

Whistleblowing Policy



Management Log

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Author	People Business Partner
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Aims

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.
- Let all colleagues 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 colleagues know the protection available to them if they raise a whistle-blowing concern.
- Assure colleagues 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 mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

This policy does not form part of any colleague's contract of employment and may be amended at any time. The policy applies to all colleagues 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.

Legislation

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

This policy has been written in line with the above document, as well as government guidance on whistleblowing. We also consider the Public Interest Disclosure Act 1998.

The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure must be "in the public interest." We encourage you to use the procedure to raise any such concerns.

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

Definition of Whistleblowing

Whistleblowing covers concerns made that report wrongdoing that is "in the public interest." Examples of whistleblowing include (but are not limited to): -

- Criminal offences, such as fraud or corruption
- Pupils' or colleagues' health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Damage to the environment

A whistle blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust, or individual schools in the trust, count as whistleblowing. For example, personal grievances such as bullying, or harassment do not usually count as whistleblowing. If

something affects a colleague as an individual, or relates to an individual employment contract, this is likely a grievance.

When colleagues have a concern, they should consider whether it would be better to follow our grievance or complaints procedures.

Protect (formerly Public Concern at Work) has further guidance on the difference between a whistleblowing concern and a grievance that colleagues may find useful if unsure and a free and confidential advice line. Details can be found here [Advice Line | Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk).

Procedure for colleagues to raise a whistle-blowing concern

When to raise a concern

Colleagues should consider whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover up any such activity.

Who to report to

School-based colleagues should report their concern to the Head Teacher. If the concern is about the Head Teacher, or it is believed they may be involved in the wrongdoing in some way, the colleague should report their concern to the Executive Head Teacher. If the concern relates to the Executive Head Teacher, the concern should be reported to the CEO.

Central team colleagues should report their concern to the CFO. If the concern is about the CFO, or it is believed they may be involved in the wrongdoing in some way, the central team colleagues should report the concern to CEO. If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the central team colleagues should report the concern to the Chair of Trustees.

How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Colleagues raising a concern should also include details of any personal interest in the matter.

Trust procedure for responding to a whistle-blowing concern

Investigating the concern

When a concern is received by the Head Teacher/Executive Head Teacher/CEO/CFO/Chair of Trustees - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative.
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.

- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal because of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
- The recipient should then arrange a further investigation into the matter, involving the CEO, local governing body, and/or trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police.
- The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the CEO, trustees, and other colleagues, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

Malicious or vexatious allegations

Colleagues are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the colleague who raised the concern. If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

Escalating concerns beyond the trust

The trust encourages colleagues to raise their concerns internally, in line with this policy, but recognises that colleagues may feel the need to report concerns to an external body.

The Protect advice line, referred to above, can also help colleagues when deciding whether to raise the concern to an external party.

Approval

These procedures have been agreed by the board of trustees, who will approve it whenever reviewed.

Links with other policies

This policy links with our policies on:

- Grievance Policy
- Complaint's Procedure
- Child Protection Policy