The GALLERY TRUST

A community of special schools

Confidential Reporting (Whistleblowing) Policy

Policy Owner	Trust Designated Safeguarding Manager
Approved by	Schools and Education Committee
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Signed:	Chief Executive Officer:  Chair of Trustees: 

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1. Introduction

1.1 All schools and academy trusts are required to have appropriate procedures in place for handling whistleblowing and for ensuring school staff know who they can contact if they wish to raise a concern.

1.2 Whistleblowing has been defined as: 'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997).

1.3 Statutory protection for employees who whistle-blow is provided by the Public Interest Disclosure Act 1998 ("PIDA"): The Public Interest Disclosure Act - GOV.UK. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

This policy applies to all Trust staff including full and part time, casual, temporary, substitute staff, agency staff, volunteers and to individuals undertaking work experience.

This document explains the types of concerns that can be raised under this procedure, the legal protection for whistleblowers and how whistleblowing concerns will be handled.

The term 'Head teacher' has been used throughout this procedure, however depending on the structure of the individual school within the Trust, the Head teacher's role in the procedure may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the Head teacher is subject to these procedures, it will be managed by the Chief Executive Officer of The Gallery Trust.

2. Legislation

The requirement for us to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.

This policy has been written in line with the above document, as well as:

- government guidance on whistle-blowing.
- Keeping Children Safe in Education
- Whistleblowing and serious concerns | Oxfordshire County Council.
- Model Whistleblowing Procedure for Oxfordshire Schools.
- Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

3. Policy Statement

The school is committed to the highest possible standards of:

- openness and inclusiveness
- accountability and
- Integrity.

This policy is written in line with our:

- Safeguarding and child protection policy
- Allegations management policy
- Disciplinary policy

4. Aims and Scope of Policy

The Gallery Trust is committed to high standards in all aspects of the Trust and will treat whistleblowing as a serious matter. In line with the Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

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.
- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that all are encouraged to act on those concerns.
- 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 unfound,
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.

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.

This policy covers whistleblowing relating to alleged:

- unlawful conduct;
- miscarriages of justice in the conduct of statutory or other processes;
- failure to comply with a statutory or legal obligation;
- potential maladministration, misconduct or malpractice;
- health and safety issues including risks to the public as well as risks to pupils and members of staff;
- action that has caused or is likely to cause danger to the environment; abuse of authority;
- unauthorised use of public or other funds;
- fraud or corruption;
- breaches of financial regulations or policies;
- mistreatment of any person;
- action that has caused or is likely to cause physical danger to any person or risk serious damage to Trust property;
- sexual, physical or emotional abuse of members of staff or pupils;
- sexual harassment
- unfair discrimination or favouritism;
- racist incidents or acts, or racial harassment; and
- any attempt to prevent disclosure of any of the issues listed

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle-blow.

5. What is Whistleblowing?

Whistleblowing is when a worker reports certain types of wrongdoing or misconduct within an organisation.

The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g., pupils, general public.

The wrongdoing must relate to or show one of the following:

- a criminal offence
- a failure to comply with a legal obligation
- a possible miscarriage of justice
- a Health & Safety risk
- damaging the environment
- misuse of public money
- corruption or unethical conduct
- abuse of pupils, students or other users
- deliberate concealment of any of these matters
- any other substantial and relevant concern.

The concern could be about something that happened in the past, is currently happening or likely to happen in the future.

Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the school's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example;

- concerns related to working conditions, working relations, employment rights or bullying or harassment.

6. Safeguard Against Reprisal, Harassment and victimisation

The Trust board will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions.

Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.

Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Trust disciplinary procedures.

The Trust board will provide all reasonable protection for those who raise concerns made in the public interest.

The Trust board will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure.

Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

7. Confidentiality

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The Trust recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution the whistleblower is likely to be called in to give evidence in court

8. Anonymous Allegations

All disclosures made under this procedure will be treated sensitively, consistently, and fairly.

Whistleblowers can give their name but request confidentiality and, in these circumstances, every effort will be made to protect their identity.

However, staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure, especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the trust will take the following factors into account:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources, and
- obtaining information provided.

9. Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Trust will consider taking disciplinary action against the member of staff.

10. Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the Headteacher or the CEO (if the concern is about the Headteacher) should urgently consult the Local Authority Designated Officer (LADO) Local Authority Designated Officer (LADO) | Schools

However, in relation to child protection issues, the member of staff raising the whistleblowing concern needs to make sure they are also taking action in the best interests of the child to ensure they are protected this may include:

- a direct referral to the Oxfordshire MASH Multi-Agency Safeguarding Hub (MASH) | Oxfordshire County Council
- Contacting the Designated Safeguarding Manager for the Gallery Trust Alison Cox
- Contacting the LADO directly Jo Lloyd

either before raising their concern with the school or Trust, or where the school or Trust fails to do so after receiving the concern and the member of staff remains concerned about the situation.

11. Procedure for Making a Whistleblowing Allegation

Concerns within an individual Trust school should be expressed in writing to the Headteacher. If the concerns involve the Headteacher then the Chief Executive Officer: Kay Willett should be the first point of contact. It should not be expected that the person receiving the allegation will become the investigating officer. It is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

If you feel you cannot express your concerns within the academy and/or with the Chief Executive Officer, it is open to you to raise your concern with someone outside the school setting from the list of organisations in the section of this policy 12. Taking the matter further. However, it would usually be expected that the Trust Chief Executive Officer would be the person to whom you express your concerns with.

If you feel you cannot raise your concerns with the CEO you can contact the Chair of Trustees Chris Scrivener.

Step 1: Reporting your concerns

Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person.

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.

You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

You can be accompanied by a trade union representative or colleague to any meetings that are required.

Reporting concerns to the media, in most cases will lead to the loss of your whistleblowing law rights.

Step 2 initial considerations:

The person with whom you have raised your concern, will decide what action is needed. They may ask you to provide further information at this stage.

They will write to you within 5 working days (except in the case of anonymous allegations) acknowledging that the concern has been received;

- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- advising whether any initial enquiries have been made;
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into; and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

The person with whom you have raised your concern will at the same time notify the Trust HR Manager that a whistleblowing allegation has been made.

Advice on dealing with concerns is available from the Trust's HR Manager.

Step 3 Response to Whistleblowing:

Initial enquiries will be made to decide whether an investigation is appropriate.

An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented.

Full details of the investigation may be withheld from you to protect the confidentiality of other people.

Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.

The matter raised may:

- need inquiry internally by the Trust, under this policy or in line with another (e.g., grievance, dignity at work, disciplinary etc);
- need to be passed to the Police if it relates to alleged criminal activity;
- need to be passed to the Chief Executive Officer who is responsible for the financial management or financial propriety of academies ad services within the Trust;
- need to be referred to the LA Designated Officer (LADO);
- Need to be referred to the MASH.

At this stage concerns/allegations are neither accepted or rejected.

Step 4 The Inquiry Process

The Trust has a clear procedure on how it undertakes workplace investigations and this will guide the response.

An investigating officer will:

- look into the allegation - seeking evidence and interviewing witnesses as necessary;

- maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistle-blower can remain anonymous;
- if appropriate, bring the matter to the attention of the Chief Executive Officer (if not already aware) or the Education & Skills Funding Agency when dealing with complaints about financial management of academies.

Where external statutory agencies are involved, the whistleblowing process may be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If the investigating officer needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

Step 5 The outcome

Following completion of the inquiry process the investigating officer will make a written report and if necessary, action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported.

The whistle-blower will also be notified of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

The report will not contain the whistle-blower's name unless you have expressly stated that you wish to be named.

If the investigation was carried out by a person other than the Headteacher or Chief Executive Officer, then the written report must be submitted to the Chief Executive Officer to determine what further action (if any) is required.

When considering further actions, the Chief Executive Officer must act on any recommendations made in the report. If the Headteacher and Chief Executive Officer cannot agree on further actions, a panel of three Directors will be convened to consider the report and agree further actions.

Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonymised) will be made available to all Directors.

12. Taking the matter further

If:

- no action is to be taken, and you do not agree with this outcome
- you are not satisfied with the way the matter has been dealt with
- you do not feel your concern has been addressed adequately

you can make a complaint under the Trust complaints procedure directly to the Trust Chief Executive Officer or raise your concerns with other external organisations. See Annex 1- Trust contacts and Annex 2 - External bodies and organisations.

If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed in this policy. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account.

Disclosures to anyone outside of the recognised bodies listed in paragraphs Appending 1 and 2 may not be protected disclosures under the Act.

You have a duty to the school not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Public Concern at Work (contact details in annex 2) in accordance with the provisions of the Public Interest Disclosure Act 1998.

Annex 1 Contacts within schools and the Trust

Name	Role/ School	Contact details
The Gallery Trust		
Chris Scrivener	Chair of Trustees	c.scrivener@thegallerytrust.co.uk
Kay Willett	Chief Executive Officer	k.willett@thegallerytrust.co.uk
Alison Cox	Designated Safeguarding Manager	a.cox@thegallerytrust.co.uk 07385 724198
Headteachers/Head of school		
Laura Dennis	Artemis Academy	
Joanne McGill	Bardwell School	head.7029@bardwell.oxon.sch.uk
Charlotte Roberts	Bloxham Grove Academy	head@bloxhamgroveacademy.co.uk
Alison Martin	Mabel Prichard School	alisonmartin@mabelprichard.org
Jacob Jeffries	Northern House Academy	j.jeffries@northernhouseacademy.co.uk
Bex Holmes		b.holmes@thegallerytrust.co.uk
Jessie Shakespeare	Orion Academy	jessie.shakespeare@orionacademy.co.uk
Hannah Shuker		hannah.shuker@orionacademy.co.uk
Karen Fourie	Springfield School	karen.fourie@springfieldwitney.co.uk
Yvette Fay	Iffley Academy	y.fay@iffleyacademy.co.uk

Annex 2 - External bodies and organisations

You can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that you can go to. Choose the correct one for your issue. A full list can be found online at Gov.UK:: Blowing the whistle to a prescribed person

Agency	**Contact**
LADO (Local Authority Designated Officer)	lado.safeguardingchildren@oxfordshire.gov.uk 01865 810603
MASH (Multi Agency Safeguarding Hub)	0345 050 7666
The Office of the Regional Department for Education;	Regional Department for Education (DfE) Directors - GOV.UK
The Children's Commissioner for England;	Children's Commissioner
The Citizens Advice Bureau	https://www.citizensadvice.org.uk/
A relevant professional body or regulatory organisation;	N/A
A relevant voluntary organisation	N/A
The Local Government Ombudsman	Contact us - Local Government and Social Care Ombudsman
Equality and Human Rights Commission	Equality and Human Rights Commission
Ofsted	Ofsted - Complain About a School
A solicitor	N/A
The Police - for concerns of criminal behaviour	Thames Valley Police
A trade union or professional association;	N/A

Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice.	Telephone 0207 404 6609 www.pcaw.co.uk
Protect - a whistleblowing charity	Protect - Whistleblowing Advice