



WHISTLE BLOWING POLICY

September 2017

Whistle Blowing Policy

INTRODUCTION

Radius Trust is committed to providing outstanding educational opportunities for all our pupils and students. Part of this commitment is to uphold the right and responsibility of all employees to raise any genuine concerns of breaches of the law, suspected bribery and/or other serious wrongdoing. The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. Radius Trust is also committed to ensuring compliance with the Bribery Act 2010.

All of us at one time or another may have concerns about what is happening at work or within a particular organisation. Usually we can easily resolve these concerns, but when they are about serious malpractice it can be difficult to know what to do.

Do not ignore your concerns. It is important that we do not allow serious malpractice to endanger the safety or wellbeing of pupils and students, impact upon the rights of staff to work in an environment free from discrimination and bullying, or to damage service delivery in any other way.

This policy aims to encourage staff to raise genuine concerns through internal procedures without fear of adverse repercussions. The law allows staff to raise such concerns externally and this policy informs staff how they can do so. However, should staff raise a concern otherwise than under this procedure, it may result in a disclosure losing its protected status under the law.

This policy also seeks to balance the need to allow a culture of openness with the need to protect other staff against vexatious allegations or allegations which are not well founded.

As employees we all have a responsibility to ensure that we are complying with our employer's policies and procedures. Many of these reflect legal responsibilities that we all have, including those relating to child protection, safeguarding of vulnerable adults and equality duties for race, disability, gender, age, sexual orientation, faith or belief, transgender, pregnancy and marriage. Anybody who has a concern relating to any of these areas must report it to the appropriate Line Manager or Designated Person.

ABOUT THE PROCEDURE

This policy and procedure is part of Radius Trust's programme to improve the delivery of services to our pupils and students. It provides us with the opportunity to address a potential problem before it becomes serious.

This policy applies to all staff engaged by the Trust, including all employees, apprentices, casual staff, employees of subcontractors and agency staff engaged by Radius Trust. Pupils and students are encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Head/Principal of their school.

Staff might be unsure whether it is appropriate to raise their concern under this policy or whether it is a personal grievance that needs to be raised under the Grievance Procedure. Any staff member in this situation is encouraged to approach the Executive Head in confidence for further advice.

Protected disclosures

The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. The law allows staff to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see below) and the disclosure must also be made in an appropriate way (see 'Procedure for making a disclosure', p.3). A protected disclosure must, in the reasonable belief of the staff member making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

Specific subject matter

Staff should follow this policy and procedure if, in the course of employment, they become aware of information which they reasonably believe tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged;
- That information tending to show any of the above has been, is being or is likely to be deliberately concealed.

Examples of incidents falling into one or more of the above classifications might include:

- Abuse of pupils/students
- Abuse of other staff
- Using funds or property irresponsibly or unlawfully
- Putting personal interests before the interests of the organisation
- Possible corruption
- Dangerous procedures risking health and safety

- Failing to follow exam procedures

RAISING CONCERNS AT WORK: WHISTLE BLOWING PROCEDURE

Procedure for making a disclosure

Information which a staff member reasonably believes tends to show one or more of the situations noted under 'Specific subject matter' should be promptly disclosed in writing to the Head/Principal of the relevant school, so that any appropriate action can be taken.

If the information is about the Head/Principal, then the disclosure should be made to the Executive Head.

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, Radius Trust will not be in a position to notify the individual making the disclosure of the outcome of action taken. Anonymity also means that the Trust will have difficulty in investigating the concern. Radius Trust reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern;
- The likelihood of confirming the concern from attributable sources.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, staff should speak in confidence to the Executive Head. Whilst advice about the policy can be given in confidence, where a specific disclosure is made confidentiality will be maintained as far as possible dependent on the disclosure. There are situations where a disclosure must be shared e.g. to safeguard a pupil/student, to prevent a criminal act from occurring or to safeguard health and safety.

Procedure for investigating a disclosure

When a staff member makes a disclosure, Radius Trust will acknowledge its receipt, in writing, within a reasonable time. Consideration will then be given to the substance and/or merit of the disclosure. If the Trust considers that the disclosure does not warrant further action, the staff member will be notified in writing of the reasons for this decision and advised that no further action will be taken by the Trust under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the Executive Head is satisfied that a staff member does not have reasonable belief that suspected malpractice is occurring, or
- If the matter is already the subject of legal proceedings or other appropriate action by an external body, or

- If the matter is already subject to another appropriate Radius Trust procedure.

When a staff member makes a disclosure which has sufficient substance or merit to warrant further action, Radius Trust will take appropriate action (including action under any other applicable Radius Trust policy or procedure). Possible actions could include internal investigation; referral to the Trust's auditors; referral to relevant external bodies such as the Police, Ofsted, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation will be conducted by a Head/Principal without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by Radius Trust as appropriate.

Any recommendations for further action made by Radius Trust will be addressed to the Executive Head as appropriate in the circumstances. The Executive Head will take all steps within their power to ensure the recommendations are implemented.

The staff member making the disclosure will be notified of the outcome of any action taken by Radius Trust under this policy and procedure within a reasonable period of time. The information provided may be limited if it is of a confidential nature. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal via the Clerk to the Governors. The appeals officer will make a final decision and notify the staff member making the disclosure, in writing, within 5 working days of making the decision.

Safeguards for staff making a disclosure

A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by Radius Trust and, where possible, their name not to be disclosed to anyone implicated in the suspected wrongdoing without their prior approval. Radius Trust will take all reasonable steps to ensure that any report of recommendations or other relevant documentation produced as a result of disclosure does not identify the staff member making the disclosure without their consent unless the Trust is legally obliged to do so, or for the purposes of seeking legal/safeguarding advice. Where Radius Trust must disclose a name to an outside body e.g. the Police, the staff member will be notified of this in advance.

No disciplinary action will be taken against a staff member on the grounds of them making a disclosure under this policy or procedure. This does not prevent Radius Trust from bringing disciplinary action against a staff member where the Trust has sound reason to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside Radius Trust without reasonable grounds.

A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by Radius Trust for making a disclosure in accordance with this policy and procedure. Equally, where a staff member

is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action may be taken by the Trust against the colleague in question.

Disclosure to external bodies

This policy and procedure has been implemented to allow staff to raise concerns internally within Radius Trust. A staff member has the right to make a disclosure outside of the Trust where there are reasonable grounds to do so and in accordance with the law.

Staff may make a disclosure to an appropriate external body prescribed by the law. The list of 'prescribed' organisations and bodies can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Staff can also make disclosures on a confidential basis to a practising solicitor or barrister.

If a staff member seeks advice outside of Radius Trust, they must be careful not to breach any confidentiality obligations or to damage the Trust's reputation in so doing.

Accountability

Radius Trust will keep a record of all concerns raised under this policy and procedure.

FURTHER ASSISTANCE FOR STAFF

Radius Trust will not tolerate any harassment or victimisation of staff who make disclosures. If at any stage of this procedure a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter in writing with HR.

A staff member making a disclosure may want to confidentially request counselling or other support from the Trust's Occupational Health service or the Employee Assistance Programme. Any such request for counselling or support should be addressed to HR.

RELATED POLICIES AND PROCEDURES

Child Protection, Adult Protection & Safeguarding Policy
Dignity at Work Policy
Equality & Diversity Policy
Health and Safety Policy
Staff Code of Conduct