



## **WHISTLE BLOWING POLICY AND PROCEDURE**

**Approval date:** 25<sup>th</sup> September 2017

**Review date:** Summer Term 2019

### **1. INTRODUCTION**

The De Curci Trust and our schools are committed to achieving the highest possible standards of openness, probity and accountability in all its practices. This policy has been introduced to help you as an employee raise concerns about malpractice (for example fraud, a danger to health, safety or the environment or a crime) in the right way without fear.

1.2. Staff, including all employees, temporary workers, agency staff and contractors, who believe that there is a serious problem within The De Curci Trust or any of our schools may feel reluctant to express concerns because they feel that speaking up would be disloyal to their colleagues, school, or the Trust. They may also fear discrimination, harassment or victimisation. This policy makes it clear that they have a duty and a right to disclose concerns, in confidence, without fear of subsequent discrimination, harassment, victimisation or disadvantage.

1.3. The De Curci Trust and our schools would prefer that any concerns about malpractice were raised when it is just a concern, rather than wait for proof. This policy has been introduced to help any employee raise concerns in the correct way and explains the routes open to them.

**1.4. Staff may wish to consult their trade union before taking any other action.**

1.5. The standards expected of The De Curci Trust employees are set out in the relevant school's Code of Conduct.

1.6. It is a disciplinary matter both to victimise a bonafide whistle-blower or to maliciously make a false allegation.

1.7. Disclosers will be protected if they meet the legal requirements, which generally require the worker to be acting in good faith.

1.8. This policy is separate from external complaints procedures for use by pupils/parents and members of the public and the Grievance Procedure which should be used if you have a complaint or grievance about your employment or the way you have been treated.

### **2. AIMS AND SCOPE**

## 2.1. This policy aims to:

- provide information about what the whistleblowing process is and encourage staff to question and act upon concerns about malpractice and to feel confident in raising serious concerns;
- provide avenues for staff to raise those concerns and ensure they receive feedback on any action taken if possible;
- provide guidance to staff on how to take matters further if they are not satisfied;
- reassure staff that they will be protected from possible reprisals or victimisation if they have made the disclosure in good faith.

## 2.2. Possible issues include:

- conduct which is an offence or a breach of law;
- health and safety risks (to pupils and members of the public as well as to staff);
- damage to education property;
- unauthorised use of public funds and resources;
- fraud and corruption;
- abuse of clients;
- abuse or intimidation of staff or pupils;
- other unethical conduct.

This list is not exhaustive.

This policy is intended to cover major concerns that staff might have.

## 3. SAFEGUARDS

### 3.1. Your safety

3.1.1. It is recognised that it may be difficult to raise a concern.

The law gives certain safeguards if a concern is raised as a whistle-blower and The De Curci Trust and our schools will not tolerate discrimination, harassment or victimisation of anyone who has raised a concern in good faith. If it is felt that this has happened, you must report it and the conduct will be treated seriously. The De Curci Trust and our schools will encourage its contractors to do the same. Provided that the concern is raised honestly, a member of staff will not be at risk of losing their job or suffering any form of retribution for doing so even if they are mistaken.

3.1.2. If a member of staff makes an allegation in good faith but it is not confirmed by the subsequent investigation, no action will be taken against them. This assurance is not extended to anyone who maliciously raises a concern they know is untrue. Such conduct may be liable to disciplinary action.

3.1.3. If disciplinary action or redundancy procedures have already been started, raising a concern will not, in itself, halt them.

### **3.2. Your Confidence**

3.2.1. With these assurances we hope staff will raise concerns openly in the normal way. However, it is recognised that there may be some circumstances when it would be preferable to speak to someone in confidence. If so, please state this when the concern is raised.

3.2.2. Keeping a confidence means that if a member of staff asks not to disclose their identity, this will not be done without consent, unless it is legally required to do so.

### **3.3. Anonymity**

Please remember that if a member of staff raises a concern anonymously, it is much more difficult to look into the concern. It is more difficult to protect a member of staffs' position or to inform them of the outcome. The same support and assurances cannot be guaranteed if a concern is reported anonymously.

### **3.4. Support**

The De Curci Trust will take steps to minimise any difficulties which a member of staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings The De Curci Trust will arrange for advice and support to be provided as well as consider travel costs and implications of spending time away from the workplace.

## **4. HOW CONCERNS CAN BE RAISED**

4.1. Firm evidence of malpractice is not required before raising a concern. However, the concern will need to be explained as fully as possible with the information or circumstances that gave rise to the concern. The earlier the concern is raised, the easier it may be to resolve.

4.2. Most concerns should be resolved simply and effectively at the lowest possible level within a member of staff's school, section, team or work area. This will normally entail staff raising concerns with their immediate manager, supervisor, head teacher or trade union representative. However, this will depend on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. It should be noted that all concerns relating to financial malpractice should be raised with the Chief Executive Officer.

4.3. If a member of staff feels unable to raise the matter with a manager, supervisor or the head teacher for whatever reason, or they feel that the concern has not been properly addressed they are advised to contact The Chief Executive Officer or Chair of Trustees.

4.4. The concern may be raised orally, or in writing.

4.5. There is no definite time limit for raising concerns; whether an issue will be dealt with viably after a long period of time will depend on the circumstances.

4.6. Staff may wish to discuss their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) people who have had the same experience or concerns. However, staff should also be prepared to give their own individual account during the investigation process.

4.7. At any stage of the procedure, the employee may be accompanied by a representative from their trade union or work colleague.

## **5. HOW THE De CURCI TRUST AND OUR SCHOOLS WILL RESPOND**

5.1. The Trust and our schools will always respond to concerns raised by staff and there will be an investigation by management. Further courses of action will vary, depending on the issue, but could include:

- using the Trust's disciplinary process;
- investigation by Internal Audit, again resulting in the use of the disciplinary process if appropriate;
- referral to the Audit Commission;
- referral to the police.
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5.2. Within ten working days of the concern being raised, and if it is not anonymous, the head teacher/line manager receiving the disclosure will write to the member of staff to:

- acknowledge that the concern has been received;
- Summarise the concern and ask to be contacted if the concern has been misunderstood or any information is missing.
- indicate how it is proposed that the matter will be dealt with (i.e. whether further investigations will take place, and what form these will take);
- indicate whether any initial enquiries have been made;
- give an estimate of how long it will take to provide a final response;
- supply information on staff support mechanism
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## **6. HOW THE MATTER CAN BE TAKEN FURTHER**

6.1. If a member of staff raising a concern is dissatisfied with the action taken, and wishes to take the matter outside of The De Curci Trust and our schools, the following are examples of appropriate contact points:

### **External contacts:**

Department for Education.  
The Audit Commission.  
A Trade Union.  
The Local Government Ombudsman.

### **Other contacts:**

The Citizen's Advice Bureau – [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

Public Concern at Work (a national charity that gives advice on whistleblowing);

Public Concern at Work Tel: 020 7404 6609

3<sup>rd</sup> Floor Bank Chambers

6-10 Borough High Street

London

SE1 9QQ

Email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

- 6.2. If the matter is taken outside of The De Curci Trust the member of staff should ensure that confidential or privileged information is not disclosed, such as personal details about colleagues, or restricted financial information.
- 6.3. Staff raising a concern externally should consider carefully whether this is the most appropriate course of action for resolving the issue and whether all reasonable, internal steps have been taken.

## 7. CONTACT DETAILS

### **For confidential support and counselling:**

All employees have access to the Employee Assistance Programme.  
Right Corecare 0800 1116 387 or [www.eap.rightcorecare.co.uk](http://www.eap.rightcorecare.co.uk)

Teachers also have access to Teacher Support Line on  
08000 562 561 or [www.teachersupport.info](http://www.teachersupport.info)

Signature:  
Chair of Board of Trustees

Date:

The De Curci Trust, a charitable company limited by guarantee registered in England and Wales with company number 10646541.  
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