

Whistleblowing Policy

This policy applies to :	All staff
Author/Department:	HR Manager
Area/Person responsible:	Deputy Principal
Date approved:	28 th February 2019
Related Documents/ Policies:	Public Interest Disclosure Act 1998 Disciplinary Policy, Grievance Policy, Code of Conduct
Date of Next Review:	September 2019

Date of most recent review:	February 2019
Changes made:	

The Equality Act 2010: The Equality Duty

The Trust has a duty to consider the needs of all individuals in our day-to-day work – in shaping policy, in delivering services and in relation to our employees. The Equality Duty has three aims, which require the Trust to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

Does the policy support the aims of the Equality Duty?	Yes	X	No		N/A	
If no, please state which groups may be affected and complete a full equalities impact assessment (guidance and forms available on the intranet)						
Impact Assessment Reference:						

Initial Impact Assessment Completed	
Review of Policy	

Date	
Date	

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1. Introduction

- 1.1. It is in the interests of all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This includes the interests of the Trust, its employees, any persons who are the subject of such disclosures, as well as the person making the disclosure.
- 1.2. Whistleblowing is the disclosure or communication of information about possible malpractice by individuals or organisations, either internally or externally, to an outside authority. The term 'malpractice' has equal validity in relation to breaches of civil and criminal law. The concept of whistleblowing is also associated with principles of accountability.
- 1.3. This Policy takes into account the requirements of The Public Interest Disclosure Act 1998.
- 1.4. The Public Interest Disclosure Act provides a worker with potential protection from victimization and dismissal for making a 'qualifying disclosure'. However, the Act encourages workers to raise matter internally with employers initially and disclosures will only be protected if they are made in the 'public interest'.
- 1.5. Though the term 'employees' is used all the way through the Policy, this should not be seen as incompatible with the term 'workers' under The Public Interest Disclosure Act. The following are described as 'workers': employees, casual workers, employees of subcontractors, agency workers engaged by the Trust, trainee teachers and apprentices.
- 1.6. A Whistleblowing Policy is designed to allow employees to disclose allegations of malpractice internally, which is more likely to uphold the reputation of the Trust and maintain public confidence than either public disclosures or allowing malpractice to fester.
- 1.7. The Trust will maintain a code of conduct to make clear to their employees the standards of propriety and good practice expected of them.
- 1.8. The overriding concern for employer and employee should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

2. Preamble

- 2.1. Employees are often the first to realise that there may be something seriously wrong within the Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimization. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 2.2. The Trust is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 2.3. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.

- 2.4. The policy applies to all employees and those contractors working for the Trust on the Trust premises, for example, agency staff, builders. It also covers suppliers and those providing services under a contract with the Trust in their own premises.

3. Aims and Scope of the Policy

- 3.1. This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practices
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest

- 3.2. There are existing procedures in place to enable you to lodge a personal grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other contractual procedures as outlined in paragraph 4.1.

- 3.3. Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees of the Trust or others acting on behalf of the Trust can be reported under the Whistle-blowing Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trust subscribes to; or
- is against the Trust's Articles of Association and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

4. Specific Subject Matter

- 4.1. If, in the course of employment, an employee becomes aware of information which they reasonably believe to indicate one or more of the following, they must use this Policy:

- that a criminal offence has been committed, is being committed or is likely to be committed
- that an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- that a miscarriage of justice has occurred, is occurring, or is likely to occur
- that the health or safety of any individual has been, is being, or is likely to be endangered
- that the environment, has been, is being, or is likely to be, damaged
- that there is unauthorised use of public funds, possible fraud and corruption
- the abuse of students
- that there is an unethical conduct
- that information tending to show any of the above, is being, or is likely to be, deliberately concealed

5. Safeguards

5.1. Harassment or Victimisation

- 5.1.1. The Trust is committed to good practice and high standards and wants to be supportive of employees.
- 5.1.2. The Trust recognises that the decision to report a concern can be a difficult one to make.
- 5.1.3. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and to the Trust as a whole.
- 5.1.4. The Trust will not tolerate any harassment or victimization (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest.
- 5.1.5. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already affect you.

5.2. Confidentiality

- 5.2.1. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5.3. Anonymous Allegations

- 5.3.1. This policy encourages you to put your name to your allegation whenever possible.
- 5.3.2. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Trust.
- 5.3.3. In exercising this discretion, the factors to be taken into account would include:
 - the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

5.4. Untrue Allegations

- 5.4.1. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

6. How to raise a concern

- 6.1. As a first step, you should normally raise concerns with your immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If your line manager is not appropriate for any reason you should raise your concerns with the Deputy Principal.

- 6.2. Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates)
 - the reason why you are particularly concerned about the situation
- 6.3. The earlier you express the concern the easier it is to take action.
- 6.4. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 6.5. Information which an employee reasonably believes tends to show one or more of the situations in Paragraph 4.1 Specific Subject Matter, should be discussed firstly with their line manager so that any appropriate action can be taken.
- 6.6. If the disclosure relates to the Deputy Principal, an employer can raise the issue with the Chief Executive.
- 6.7. If the disclosure relates to the Chief Executive, an employee can raise the issue with the Company Secretary. In the event that the disclosure relates to the Company Secretary, an employee can raise the issue with the Chair of the Trustees.
- 6.8. For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to:
- the Deputy Principal or Chief Executive
 - a staff governor, or
 - the Human Resource Manager
- 6.9. You may invite your trade union representative or a workplace colleague to be present during any meetings or interviews in connection with the concerns you have raised.

7. Procedure for the Investigation of a Disclosure

- 7.1. When an employee makes a disclosure, the Trust will acknowledge its receipt, in writing within 3 working days.
- 7.2. Where appropriate, the disclosure raised may:
- be investigated by Leadership, or through the disciplinary process
 - be referred to the Trust's external auditors; or referral to relevant external bodies such as the police, OFSTED, SFCa, Health and Safety Executive or the Information Commissioner's Office
 - form the subject of an independent inquiry
- 7.3. 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.

- 7.4. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken into account before any investigation is conducted.
- 7.5. The Trust will assign the appropriate responsible person to write to you:
- indicating how the Trust will propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms
 - telling you whether further investigations will take place and if not, why not
- 7.6. The amount of contact between the staff 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, the Trust will seek further information from you.
- 7.7. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a workplace colleague.
- 7.8. The Trust will take steps to minimize any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for you to receive advice about the procedure.
- 7.9. The Trust accepts that you need to be assured that the matter has been properly addressed.
- 7.10. You will be notified of the outcome of any action taken by the Trust under this policy within a 10 working days. If you are not satisfied that your concern has been appropriately addressed, you can appeal against the outcome by raising the issue with the Chief Executive within 10 working days of receiving the outcome of any investigation. The Chief Executive will make a final decision on action to be taken and notify you.

**Timeframes may be subject to change where a disclosure is raised or the investigation process coincides during the Trust academic holidays.*

8. How the matter can be taken further

- 8.1. This policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, you may raise it, in confidence, with the Chair of the Trustees. If you are still not satisfied you may feel it is right to take the matter outside the Trust. You are entitled to contact a relevant external body to express the concerns. A “relevant body” is likely to be a regulatory body (e.g. the Health and Safety Executive, or the Financial Services Authority). A list of prescribed persons or relevant bodies is available at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- 8.2. Contacting the media - the media is not a relevant external body. Employees should not contact the media with allegations about the Trust.
- 8.3. Employees can also contact the charity - Public Concern at Work for confidential advice on whistleblowing issues. Website details are as follows: <https://www.pcaw.org.uk/contact-us/>

- 8.4. If you do take the matter outside the Trust, you should ensure that you do not breach any confidentiality obligations or damage the Trust's reputation in so doing.
- 8.5. Any employee who takes action under the Public Disclosure Act 1998 will be protected from any detriment in relation to any allegations that are made. If the employee does not follow the procedure which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against the employee, which could include dismissal.