



Part of T4 Trust

Whistleblowing Policy

Version Control

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1. Introduction

This document sets out the Trust Board's policy and procedures for dealing with concerns raised by employees. While Ian Mikardo High School's ethos revolves around supporting vulnerable young people, we recognise the demands they make of our staff and extend the same level of care to them.

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. The school's senior management would support them in doing this otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees who make disclosures of information in the public interest from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Trust Board is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's work are encouraged to voice those concerns. This policy makes it clear that employees can do so without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

This policy describes how any school employee can raise any concern they may have about working practices and who should be informed about the concerns. It may be that issues raised in line with this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

Concerns that fall within the scope of the whistleblowing procedure may be about something that is unlawful, is against the Trust Board's standing orders or policies, falls below established standard or practice or amounts to improper conduct.

Before initiating the procedure employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees
- Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- While it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated
- All employees have the right to raise concerns which could be about the actions of other employees, private contractors, governors or volunteers
- Concerns raised by employees about their own conditions of service should be addressed via the school's Grievance Procedure

2. Aims

This policy aims to:

- Provide avenues for employees to raise concerns internally and receive feedback on any action taken
- Provide for matters to be dealt with quickly and appropriately and ensure that concerns are taken seriously
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- Reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith
- Allow employees to take the matter further if they are dissatisfied with the Trust Board's response

3. Legislation

This policy follows guidance from the Department for Education and the following legislation: We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Employment Rights Act 1996 (as amended by The Public Interest Disclosure Act 1998) - It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'
- The Enterprise and Regulatory Reform Act 2013 (ERRA) - This came into force on 25 June 2013 and introduced a number of changes to Whistleblowing legislation. A worker will be eligible for protection if they honestly think what they're reporting is true and they think they're telling the right person. From 25 June 2013, the new law says that a whistleblower should also believe that their disclosure is in the public interest

- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Compensation) Order 1999
- Public Interest Disclosure (Prescribed Persons) Order 1999
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003
- Equality Act 2010
- Data Protection Act 2018

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
- Data Protection: a toolkit for schools (DfE)
- Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office

We are aware that the General Data Protection Regulations (GDPR) has entirely replaced the previous Data Protection Act (DPA) making changes to many previous data protection rules and regulations that schools, academies and other educational establishments adhered to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We believe whistle blowing is the reporting of suspected wrongdoing in the workplace which is regarded as making a disclosure in the public interest. We actively encourage all school personnel and visitors to school to report any serious concerns they may have about any aspect of the school such as:

- Health and safety concerns
- Damage to the school environment
- A criminal offence that has taken place or is about to take place
- Disobeying the law
- The covering up of a wrong doing
- The conduct of its personnel or others acting on behalf of the school.

We believe school staff, supply staff, and students on work experience are protected by law if they make a disclosure on any of the above, that is if they think what they are reporting is true, that they think they are telling the right person and if they believe their disclosure is in the public interest. If the law is broken when a disclosure is made

We understand that those wishing to make a disclosure may do so to the Headteacher, to a member of the local authority, to a prescribed person such as Her Majesty's Chief Inspector of Education to a legal adviser or to a Member of Parliament.

We believe that where the concern relates to an individual's own employment the school's Grievance Policy must be used. However, if the concern relates to something which is against the school's policies, falls below standards of practice or amounts to improper conduct then the procedures in this policy must be used.

We are committed to the highest possible standards of openness, integrity and accountability.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

4. Definitions

The Trust Board	The Board of Directors of the Trust (including any committee of the board duly appointed by it), who may also be referred to as trustees
The Headteacher	The teacher in charge of the school who may also be referred to as Head, Executive head or Principal

Headteacher - Aaron Mulhern - Email: aaron.mulhern@ianmikardo.com

Premises Manager - Michael Large - Email: Michael.large@ianmikardo.com

Office Manager - Muriel Finney - Email: Muriel.finney@ianmikardo.com

The Designated Safeguarding Lead is:

Lisa Tharpe – Deputy Head – Head of Welfare & Inclusion - Email: lisa.tharpe@ianmikardo.com

The Deputy Safeguarding Officers are:

Bablee Shah - Teaching, Learning and Welfare Lead - Email: Bablee.shah@ianmikardo.com

Karen Raftery – Head of Post 16 and Careers - Email: karen.raftery@ianmikardo.com

The Safeguarding Lead and Health and Safety Executive for T4 Trust is:

Julie Pierzchniak - Director of Safeguarding - julie.pierzchniak@t4trust.co.uk

The Safeguarding Leads - Board of Governors for T4 Trust are:

Helal Ahmed – Local Community Board of Governor for Safeguarding

Sara Attwood – T4 Trust Board of Governor for Safeguarding

Local Authority Designated Officer (LADO) Melanie Benzie Tel: 020 7364 0677
Email: LADO@towerhamlets.gov.uk

The NSPCC Whistleblowing Advice Line 0800 028 0285 which is free & anonymous, more information can be found at nspcc.org.uk/whistleblowing.

5. Safeguards

5.1 Harassment or Victimisation

The Trust Board recognises that the decision to report a concern can be difficult to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust Board will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

5.2 Confidentiality

The Trust Board will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Trust Board to address the concern and in some circumstances the Trust Board may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

5.3 Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Trust Board. In exercising the discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

5.4 Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

5.5 Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust Board deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

5.6 Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

6. How to Raise a Concern

As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, they should approach the Headteacher or the Chair of the Trust. An employee can by-pass the direct management line and the Trust Board if they feels the overall management and Trust Board of a school is engaged in an improper course of action. In this case, refer to section 7 below.

Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure.

The earlier an employee expresses the concern, the easier it is to take action.

Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

7. The Role of Senior Managers

A Senior Manager may be informed by an employee about concern(s) and that they are "blowing the whistle" in person, in writing or over the phone.

The Senior Manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

7.1 Stage One

At the initial meeting the Senior Manager should establish that:

- There is genuine cause and sufficient grounds for the concern
- The concern has been appropriately raised via the Whistle-blowing Policy

The senior manager should ask the employee, to put their concern(s) in writing, if they have not already done so. The Senior Manager should make notes of the discussions with the employee. The employee's letter and/or Senior Manager's notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- The background and history of the concerns
- Names, dates and places (where possible)
- The reasons the employee is concerned about the situation

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager should encourage the employee to do this as a concern expressed anonymously is less powerful and more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Senior Manager should follow the policy as set out above and in particular explain to the employee:

- What steps they intend to take to address the concern
- How they will communicate with the employee during and at the end of the process
- That a written response will be sent out within ten working days
- That their identity will be protected as far as possible, but should the investigation into the

concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed

- That the Trust Board will do all that it can to protect the employee from discrimination and/or victimisation
- That the matter will be taken seriously and investigated immediately
- That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them

The Senior Manager should explain to the employee that:

- If clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them
- The investigation may confirm their allegations to be unfounded in which case the Trust Board will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available

7.2 Stage Two

Following the initial meeting with the employee, the Senior Manager should consult with the Headteacher or Chair of the Trust Board to determine whether an investigation is appropriate and if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- The seriousness of the issue(s) raised
- The credibility of the concern(s)
- The likelihood of confirming the allegation(s) from attributable sources

In some cases, it may be possible to resolve the concern(s) simply, by an agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the school's personnel advisers.

7.3 Stage Three

Within ten working days of a concern being received, the Manager receiving the concern must write to the employee:

- Acknowledging that the concern has been received
- Indicating how they propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling the employee whether any initial enquiries have been made
- Telling the employee whether further investigations will take place and if not why not
- Letting the employee know when they will receive further details if the situation is not yet resolved
- Providing the employee with details of whom to contact should they be dissatisfied with this

response (see below)

8. Raising Concerns Outside the School

The Whistleblowing Policy is intended to provide employees with a procedure for raising concerns and resolving them within the school. If an employee is not satisfied with the Trust Board's response, the Manager should ensure that they are made aware with whom they may raise the matter externally:

- Public Concern at Work <http://www.pcaaw.co.uk> telephone 0207 404 6609*
- A trade union which is recognised by the School
- Regional School Commissioner at Department for Education at email address rsc.eastnelondon.gov.uk
- TUC at www.tuc.org.uk
- Relevant professional bodies or regulatory organisations
- A solicitor

The Manager should stress to the employee that if they choose to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information in whatever format, is not handed over to a third party.

** Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

9. Monitoring and Review

This policy will be reviewed and updated in accordance with the Trust policy review schedule and from time to time may be updated more frequently in response to changes in guidance, legislation or under instruction from the Trust.

10. Links with Other Policies

This Whistleblowing Policy links to the following policies:

- Staff Grievance Policy
- Complaints Policy
- Staff Disciplinary Code
- Child Protection and Safeguarding Policy
- Equality Information and Objectives
- Health and Safety Policy