Whistle-blowing (Public Interest Disclosure) Policy

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Status: STATUTORY, to be reviewed every two years

Delegated to: Finance, Audit and Risk Committee

1. Aims

This policy sets out a process by which people can legitimately raise concerns about wrongdoing. It aims to ensure that staff, students, visitors and other stakeholders feel confident and safe in raising concerns. It also aims to encourage people to fulfil their duty to come forward to do so when it is necessary.

2. Official Guidance and Legislation

Members of staff, trustees and governors are encouraged to read the guidance at https://www.gov.uk/whistleblowing

Staff members and other workers are protected in making certain types of disclosure by the Public Interest Disclosure Act 1998 and may wish to seek confidential advice from their Union, Professional Organisation or a legal advisor before making a disclosure.

We are obliged to have clear whistle-blowing processes in place in order to comply with the Academy Trust Handbook.

Safer Recruitment Consortium have published useful guidance for professional relationships in Guidance for safer working practice for those working with children and young people in education settings

3. Definition of Whistle-Blowing

Whistle-blowing is the process by which people can legitimately raise a concern about apparent wrongdoing.

Under the Public Interest Disclosure Act 1998 a whistle-blower is protected from detriment and unfair dismissal. The ULMaS Trust will support and not discriminate against concerned staff who apply the whistle-blowing procedure, provided any claim is made in good faith, even if they turn out to be mistaken.

A "qualifying disclosure" is any disclosure of information which, in the reasonable belief of the worker making the disclosure, 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 someone has failed, or is likely to fail to comply with any legal obligation to which he is subject;
- That the health or safety of any individual has been, or is likely to be endangered;
- That the environment has been, is likely to be damaged;
- · that sexual harassment has occurred, is occurring or is likely to occur
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- That information showing that these things have happened has been deliberately concealed.
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4. Process

The School encourages employees to raise any concerns that they may have about any suspected wrongdoing at any level within the business. Wrongdoing in this context means any breach of a legal obligation, risk to health and safety, a criminal offence being committed, a miscarriage of justice occurring or likely to occur, sexual harassment occurring or likely to occur, damage to the environment, or an attempt to conceal any of the above.

The school will provide an appropriate procedure for people with such concerns to follow to ensure that:

- The whistle-blower is listened to carefully and without prejudice;
- The whistle-blower is able to make a detailed and evidenced disclosure;
- The whistle-blower is protected from adverse consequences including reputational damage, risk of harm or damage to career prospects;
- Appropriate action is taken to address the concerns;
- Any possible illegal activity is reported to the police and prevented or stopped;
- Any possible unethical activity is prevented or stopped, and the appropriate personnel investigation carried out, and appropriate bodies (for example the Board of Trustees, Professional Bodies, The Department for Education);

- Any unsafe behaviour is prevented or stopped, and the colleague given the appropriate direction and training to prevent such behaviour re-occurring in future.

When to raise a concern

Members of staff should consider the examples in definitions section above when deciding whether their concern is of a whistle-blowing nature.

If a person believes that they have evidence of the following:

- Illegal behaviour;
- A breach of statutory or trust procedures;
- People or the environment being put in danger;
- An attempt to cover any such activity up.
- An act that could constitute sexual harassment;

Then they should raise a concern at the earliest opportunity, following the process below.

What to do

- The person raising the concerns should contact the responsible person at the school; this will normally be the headteacher - dan.vickery@liverpoolmathsschool.org
- If the concern includes the behaviour of the headteacher then the responsible person contacted should be the Chair of Trustees. kathy.johnson@liverpoolmathsschool.org
- If the concern includes both the Chair of Trustees and the headteacher then the matter should be pursued with the ULMaS board of Trustees. The governance clerk maybe able to assist, without details, knowing the committee chairs for Finance, Audit & Risk, Education Committee and Staffing & Appraisal - governance.professional@liverpoolmathsschool.org
- If further escalation is required the matter should be raised with the Members of the ULMaS Trust.

The responsible person should be contacted directly by email, telephone or in person by the whistle-blower. The whistle-blower should explain that they have a serious and urgent concern or disclosure they would like to discuss.

A disclosure should be made in writing wherever possible. This reduces the possibility for misunderstanding and enables the whistle-blower to be considered and precise in the disclosure they are making. Disclosures should include the 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. In communicating a written disclosure the whistle-blower should take care to ensure that the method of communication used is secure and confidential. Ordinary emails are not encrypted and so may not be a suitable way to communicate the necessary information in this case a physical document or an encrypted file may be advisable . Only the responsible person should have access to the information in the disclosure.

How the school or trust will respond

The responsible person receiving the notification will invite the whistle-blower to an initial meeting which should take place within 5 working days, and sooner if there is any evidence of an ongoing threat to safety. The whistle-blower will be given the opportunity to explain in as much detail as possible the grounds for their concern and present any evidence they have.

In this initial meeting the responsible person may be accompanied by a note-taker and the whistle-blower may be accompanied by a colleague or an official trades-union representative.

All attendees at this meeting are bound to keep the contents of the meeting confidential unless they believe that the issue has not, in due course, been considered and addressed properly by the responsible person. In such a case the proper course would be to elevate their concern to the Chair of Trustees or Members of the Trust as detailed above.

Confidentiality

Whistleblower has the right to consult with a legal representative or trade union representative at any point. However, discussing the meeting with other colleagues, in an online forum, on social media or with the media would be considered a breach of confidentiality for persons present which could result in disciplinary action being taken: members of staff should ensure that they follow the whistleblowing process carefully in order to to protect the employee's rights to a fair process.

The responsible person will then conduct or instigate an investigation and take any urgent action necessary to prevent serious harm caused by the alleged action or behaviour or negligence. The concerns and evidence presented to the responsible person will be shared only with the people who need to know in order to support the investigation or prevent serious harm. These people will also be bound by a duty of confidentiality.

We acknowledge that no settlement or confidentiality agreement can restrict an individual's right to make a protected whistleblowing disclosure

5. School or Trust Response

Following the investigation the responsible person will ensure that appropriate action is taken to address the concern. This may include:

- Calling the police to report an apparently criminal act;
- Following section 6 of this policy to notify the relevant people of a serious safeguarding concern;
- Taking disciplinary action against a member of staff (potentially including suspension pending further investigation and, ultimately, dismissal) who has acted illegally, unethically or unprofessionally;
- Informing the Board of Trustees, DfE or Local Authority of a serious incident and requesting further guidance or support;
- Recording a decision that no action is necessary, and the basis on which that decision has been reached.

The responsible person will then meet again with the whistle-blower who made the initial disclosure. This may involve

- Explaining that appropriate action has now been taken or is being taken and reassuring the whistle-blower that their concerns have been, or are being, effectively addressed. It may not be appropriate to provide details of all the action being taken. Regardless of the apparent reaction of the whistle-blower it is important that they are provided with guidance about how they can elevate their concern if they feel now, or in due course, that their disclosure has not resulted in the concern being resolved;
- Reassuring the whistle-blower that their concern was not, upon investigation, a serious concern but that they followed the correct process in notifying the school of it. In the case that they do not accept this outcome, it may be helpful to provide some or all of the evidence from the investigation, but it is recognised that this will not always be possible without compromising the confidentiality of the investigation. In this case the

whistle-blower may feel obliged to raise the concern at a higher level, and it is important that all evidence from the investigation is retained in order to support any future investigation arising from an elevation;

- Reassuring the whistle-blower that their concern was not, upon investigation, a serious concern and also giving additional guidance about when it is and is not appropriate to use this process.

In all cases that the whistleblowing process is initiated, a report should be made at the next Board of Trustees meeting. In the case that the concern is serious and urgent, the Chair of Trustees will normally be informed at an early stage and will make a decision about whether the Board needs to be informed.

6. Escalating concerns beyond the trust

The trust expects staff members to raise their concerns internally, in line with section 4 of this policy, but recognises that if this does not result in a successful resolution of the issue staff may then feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns is included here:

- The Health and Safety Executive (HSE);
- The Environment Agency;
- The Information Commissioner;
- The Department for Education (DfE);
- The Department for Business and Trade (DBT)
- The Police;
- The Charity Commission;
- Education and Skills Funding Agency (ESFA);
- Ofsted
- The Local Authority Designated Officer for Safeguarding
- The NSPCC Whistleblowing Advice Line (0800 028 0285)

7. Review and approval

This policy will be reviewed every two years by the Finance, Audit and Risk Committee of the board of Trustees.

These procedures have been agreed by the board of Trustees, and the Finance, Audit and Risk Committee will refer any significant changes to this policy to the full board for approval.

Useful websites

https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy