



WICKERSLEY  
PARTNERSHIP  
TRUST.

# Whistleblowing Policy



**DATE:** May 2024

**OWNED BY:** Trust Risk Manager

**APPROVED BY:** Trust Board

**WICKERSLEY PARTNERSHIP TRUST**

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**Appendix A** – Whistleblowing Procedure

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This policy does not form part of the contract of employment and from time to time may be altered following consultation and negotiations with recognised Trade Unions. Any changes will be communicated to employees with reasonable notice. The policy may vary from time to time on a case-by-case basis in consultation and agreement with Union Representatives.



# 1. Introduction

Wickersley Partnership Trust (hereafter known as WPT) is committed to the highest possible standards of openness, transparency and accountability. In line with that commitment the Trust expects employees, and others that we deal with, who have serious worries about any aspect of their school's work to come forward and voice those concerns. Where confidentiality is necessary, this will be explained. Where possible anonymity should be avoided and it should only be used if there is a genuine fear of retribution, there are justifiable reasons or the consequences of not remaining anonymous outweigh the need for disclosure (refer to Section 4.0).

A whistle blower is a worker that reports certain types of wrongdoing. This will usually be something they've seen at work - though not always.

The wrongdoing disclosed must be in the public interest. This means it must affect others, for example the general public.

Whistle blowers are protected by law – they should not be treated unfairly in the workplace or lose their job because they reported a concern.

In implementing this policy, the intention is to ensure, so far as is reasonably practicable, compliance with the provisions of the relevant legislation, including employee rights conferred through the Public Interest Disclosure Act 1998, which came into force on 2 July 1999 and the Employment Rights Act (ERA 1996). The Disclosure Act introduced specific rights for those who disclose information to a third party about an alleged wrongdoing, in defined circumstances.

The provisions in the ERA protect an individual who has disclosed information in the public interest that shows that a person has done one or more of a number of things that are specified in section 43B. Those things include failing to comply with a legal obligation and endangering the health and safety of an individual.

To be protected, employee's need to make a qualifying disclosure.

This means that the employee needs to reasonably believe that the disclosure is being made in the public interest and that malpractice in the workplace is happening, has happened or will happen.

The law also covers a deliberate attempt to cover-up any of these. Individuals are protected by law if they report any of the following:

- A criminal offence, for example fraud
- Someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law, for example does not have the right insurance
- You believe someone is covering up wrongdoing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless the particular case is in the public interest.

**The purpose of this policy is to ensure that complaints of fraud, malpractice or other improper conduct can be raised without fear of reprisal and dealt with properly and with due consideration.**

The approach is intended to encourage confidential freedom of expression so that employees feel confident to raise concerns within their place of work, rather than externally, or by overlooking a problem.

The Senior Leadership Team should take in to account the translation and interpretation needs of the individual.

The policy applies to all employees and those contractors working for the Trust on WPT premises, for example, agency staff, contractors, and volunteers.

## 2. Aims

This policy aims to:

- Encourage employees to feel confident in raising concerns, to question and act upon concerns about practice
- Enable employees to receive feedback on any action taken and how to pursue their concern them if they are not satisfied with the action taken
- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith

There is a difference between whistleblowing and raising a grievance:

- Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens customers, third parties or the public generally
- A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

The Trust has existing procedures (WPT Grievance Policy & WPT Harassment and Bullying Policy) in place to enable employees to lodge a grievance relating to their own employment including any breach of the Trust's Equality Policy or Harassment/Bullying Policy (see Equality and Harassment/Bullying Policies).

This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law (minor or serious), including those relating to bribery and corruption and tax evasion facilitation
- Disclosures relating to miscarriages of justice
- Health and safety risks, including risks to any individual
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual or physical abuse of stakeholders
- Other unethical conduct including deliberately concealing any of the above
- Deliberate concealment of information about any of the above
- A failure by a person to comply with any legal obligation to which they are subject

Thus, any serious concerns that employees have about any aspect of the school/Trust work or the conduct of any stakeholder can be reported under this Whistleblowing Policy. This may be about something that:

- Makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the Trust/school subscribes to
- Is against WPT Standing Orders and policies

- Falls below established standards of practice
- Amounts to improper conduct

### 3. Roles & Responsibilities

The following responsibilities apply in relation to this policy:

- Board of Directors – has overall responsibility for the application for this policy and its approval
- Audit and Risk committee have the responsibility of monitoring the implementation of the policy
- Wickersley Partnership Trust – has the responsibility to implement and ensure the policy is legally compliant and tailored to WPTs circumstances, as well as producing relevant risk assessments
- Headteachers – have responsibility to follow (adhere to) the policy and apply it in their school
- School/Trust Leaders - have a responsibility to ensure that all employees are made aware of this policy, actively support and contribute to the implementation of this policy, including its goals and managing the implementation and review of this policy

#### Senior Leadership Team:

- Should ensure that the policy is implemented equitably and consistently across the Trust
- Should ensure that employees understand the Whistleblowing Policy and follow it correctly
- Should ensure that actions taken under the policy are documented and records are shared where appropriate
- Should ensure that sensitive employee data gathered during the application of this policy is processed in accordance with the requirements of the Data Protection Act 2018 (GDPR) and the Information Commissioner's Office Employment Practices Code
- Should ensure that they act with due regard to the Equality Act 2010
- Should ensure that anyone dealing with the management of a whistleblowing complaint are adequately trained for the application of this policy and will apply discretion and sensitivity
- Should ensure that all existing and new employees are trained on the implementation of this policy, and become familiar with this policy
- Should provide opportunities to discuss this policy with employees on a regular basis and ensure that any queries raised are resolved quickly
- Should ensure that any concerns raised under the scope of this policy will be treated seriously and sensitively
- Should ensure that any disclosures raised by an employee are investigated promptly and appropriately in accordance with the procedure set out in this policy and/or the WPT Disciplinary Policy as appropriate

#### Employees:

- Should ensure that they understand and are familiar with the content of this policy and seek clarification from school and Trust leaders where required
- Should consider this policy while completing work-related duties and at any time while representing WPT
- Should support fellow employees in their awareness of this policy

### 4. Anonymous Disclosures and Confidentiality

**Individuals are encouraged to put their name forward to allegations. Concerns expressed anonymously are much less powerful but employees should satisfy themselves of whether or not the allegation has any substance by considering:**

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the disclosures from attributing sources

If an employee raises a concern they should give their name only on condition that it is not revealed without their consent. It should be noted that raising an anonymous concern does not stop others from successfully guessing who raised the concern during the course of an investigation. In addition to this, it can lead people to focus on the whistle blower and perhaps begin to suspect that they are raising the concern maliciously. It is also harder for those tasked with investigating the concern if they cannot ask follow-up questions and it is easier to get protection under the Public Interest Disclosure Act if the concerns are raised openly.

The identity of the whistle blower will only be released by the appropriate person, if there is a legal requirement to do so i.e., a court order or if the whistle blower gives written permission to do so. However, raising a concern does not stop others from successfully guessing who raised the concern during the course of an investigation.

Employees, who make complaints through this policy, will, however, not suffer a detriment for making such complaint.

## 5. Untrue Disclosures

A disclosure made in good faith but not confirmed by investigation will not be held against the individual complainant.

Using this policy and procedure to further private disputes or making unfounded disclosures for malicious or vexatious reasons is unacceptable. Where such bad faith is established, disciplinary action may be taken against those involved. Before embarking upon such action, advice must always be sought from the Trust's HR Provider. Please refer to the WPT Disciplinary Policy for details on conducting investigations, the role of the Investigating Officer and disciplinary procedures and sanctions.

## 6. Safeguards

It is recognised that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the alleged wrongdoer(s). The employer will not tolerate harassment or victimisation and will take action to protect anyone who raises a concern in good faith. Protection against reprisal or victimisation applies equally if the concern turns out later to not be justified.

The activation of this policy will not, however, halt the operation of other procedures which may be in place affecting the complainant.

If an employee feels they have been treated unfairly as a result of making a disclosure, they can decide to take the case to an employment tribunal. It is strongly advisable for any employee considering this course of action to seek advice from their Trade Union Representative.

## 7. Procedure (see Appendix A)

Anyone wishing to raise a concern under the policy may, in the first instance, wish to discuss the issue informally, in confidence, with a colleague, a member of the Senior Leadership Team, Trade Union/Professional Association Representative or a HR Representative. It is important that the complainant asks questions if they are unsure if their concern qualifies for protection.

If, after initial consideration, an individual decides to pursue the issue formally, under the policy, ongoing advice and support can be accessed through the same resources and/or additional external advice, if necessary.

There is no legal requirement that the disclosure must be made in a certain way to a specific person within the Trust. However, in order for the concern to be dealt with correctly, employees should raise concerns via the whistleblowing email inbox at: [whistleblowing@wickersleypt.org](mailto:whistleblowing@wickersleypt.org) or in a paper format to:

Whistleblowing  
Wickersley Partnership Trust  
Swanage Court  
Dodds Close  
Bradmarsh Business Park  
Rotherham  
S60 1BX

Senior managers have been trained to deal with handling disclosures made under this policy.

Employees who wish to make a whistleblowing report should use the following format:

- Your Name: (If you wish to disclose this information)
- Date:
- Date of Incident/occurrence you are concerned about:
- School/site:
- Details of the allegation: (Please provide as much detail as possible to assist investigations into the incident/occurrence, where necessary providing dates, times etc to assist).
- Person(s) involved: (Please provide the names of persons you are making the whistleblowing report about)
- Has the incident/occurrence been raised with anyone prior to submission of this form:
- **If YES** who was it raised with / what was the outcome
- **If NO** what are the barriers to raising the issue at work with a manager / senior manager (this is to ensure the Trust is aware of any wider issues to be addressed)

The earlier the whistleblower expresses their concern the easier it is for the Trust to take action.

Although whistleblowers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person investigating that they are acting in good faith and that there are reasonable grounds for their concern.

Employees may wish to consider discussing their concern with a colleague or their Trade Union Representative first.

Where the concern related to a member of the senior leadership team, it may be appropriate to go outside the normal line management structure, to an independent third party. Where the concern relates to a contractor working on the school site, the concerns should be raised with a member of the Senior Leadership Team. The whistle blower has the right to consult with and be accompanied by a Trade Union Representative, during the operation of the procedure under the policy. If the whistle blower is not an employee they also have the right to consult with and be accompanied by a Trade Union Representative during the operation of the procedure under the policy.

A free, confidential employee helpline service (tel: 020 3117 2520) is provided by the independent charity "Protect" which offers independent advice to anyone worried about malpractice in the workplace. Further information is available online at [www.pcaaw.org.uk](http://www.pcaaw.org.uk). For staff who do not feel able to raise concerns regarding

child protection failures internally, staff are now able to report their concerns via the NSPCC whistleblowing helpline on 0800 028 0285 or by email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

The Trust will maintain a register of complaints lodged under the policy, report those complaints to the relevant body and will make available for external inspection, such reports/statistical information as may be required. The relevant body may be, for example, The Financial Services Authority, the Regional Schools Commissioner, Local Professional Association Trade Union, and Exam Board or the Local Authority.

Where applicable, data should be kept in line with the Trust's Data Retention Statement. Retention of data will be proportional to the purpose for which the data is collected, whilst taking into account any legal statutory requirements in terms of retention periods.

## 8. Raising Concerns Externally

Concerns about exceptionally serious issues may be raised outside the organisation, for example to the Press, Police or other external body. For this to be deemed a protected disclosure under the legislation, however, the individual making the disclosure through an external route must show:

- There is reasonable belief that raising the issue internally will result in the individual suffering a detriment
- That evidence will be destroyed or concealed
- That they have previously made a disclosure of substantially the same information to the employer or prescribed person

An appropriate organisation for an external complaint would be the Education and Skills Funding Agency (EFSA). <https://www.gov.uk/government/organisations/education-and-skills-funding-agency>.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external. Employees can get further advice on whistleblowing, protecting confidentiality, and being protected from reprisals at: [www.protectadvice.org.uk](http://www.protectadvice.org.uk) Protect is an independent charity that also offers an advice line (020 3117 2520).

One option for external whistleblowing is via 'prescribed persons'. Prescribed persons are mainly regulators and professional bodies. A complete list of prescribed persons can be found at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Disclosures can also be made to the individual or organisation with legal responsibility for the situation in respect of which the disclosure is made, even if this means they are not the employer; in this case the policy should not exceed the two conditions:

- Disclosure should be 'in good faith'
- The employee must reasonably believe the failure being disclosed relates 'solely or mainly' to the conduct of that person (to whom the disclosure is being made); or any other matter for which that person has legal responsibility

The Trust also recognises that employees may wish to make disclosures to other people or organisations. This may include:

- A legal advisor provided it is done in the context of obtaining legal advice.
- A government minister if the individual is appointed under a Parliamentary Act by the minister and the disclosure is made in good faith.



- A prescribed person (e.g., HMRC, the Health & Safety Executive, Ofcom, Ofsted etc.), in which case the following conditions below must be met:
  - The disclosure must be ‘in good faith’
  - The disclosure must be to a person prescribed for a particular purpose (for example, the Commissioners of the Inland Revenue)
  - The employee must reasonably believe the matter falls within the recipient’s remit
  - The employee must also reasonably believe the information and any allegation contained in it are substantially true

If a disclosure is to some other person to whom it is reasonable to disclose:

- The disclosure must be ‘in good faith’
- The employee must reasonably believe the information and any allegation contained in it are substantially true
- The disclosure must not be for personal gain

In addition to the above one of the conditions below must also be satisfied through which the employee can demonstrate that:

- At the time the disclosure is made, they reasonably believe they will be subjected to detriment by their employer if the disclosure is made to the employer, or to a prescribed regulator instead
- There is no prescribed regulator and they reasonably believe that disclosure to the employer will lead to the destruction or concealment of evidence
- They have previously made a disclosure of substantially the same information to their employer, or a prescribed regulator

Any employee who approaches the media with their concerns is likely to lose their rights under whistleblowing law. In doing so an employee cannot be acting for personal gain and must reasonably believe the information they disclose is substantially true.

If an employee bypasses this internal procedure or a prescribed person before contacting the media, they must reasonably believe that the organisation will subject them to detriment for making the disclosure internally.

Disclosure to the media is not encouraged. The procedures set out in this policy are in place to ensure an appropriate way to raise public interest concerns and should be used as priority. Accordingly, we would normally treat any unnecessary contact with the press on matters for which this policy applies as a serious disciplinary issue justifying dismissal.

## 9. How the Trust will Respond (see Appendix B)

All matters of concern brought forward under the policy will be acknowledged, investigated thoroughly and referred on, if appropriate, to the Police, External Auditor or for further independent enquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Trust will have in mind is the public interest. Concerns or disclosures which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those policies (refer to the WPT Safeguarding Policy).

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within 10 working days of a concern being raised, a response will\*:

- Acknowledge that the concern has been received
- Indicate how Trust/School will propose to deal with the matter
- Estimate how long it will take to provide a final response
- State whether any initial enquiries have been made
- Provide information for the employee on matters regarding health and wellbeing/ support mechanisms
- Inform whether further investigations will be required (if the allegation leads to Disciplinary Action, it may not be possible to share all outcomes)

\*(as appropriate)

The employee may be invited to a meeting to discuss their concerns prior to an investigation taking place. The employee may be asked to attend further meetings throughout the course of the investigations. The employee is entitled to Trade Union representation at any investigation meetings.

If an investigation is deemed appropriate, this should be carried out by a suitably trained person, with no prior involvement in the case. This may be someone already employed within the Trust or an independent investigator from the Trust's HR provider.

The investigation will be carried out in line with the WPT Disciplinary Policy.

The school/Trust will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the school/Trust will arrange for the employee to receive advice and guidance as appropriate.

All notes from any investigation meeting(s) with the whistleblower will be shared with them once finalised.

The Trust accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and confidentiality obligations, they will be kept informed of any developments or extensions to the advised timeframe for completion. Updates on developments will be made within timeframes appropriate to the investigation.

The complainant, the subject and the Trust will be informed as to whether or not the complaint has been upheld in writing.

## 10. How the Matter can be taken Further (Escalation/Appeal)

This policy is intended to provide employees with an avenue within the Trust to raise concerns. The Trust aims to satisfactorily resolve issues brought forward under this policy at the initial investigation stage. However, should the whistleblower be of the opinion that there has not been a satisfactory resolution they can request that the Senior Leadership Team refer the matter for consideration by:

- Directors of the Trust
- Relevant Professional Bodies or Regulatory Organisations
- Relevant Voluntary Organisation
- Police

## 11. Communication

WPT will ensure that:

- All employees receive a copy of this policy during the induction process
- Employees are empowered to actively contribute and provide feedback
- Employees are notified of all changes

## 12. Training

Training on the Whistleblowing Policy is provided by the senior leadership team, upon appointment and at any point when a refresher is required. WPT will also ensure that adequate training is given to anyone who would be expected to handle or investigate disclosures made under this policy. Please refer to the WPT Disciplinary Policy for further details on the role of the Investigating Officer and how to conduct investigations.

## 13. Monitoring and Review

The Trust will review this policy and assess its implementation and effectiveness annually in consultation with the recognised Trade Unions, if appropriate. The policy will be promoted and implemented throughout all schools.

The Audit and Risk Committee is responsible for regular reviews of the whistleblowing policy in line with legislation and any major changes to the policy will be consulted on with Trade Unions. The committee will log and report any incidents or significant risks to the Board of Directors.

## 14. Confidentiality and Data Retention

The employer will endeavour to protect the identity of anyone raising a concern under the whistleblowing policy.

Confidentiality will also be maintained during investigation and hearings other than in circumstances where there is a need for disclosure.

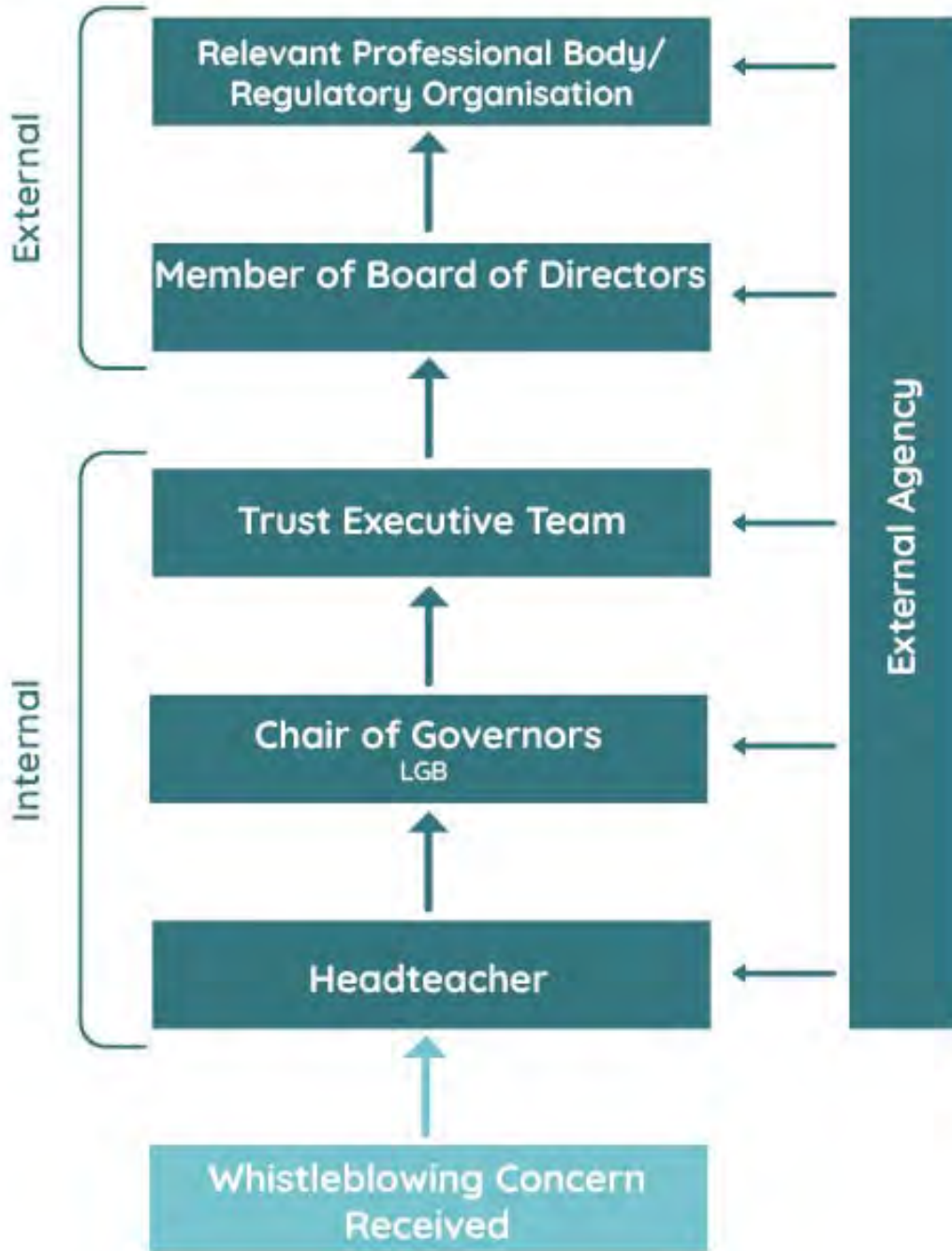
Where applicable, data should be kept in line with the Trust's Data Retention schedule. Retention of data will be proportional to the purpose for which the data is collected, whilst taking into account any legal statutory requirements in terms of retention periods.

## 15. Links to Other Policies

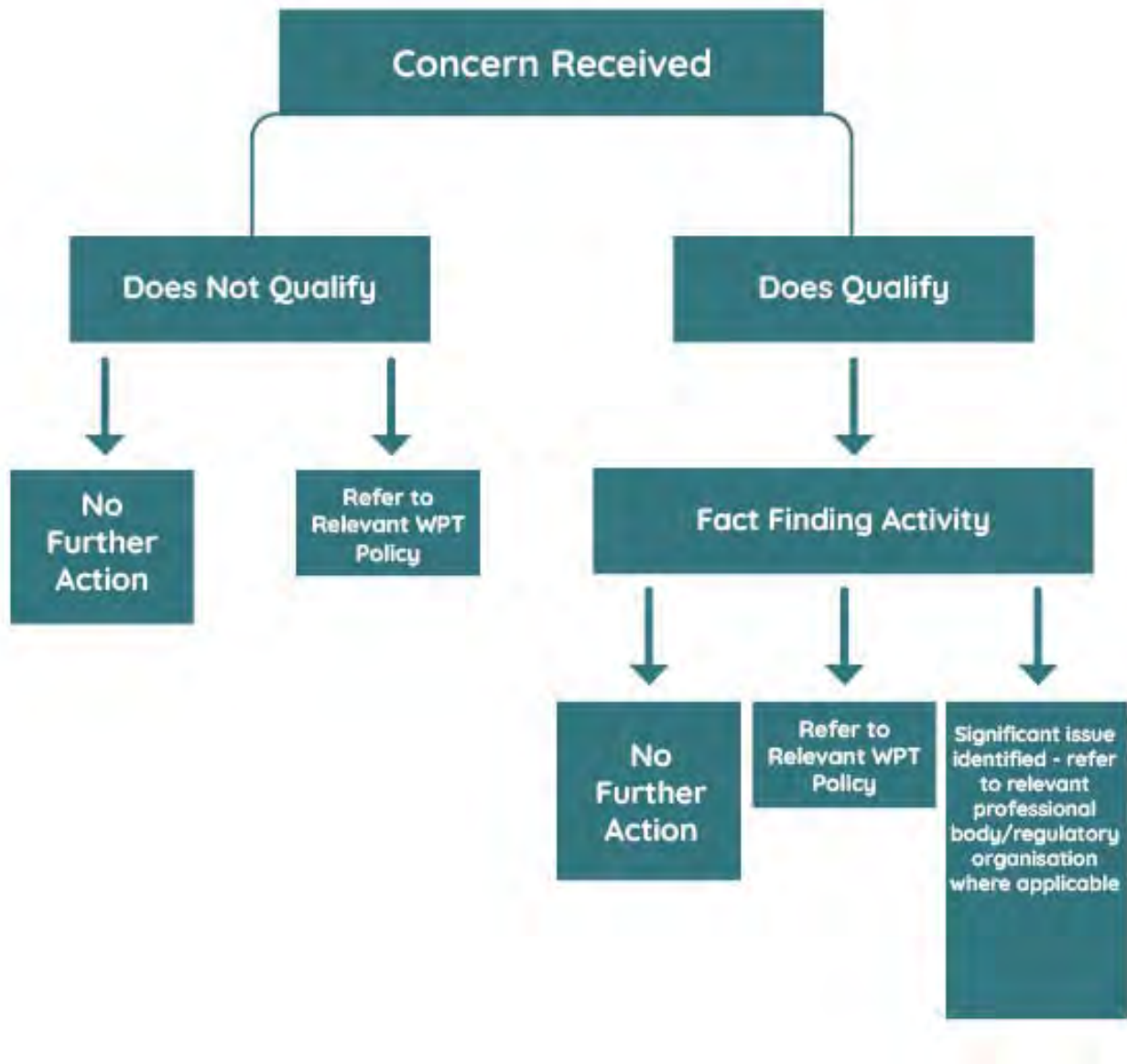
This policy links with our policies on:

- Staff Code of Conduct
- Grievance Policy
- Harassment and Bullying Policy
- Equal Opportunities Policy
- Disciplinary Policy

## Appendix A – Whistleblowing Procedure

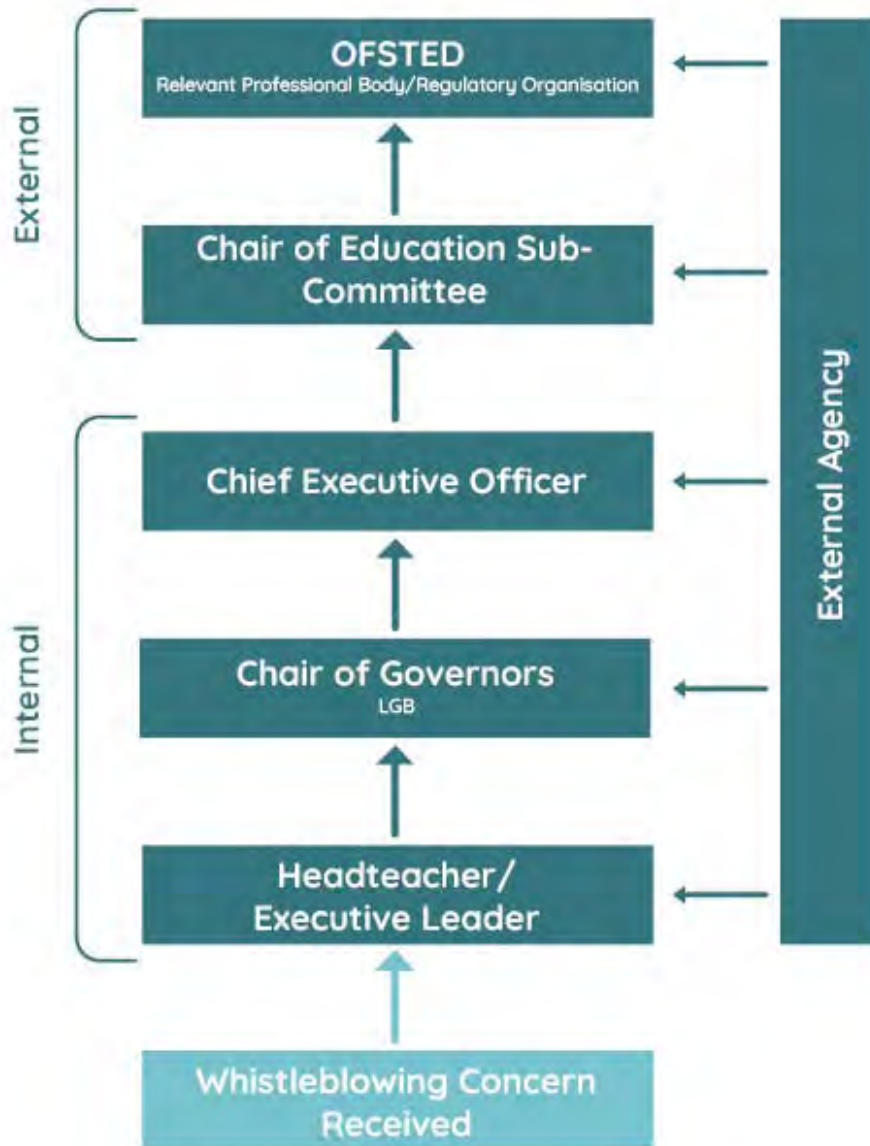


## Appendix B – Trust Response Procedure to a Whistleblowing Submission

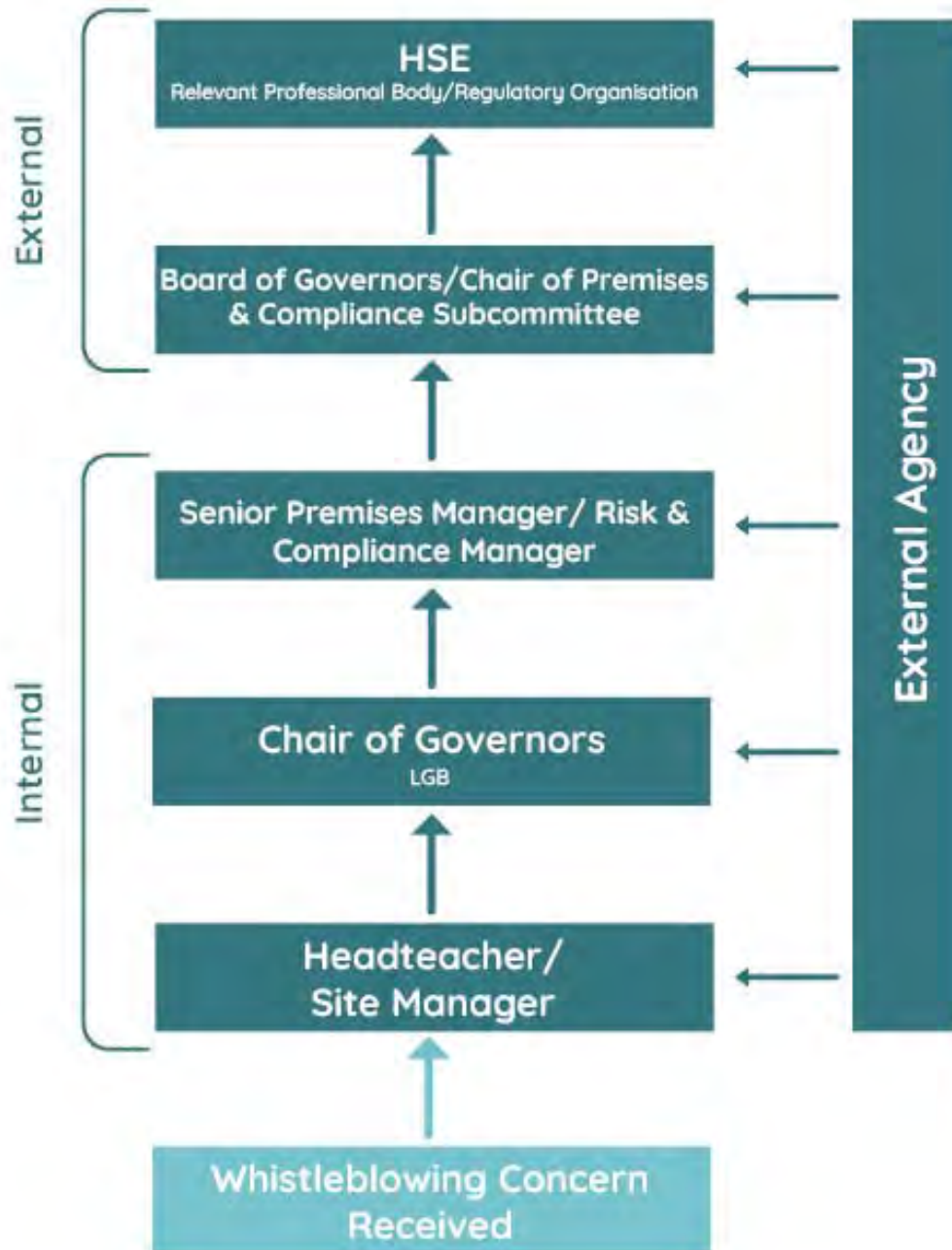


The whistleblower will be kept updated throughout the process (if / where necessary).

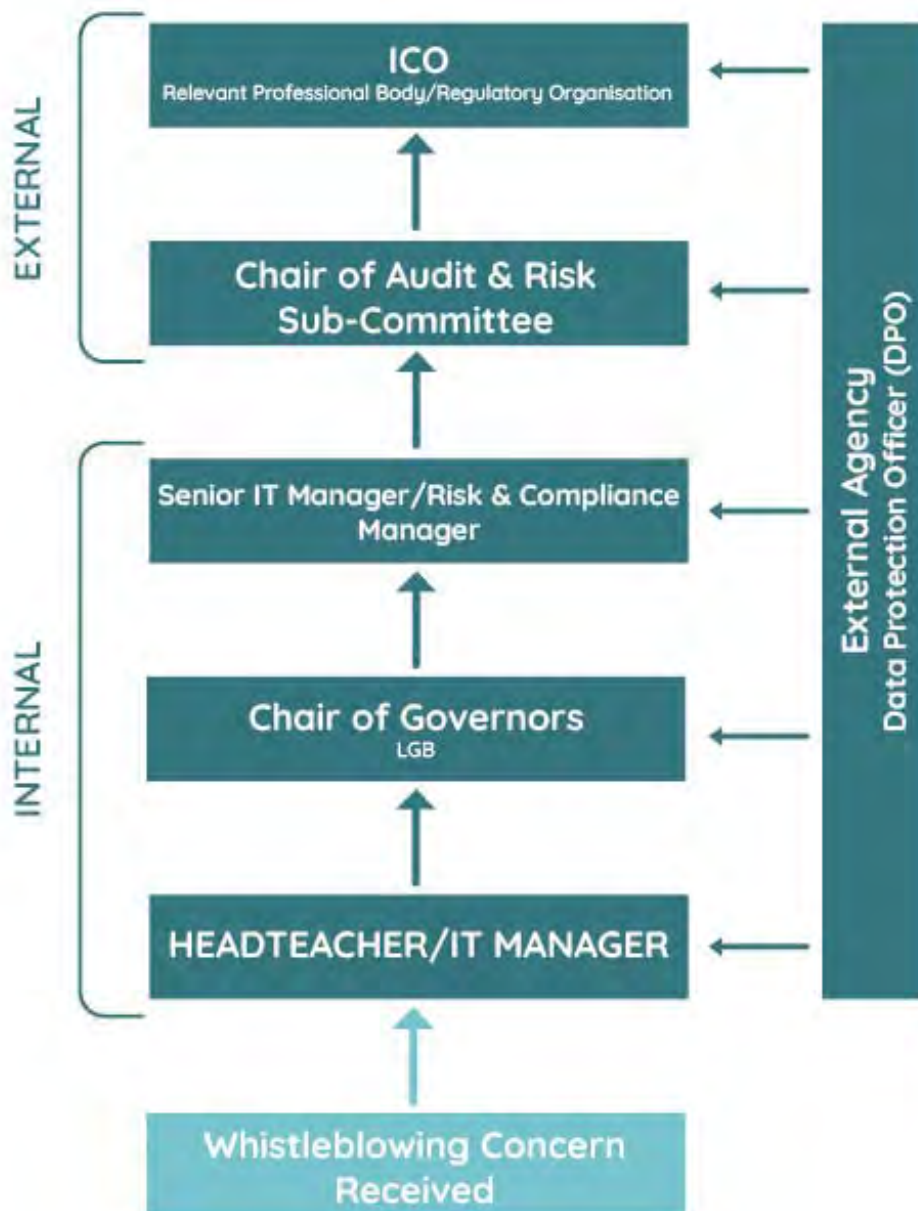
## Appendix C – Whistleblowing Procedure by Department School Performance



## Health & Safety/Compliance

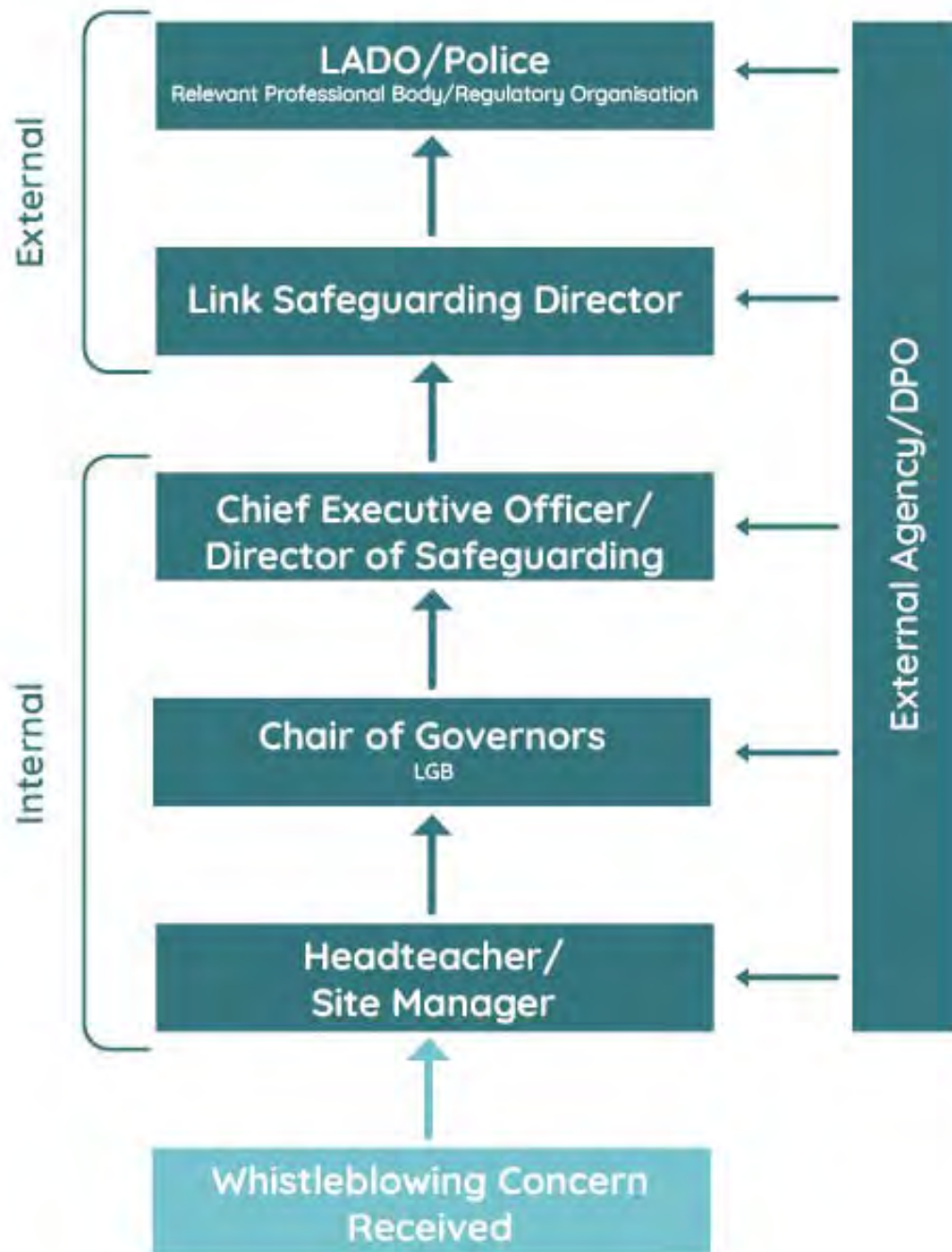


## Data Security

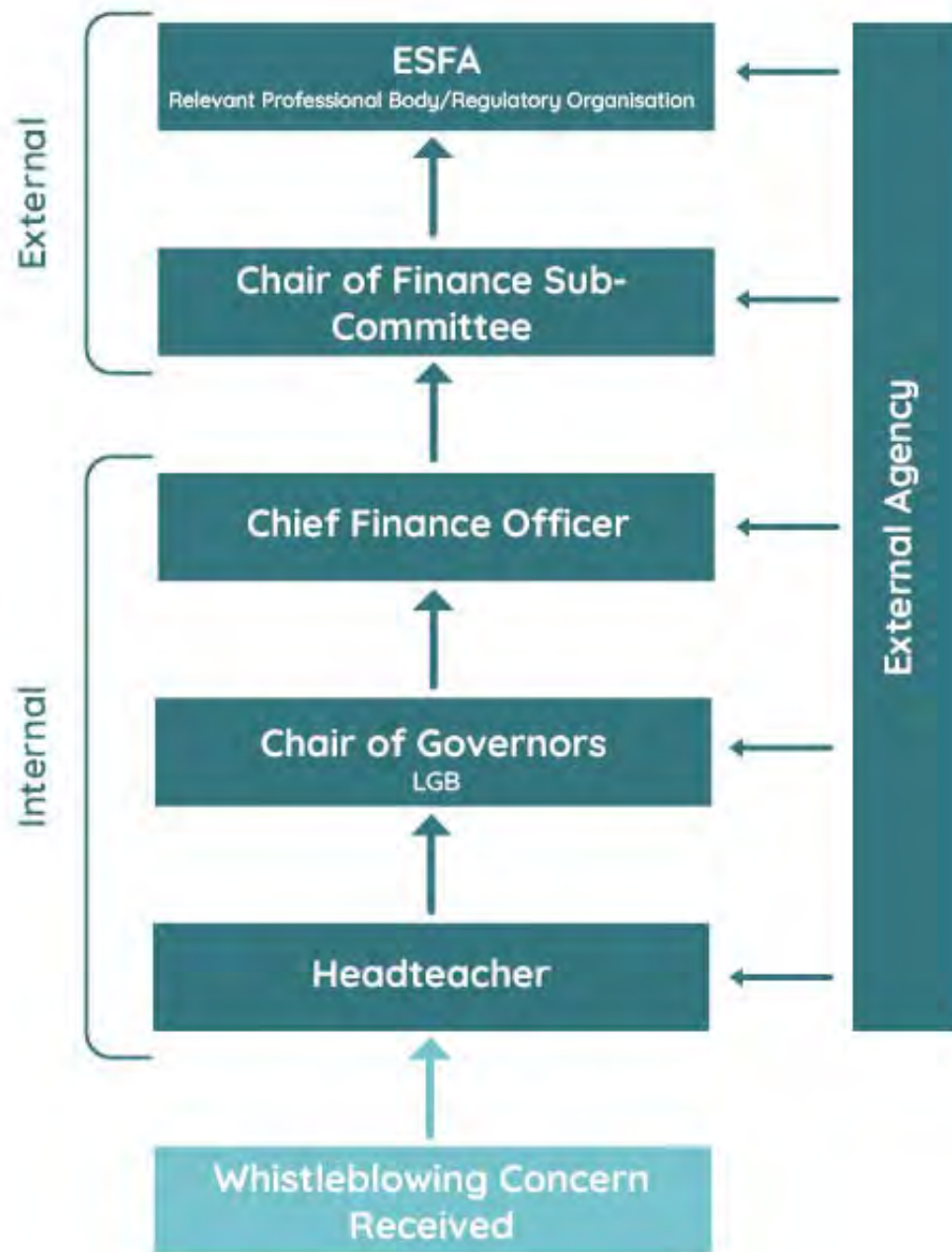




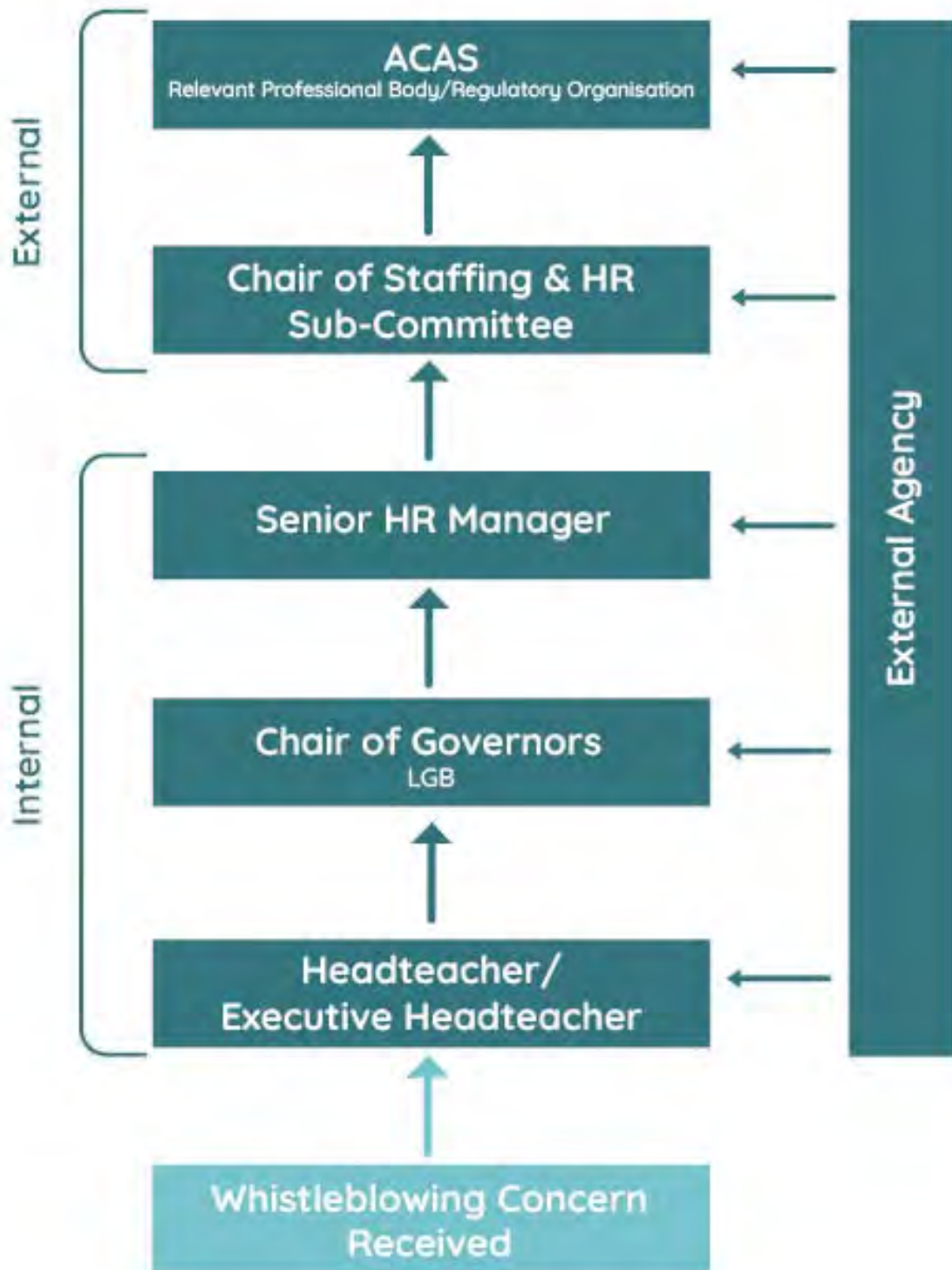
# Safeguarding



# Finance



# HR





# **Whistleblowing Policy**