

‘Speaking Up’ – Reporting of Wrongdoing Policy

Introductory Note

The Trustees of the Hinchley Wood Learning Partnership (HWLP) expect the highest standards of integrity and conduct as part of the values of the organisation and our day-to-day ways of working. Trustees therefore encourage any member of the HWLP Community to ‘speak up’ if they suspect any member of HWLP staff of wrongdoing. This Policy note is entitled ‘Reporting of Wrongdoing’ as a more accurate description of what an employee believes they are doing in reporting any concern (rather than using the term ‘whistle-blowing’, which has been increasingly discredited in recent years).

Trustees want reporters of any concerns or issues to have full confidence in ‘speaking up’ and in making a ‘protected disclosure’. Trustees are committed to creating an environment of openness and transparency so that any member of the school community feels able to report concerns in good faith. This policy, in containing many elements familiar in a ‘whistle-blowing’ policy, seeks to provide a credible and trusted platform through which staff members can be assured that any concerns or issues they raise will be dealt with appropriately and that their confidentiality will be maintained.

Introduction

The staff, trustees and local governors of Hinchley Wood Learning Partnership seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of school staff, Trustees or Local Governors become aware of activities which give cause for concern, we have in place a reporting of wrongdoing policy and procedure. This policy is a statutory requirement for academies. We recognise that some concerns may be extremely sensitive and so this policy acts as a framework to allow concerns to be raised confidentially within the school environment but also with recourse to an external party, with the aim of ensuring a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school’s disciplinary procedures.

All staff are made aware of the ‘Speaking Up’ - Reporting of Wrongdoing procedures and how they will be managed, as outlined below, through regular briefings and through the Staff Handbook.

Appropriate Circumstances for Reporting of Wrongdoing

Individuals are encouraged to come forward with genuine concerns, knowing that they will be taken seriously, but should ask themselves a few questions about their concern before taking action. Do you have reasonable cause to believe that the concern or issue:

- Negatively affects the welfare of children?
- Constitutes the covering up of wrongdoing?
- Is illegal, or a criminal offence?
- Damages, or risks damage, to the environment?
- Breaches the Codes of Conduct issued by the schools, the Local Authority (LA), the DfE or a professional body?
- Contradicts what staff have been taught, or should have been taught?

- Relates to an individual's behaviour, general working practices?
- Brings the schools into disrepute or damage the reputation and good name of the schools?
- Is in the public interest to disclose?

If members of school staff, Trustees or Local Governors would answer yes to any of the questions, they should come forward and report the wrongdoing they believe to have been identified.

Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence.
- The breach of a legal obligation.
- A miscarriage of justice.
- A danger to the health and safety of any individual.
- Damage to the environment.
- Deliberate attempt to conceal any of the above.

Examples of potential issues can include but are not limited to:

- Child protection issues including sexual, emotional or physical abuse of pupils or others.
- Damage to the environment of the school, to property belonging to the schools or to a member of the school community.
- Decision-making / abuse of position for personal or related party gain.
- Manipulation of accounting records and finances.
- Serious breaches of school procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest).
- Other unethical conduct, including the circulation of inappropriate emails and/or inappropriate comments on social media.

Reporters of wrongdoing are encouraged to put their name to an allegation. If confidentiality is requested, the Trust Board will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the reporter to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

There are, however, circumstances under which complete confidentiality may be difficult for the Trust to maintain. For example:

- When the safeguarding of children is the issue.
- If the matter leads to a legal procedure and evidence is required by the court.
- If the issue raised comes within the remit of another school procedure and the reporter is asked to provide a signed statement as part of the evidence, thus revealing their identity.

Anonymous allegations will only be considered if:

- The credibility of the allegation is considered to be high
- The likelihood of confirming the allegation is high

Procedure

Stage 1

- As the first step, concerns or issues should be raised with an appropriate level of line management which would normally be the staff member's own Line Manager. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If a staff member believes that their immediate manager(s) is involved, the Headteacher or Chair of the Local Governing Body should be approached. Alternatively, members of staff should contact the Chair(s) of the Trust via the Clerk to Trustees.
- Concerns may be raised orally or in writing, but it is preferable for any concern to be set out in writing. A report may also be made by phone. It is important, however, that when a concern is raised, the reporter makes it clear that the issue is being raised under the 'Speaking Up' - Reporting of Wrongdoing Policy.
- Any reporter of wrongdoing will be asked to demonstrate to the person that they report to that there are sufficient grounds for concern.
- If the report is made in writing, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. A reporter of wrongdoing should date and sign this statement.
- If an allegation is made orally, the reporter of wrongdoing can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on behalf of the reporter of wrongdoing.
- If the reporter of wrongdoing wishes to raise the concern confidentially, this must be made clear to the person who is initially contacted.
- If the reporter of wrongdoing has raised the issue orally, they will be asked to put their concerns in writing. A reporter of wrongdoing should date and sign this statement.
- A reporter of wrongdoing will be told what steps their line manager intends to take to address the concern raised. He/she may be able to take the appropriate steps to investigate the matter raised and will refer the matter to a member of the senior leadership team, the Headteacher or to the Chair of the Local Governing Body.
- Once an issue has been raised, the reporter of wrongdoing will be contacted within five working days by the Headteacher or the Chair of the Local Governing Body who will arrange to meet to discuss the matter. Again, a friend or trade union/professional association representative may accompany the reporter of wrongdoing for the purposes of giving support.
- Notes will be taken of the details of the concern and the reporter of wrongdoing will be asked to sign a copy of these notes.
- Depending on the gravity of the report, the Headteacher will consult with the Chair of Trustees and/or relevant contact at the Education and Skills Funding Agency. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example for the school's disciplinary policy or even a matter for the police. The Headteacher should always seek advice from the school's personnel or legal advisors at this stage.
- An initial response will be given within five working days of the report of wrongdoing. The reporter of wrongdoing will be informed of the progress of the investigation and advised if maintaining confidentiality is likely to be an issue.
- When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to the reporter of wrongdoing.

- The Line Manager/Headteacher will also notify the person who is the subject of the disclosure of the nature of the allegation within five working days of the investigation being concluded and a written response produced. Upon receipt of the information, if disciplinary action has been taken, the individual will be able to appeal against any decisions by writing to the Headteacher or Local Governing Body.
- If the matter is put in the hands of the Police, the above timescales may be exceeded as the matter will fall under police jurisdiction.

Stage 2

- If the reporter of wrongdoing is dissatisfied with the school's response, they can raise the matter within 10 working days of the date of the school's response by writing to the Headteacher, the Chief Executive Officer or Chair of the Local Governing Body.
- The Headteacher/Chief Executive Officer/Chair of Local Governing Body will then write to the reporter of wrongdoing within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why they are dissatisfied with the Stage 1 response. This meeting should take place promptly. Again, the reporter of wrongdoing may be accompanied by a friend or representative of their trade union/professional association.
- The Headteacher/ Chief Executive Officer/Chair of Local Governing Body may then decide to investigate further and will need to decide what action to take. The reporter of wrongdoing will be updated with the outcome of the meeting within five working days.

Stage 3

- If the reporter of wrongdoing is dissatisfied with the outcome of Stage 2, they may opt to take the matter to Stage 3, by raising the matter externally within 10 working days of the date of the Stage 2 decision letter. They may also opt to take the matter further with any of the prescribed people or bodies recommended in the government publication 'Blowing the whistle to a prescribed person: a list of prescribed people and bodies'. Copy available on www.gov.uk or by clicking this link <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- The NSPCC Whistle Blowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – the line is available from 8.00 am – 8.00 pm Monday to Friday – or email: help@nspcc.org.uk
- In taking any concern outside the school, the reporter of wrongdoing should ensure that, as far as possible, the matter is raised without confidential information being divulged.

Any reporter of wrongdoing is protected by law from dismissal, harassment, bullying or other detriment by their employer or other members of staff with whom you work. If this occurs, the reporter of wrongdoing has the right to take your case to an employment tribunal.

Allegations against the Headteacher

If an employee is concerned that the Headteacher is the wrongdoer, or involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, this should be reported to the Chief Executive Officer or Chair of the Local Governing Body. The Chief Executive Officer or Chair of the Local Governing Body may investigate the allegation themselves in the first instance but are recommended to seek advice from the school's personnel and/or legal advisors. If the employee feels that the Chief Executive Officer or Chair of the Local Governing Body have not dealt appropriately with the issue or feel

unable to follow this route, they have the option of contacting one of the prescribed persons as in Stage 3 above or one of the following government departments as appropriate:

- HM Revenue and Customs
- The Financial Conduct Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education and Skills Funding Agency
- The Department for Education
- The Teaching Regulation Agency

Malicious or Unfounded Concerns

If any individual raises a genuine concern in good faith that is subsequently found to be unfounded or that they were mistaken, this should be fully explained to them and it made clear that there will be no negative repercussions for that individual. However, where it is determined that a person has made a malicious and unfounded report or has attempted to make mischief, the Headteacher and/or Chief Executive Officer will consider whether the school discipline policy has been breached and whether any disciplinary action is appropriate against the individual who made the allegation. The police may be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil or employee.

Monitoring and Review

The Chief Executive Officer will be responsible for monitoring the implementation and effectiveness of this policy. It will be reviewed by the Local Governing Body and Trust Board annually.

Approved by Governing Board: November 2021

Last review: November 2021

Review Date: November 2022 or as required by legislation