



Whistleblowing Policy

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1. Introduction

- 1.1 Confidential reporting (whistleblowing) is the disclosure or communication of information about possible malpractice such as fraud, corruption or other improper activity or health and safety concerns which relates to wrongdoing or dangers at work by individuals or organisations.
- 1.2 This policy is intended to enable employees to disclose information about malpractice internally and to provide employees with protection from subsequent victimisation, discrimination or disadvantage.
- 1.3 If an employee has concerns over an individual/s ability to safeguard pupils, including where it alleged anyone working in school (including volunteers, supply teachers, externally employed individuals e.g. sports coaches, contractors), these concerns should be raised in line with the trust's allegations of abuse policy and the code of conduct. In all instances the Disciplinary Policy may be initiated if evidence highlights that there is need to do so.
- 1.4 Upon the disclosure of a concern, ONE Academy Trust will use its professional judgement and take into account:
 - The seriousness of the issues raised
 - The credibility of the disclosure
 - The likelihood of confirming what is alleged from attributable sources.

- 1.5 The Public Interest Disclosure Act is designed to protect employees, who make certain disclosures of information in ‘the public interest’, from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 1.6 This policy does not form part of any employee’s contract of employment and it may be amended at any time.

2. Purpose

2.1 Employees are often the first to realise that there may be evidence of malpractice within a school or the trust. It is important that employees feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it.

2.2 ONE Academy Trust has considered the following steps in its approach to this policy to ensure that staff can blow the whistle properly:

- Building a positive speak up culture: managers will regularly touch base with staff and encourage them to raise any concerns that they have. Managers are equally accessible to all staff during working hours. Senior leaders lead by example and drive the culture.
- Communication channels: Each individual school has a number of ways by which staff can access appropriate individuals
- Trust: By establishing an approach to transparency in terms of key documentation and also involvement in the decision-making process ONE Academy Trust is aiming to achieve ‘organisational trust’ in relation to approaches taken. The objective is for all employees to have trust and confidence in the organisation’s ability to handle concerns raised.
- Awareness: By sharing and consulting with staff regarding this Whistleblowing policy, staff will understand what whistleblowing is; how and where to raise and escalate concerns, the difference between whistleblowing and grievances and where they can get independent advice as a whistleblower.

2.3 This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing where they have a genuine concern;
- allow employees to take the matter further if they are dissatisfied with the Trust’s response.

2.4 A whistleblower is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity for example fraud or corruption
- miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- public examination fraud
- the deliberate concealment of any of the above matters.
- Other unethical conduct

2.4 Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves from being potentially implicated.
- This policy should not be used for complaints about an employee's personal circumstances, such as the way they have been treated at work. In these cases, an employee should refer to the Trust's Grievance Policy or Bullying and Harassment Policy, as appropriate).

3. Scope

- 3.1 ONE Academy Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, trustees, governors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or alerting anyone external to the school.
- 3.2 This policy should be followed if an employee has concerns relating to an individual or an organisation that is using the trust/school premises for the purposes of running activities for children and young people.

4. Procedure for making a disclosure

- 4.1 As a first step, an employee should normally raise concerns with their immediate line manager or a senior manager. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their

manager's line manager is involved, they should contact an alternative senior manager or where this is not possible, the CEO. If the concerns involve the CEO, their concern should be referred to a representative of the board of trustees. The board of trustees may be contacted via the clerk to the Trust Board (Diane Dakin - ddakin@sawley-inf.derbyshire.sch.uk or see website for current contact details). For the purposes of this policy whoever is deemed as being appropriate to deal with the whistleblowing concern will be referred to as the 'whistleblowing officer'.

- 4.2 An employee may wish to discuss their concerns with a trade union representative before raising their concerns.
- 4.3 An employee (including the CEO and members of the leadership team) can bypass the direct management line and the Trust Board if they feel the overall management and Trust Board have engaged in an improper course of action. In this case please refer to **Section 5** below.
- 4.4 Where possible, the employee should detail their concerns in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. Where an employee is unable to provide details of their concern in writing, they are able to raise their concerns verbally with the whistleblowing officer.
- 4.5 The employee must make it clear that they are raising the issue via the whistleblowing procedure.
- 4.6 The earlier an employee expresses the concern, the easier it is to take action.
- 4.7 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for the concern.
- 4.8 At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 4.9 When the whistleblowing officer is informed by the employee they are 'blowing the whistle' they should respond without delay and arrange to meet with the employee to discuss the concerns. The whistleblowing officer should contact the Trust HR team for advice and support.

Stage one

- 4.10 At the initial meeting the whistleblowing officer should establish if:
 - there is genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistleblowing Policy.
- 4.11 The whistleblowing officer should ask the employee, to put their concern(s) in writing, if they have not already done so. If the employee is unable to do this the whistleblowing officer will take down a written summary of the employee's concern/s following their discussions with the employee and provide them with a copy after the meeting.
- 4.12 The employee's letter and/or whistleblowing officer's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:
 - the background and history of the concerns; and
 - names, dates and places (where possible); and
 - the reasons why the employee is particularly concerned about the situation.
- 4.13 The employee should be asked to date and sign their letter and/or the notes of any discussion. The whistleblowing officer should positively encourage the employee to do this, as a

concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. a disciplinary hearing.

4.14 The whistleblowing officer should follow the policy as set out above and in particular explain to the employee:

- who they will need to speak to, to determine the next steps (e.g. trust senior management)
- what steps they intend to take to address the concern;
- how they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the whistleblowing officer from giving the employee-specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Trust will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated without delay;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded unless new evidence becomes available.

Stage Two

4.15 Following the initial meeting with the employee, the whistleblowing officer should consult with the Trust HR Team to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

4.16 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

4.17 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred directly to the Trust Board or a delegated committee of the board
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

- 4.18 Senior managers should have a working knowledge and understanding of other school policies and procedures, e.g. allegations of abuse, grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/policy.

Stage Three

- 4.19 Within ten working days of a concern being received, the whistleblowing officer must write to the employee:
- acknowledging that the concern has been received;
 - indicating how they propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response; and/or
 - telling the employee whether any initial enquiries have been made; and
 - telling the employee whether further investigations will take place, and if not, why not; and/or
 - letting the employee know when they will receive further details if the situation is not yet resolved.

5. Raising concerns outside of the Trust

- 5.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external.
- 5.2 Where a staff member feels unable to raise an issue regarding the welfare of pupils with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:
- general guidance on whistleblowing can be found via: <https://www.gov.uk/whistleblowing>; and
 - the <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/nspcc-helpline/> is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call: 0808 800 5000.
- 5.3 If an employee is not satisfied with the Trust's response, the manager should ensure that they are made aware with whom they may raise the matter externally:
- Protect (020 3117 2520) or www.protect-advice.org.uk
 - A recognised trade union representative;
 - the external Auditor;
 - relevant professional bodies or regulatory organisations e.g. Ofsted, Health and Safety Executive
 - Citizens Advice Bureau
 - the police
 - a legal adviser.

**Protect at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

- 5.4 The manager should stress to the employee that if they choose to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed or that they do not breach GDPR, i.e. confidential information, in whatever format, is not handed over to a third party.

6. Safeguards

Harassment or Victimisation

- 6.1 The Trust Board recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will act to protect employees when they have a genuine concern.
- 6.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

Confidentiality

- 6.3 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trust will make every effort to protect an employee's identity if confidentiality is requested.
- 6.4 Identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed.

Anonymous Allegations

- 6.5 Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trust Board. In exercising the 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.

Untrue Allegations

- 6.6 If an employee makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

Unfounded Allegations

- 6.7 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust/school deems the matter to be concluded and that it must not be raised again unless new evidence becomes available.

Support to Employees

- 6.8 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.

7. Monitoring and review

- 7.1 The CEO will be responsible for monitoring the implementation and effectiveness of this policy/procedure.
- 7.2 The policy/procedure will be reviewed by the board of trustees every 3 years as a minimum but will be revised as needed.
- 7.3 This policy will be approved by the board of trustees