking action:

- Is it, or do you believe it to be, illegal?
- Is it, or do you believe it to be, against codes of practice issued by the school, the Trust, the DfE or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Is it a Health and Safety issue?
- Is it a Child Protection issue?
- Has the whistleblower witnessed the incident?

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy. If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. This policy should also not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure [or Anti-harassment and Bullying Policy as appropriate].

This policy should not be used for complaints relating to the safeguarding of children. In those cases, you should use the Trust Child Protection and Safeguarding Policy and report your concerns in accordance with the Keeping Children Safe in Education Statutory Guidance. If your complaint is not dealt with adequately under the Safeguarding Policy you should report this under this policy.

All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

If you are uncertain whether something is within the scope of this policy you should seek advice from your headteacher or the CEO whose contact details are at the end of this policy.

Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this whistleblowing policy eg:

- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- any criminal activity
- damage to the environment of the school
- dangerous practices
- abuse of position
- fraud and deceit or corrupt practices
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- sexual or physical abuse of pupils or others
- other unethical conduct, including modern slavery.

Procedure

The whistleblower should raise the matter internally in the first instance with their line manager (or the Headteacher if the line manager is the one under suspicion). You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively and give an explanation for the behaviour or activity. In some cases, they may refer the matter to the CEO, Deputy CEO or COO.

Alternatively the whistleblower may request a private and confidential meeting in the first instance with the person who is causing concern. He/she may be accompanied by a representative of their choice if they so wish (e.g. Union representative or friend).

All matters will be treated in strict confidence and anonymity will be respected wherever possible. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible.

Alternatively if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the school or you feel that your line manager or the Headteacher has not addressed your concern the matter should be directed in the first instance to the CEO or if the concern relates to the CEO please direct your concern to the Chair of the Trust via the Clerk, Sharon Crane.

How will the matter be progressed?

A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a representative (e.g. a colleague or trade union representative) to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

A written summary of your concern will be prepared and we will provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's external auditors, legal or personnel advisors, the police or the DfE.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Chair of Trust or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied. In such cases any disciplinary action will be considered by the dismissal committee and if appropriate the dismissal appeals committee of the Governing Body. Where a case is proven on the balance of probability the matter will be reported to the full Governing Body, and where appropriate the DfE and Education and Skills Funding Agency (ESFA) and/or Teaching Regulation Agency (TRA).

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of Trust or, for financial impropriety, the Trust Accounting Officer or external auditors – Bishop Fleming.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a parent, carer, supplier, service provider, external professional or volunteer. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager, headteacher or one of the other individuals set out at the end of this policy.

Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contact points listed at the end of this policy and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy

Protection and Support for Whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager, headteacher or the CEO immediately. If the matter is not remedied you should raise it formally using our Grievance Policy.

You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

Conclusion

Existing good practice within the Trust in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the school operates, ensure that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the school's disciplinary procedure, which should cover all of the potential areas of concern.

Alun Williams, CEO contactable via Sharon Crane, Trust Clerk 01761 402282 or scrane@msnpartnership.com

Emma Yates, Deputy CEO via Sharon Crane, Trust Clerk 01761 402282 or scrane@msnpartnership.com

Chris Hobbs, COO via Rachel Dodgeson, 01761 205630 or rdodgeson@msnpartnership.com

Stuart Warrener, Chair of Trust contactable via Sharon Crane, Trust Clerk 01761 402282 or scrane@msnpartnership.com

Home School Headteacher, contactable via the school office manager or PA.

Bishop Fleming, External Auditors

**Bishop Fleming Bristol Limited
Chartered Accountants
10 Temple Back
Redcliffe
Bristol
BS1 6FL**

Protect (Independent whistleblowing charity)

Helpline: 020 3117 2520

Website: <https://protect-advice.org.uk>