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Trust - Whistleblowing Policy

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Approving Body: Board of Trustees

Committee: Standards

Review Cycle: 2 years

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1. Introduction

- 1.1 The Trust is committed to the highest possible standards of openness, honesty, integrity and accountability. The Trust acknowledges that employees are often the first to realise that there may be something seriously wrong within their organisation and that the Trust needs to encourage employees and others with concerns to come forward and be able to voice them i.e. whistle blow.
- 1.2 This policy has been revised to take into account the most current following guidance:
- Whistleblowing: Guidance & Code of Practice for Employers
[Whistleblowing: guidance and code of practice for employers - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
 - Working Together to Safeguard Children
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
 - In association with the Local Children's Safeguarding Partnership
[Darlington Safeguarding Board - Home \(darlington-safeguarding-partnership.co.uk\)](http://darlington-safeguarding-partnership.co.uk)
 - Sir Robert Francis's Freedom to Speak Up review report*
<http://freedomtospeakup.org.uk>
- *(Whilst the Freedom to Speak Up report is written primarily about the NHS, Sir Robert's findings can be applied in other fields, including those organisations covered by Working Together to Safeguard Children.
- 1.3 Please also refer to any Whistleblowing sections in each individual Academy's Safeguarding and Confidential Reporting Policies.
- 1.4 The policy has been shared with the relevant Trade Unions.

2. Aims

2.1 This policy aims to:

- Encourage employees to feel confident in raising concerns
- Reassure employees that, when they make a disclosure, they will be protected from reprisals or victimisation
- Provide avenues for an employee to raise concerns and receive feedback on any action taken
- Ensure that employees get a response to the concerns they have raised and, if not satisfied, explains how they may take the matter further.

3. Scope

3.1 This policy applies to all Academies, Trust employees, volunteers, agency workers, contractors and suppliers.

4. Responsibilities

4.1 The Board of Trustees has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

4.2 The Whistleblowing Officer (Trust Operations & Business Manager) has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

4.3 The Whistleblowing Officer will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Board of Trustees, where appropriate.

4.4. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

5. What is Whistleblowing?

5.1 Whistleblowing is term used when a person passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

5.2 To be covered by whistleblowing law, a person who makes a disclosure must reasonably believe in two things. The first is that they are acting in the public interest.

5.3 The second is that they must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (this may include, for example, types of financial impropriety such as fraud)
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

5.4 A whistle-blower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's or an Academy's activities (a whistleblowing concern) you should report it under this policy.

5.5 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use:

- the Schools - Grievance Procedure or Anti-Harassment and Bullying Policy as appropriate.
- for employees at QE please refer to the Grievance Policy or Dignity at Work Policy as appropriate.

5.6 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider.

6. Protection and support for Whistle-blowers

6.1 It is understandable that whistle-blowers are sometimes worried about possible repercussions.

6.2 The Trust encourages openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

6.3 The Trust recognises that the decision to make a disclosure can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice or from other employees.

6.4 The Trust and its Academies will not tolerate bullying, harassment or victimisation and will take action to protect you when you raise a concern using this policy.

6.5 Whistle-blowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal (including selection for redundancy), disciplinary action, threats or other unfavourable treatment connected with raising a concern.

6.6 Employees who make a disclosure that is deemed to be in the public interest are protected from suffering a detriment in their employment under the Public Interest Disclosure Act 1998 (PIDA).

7. Confidentiality

- 7.1 The Trust will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent or unless instructed by a Tribunal or Court.
- 7.2 If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence) we will discuss with you whether and how we can proceed.

8. Anonymous allegations

- 8.1 This policy strongly encourages you to put your name to your allegation. Concerns expressed anonymously will be much more difficult for the Trust to look into or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Trust.
- 8.2 In exercising discretion, the factors to be taken into account would include:
- The seriousness of the issues raised;
 - The credibility and plausibility of the concern; and
 - The likelihood of confirming the allegation from attributable sources.

9. Untrue or Malicious Allegations

- 9.1 If you make an allegation that you reasonably believe is true, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

10. How to make a disclosure

- 10.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.
- 10.2 If you believe that management is involved, you should approach the Head Teacher/Head of School/Principal. If you have a concern about these officers, you should approach the Chief Executive Officer.
- 10.3 If you have a concern regarding the Chief Executive Officer you should approach the Chair of the Board of Trustees in the first instance.
- 10.4 Concerns can be raised verbally but are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person.

10.5 The earlier you express the concern, the easier it is to take action. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

10.6 You may also invite your trade union or professional association to raise a matter on your behalf.

11. How the Trust will respond

11.1 The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police.

11.2 In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

11.3 Within ten working days of a concern being received, the Trust will write to you:

- Acknowledging that the concern has been received;
- Indicating, in overall terms, how it proposes to deal with the matter;
- Giving, where possible, an estimate of how long it will take to provide a final response;
- Telling you whether any initial enquiries have been made; and
- Telling you whether further investigations will take place, and if not, why not.

11.4 The amount of contact between those considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you.

11.5 When any meeting is arranged, you may to be accompanied by a Trade Union representative, a work colleague, or a friend who does not have a conflict of interest.

11.6 The Trust recognises that you need to be assured that the matter has been properly addressed and as such, where possible, the Trust will provide information in this regard.

12. Independent Advice

12.1 If you are unsure whether to use this Policy please speak to the Whistleblowing Officer – The Trust Business & Operations Manager.

12.2 Alternatively you may want to seek independent advice by contacting:

- Your union
- Your professional body

- The whistleblowing charity, Protect' <https://protect-advice.org.uk>

13. External disclosures

- 13.1 This policy is intended to provide you with an avenue to raise concerns within the Trust and your Academy and to give you the reassurance you need to raise such matters internally. The Trust hopes you will be satisfied.
- 13.2 If you are not, and if you feel it is right to take the matter outside the Trust you should contact a prescribed person or body (guidance is available from [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-list-of-prescribed-people-and-bodies))
- 13.3 This includes a list of public bodies, which can deal with particular areas of concern e.g. Education, Finance etc.
- 13.4 You can also make a disclosure to a solicitor or the police.
- 13.5 You should tell the prescribed person or body if you think that the Trust:
- Will cover the issue up
 - Treat you unfairly if you complained
 - Hasn't sorted the issue out and you've already reported it.