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# Whistle-blowing policy

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### 1. Scope

This policy does not form part of any employee's contract of employment, or any other contract for services, and may be amended at any time. The policy applies to all employees 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.

### 2. Aims

This policy aims to:

- Encourage individuals as defined above 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 staff 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 staff know the protection available to them if they raise a whistle-blowing concern
- Assure the person or persons making this report 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)

### 3. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academies Financial Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). This is also in accordance with the [Public Interest Disclosure Act 1998](#).

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

### 4. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but aren't limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staffs' 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 count as whistle-blowing. For example, personal staff grievances such as bullying, harassment or discrimination do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be more beneficial to follow the Trust grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

## 5. Procedure for staff to raise a whistle-blowing concern

### When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

### Who to report to

Staff should report their concern as per the table below.

Matter of concern is regarding	Escalation point (The 'Recipient')
Any member of school staff	The headteacher of the school
A headteacher	The Trust Strategic Executive Lead
A member of the central trust staff	The Trust Strategic Executive Lead
Operational Procedures or Controls	The Trust Strategic Executive Lead
The Trust Strategic Executive Lead	Chair of Directors

### How to raise the concern

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

## 6. Trust procedure for responding to a whistle-blowing concern

### Investigating the concern

When a concern is received by the person identified above -referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time (this would normally be within 10 working days). The person raising the concern may be accompanied by a trade union, professional association representative or willing work colleague
- Provide 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 as a result of raising the concern. However, if the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:

- The recipient will take steps to notify as appropriate those in the leadership and governance structure that an investigation is underway.
- Initiate a further investigation involving those within the leadership and governance structure as appropriate, and if deemed necessary an external, independent body to investigate. In others cases, 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 one or more of the following:

- Matter to be further investigated internally
- Matter to be investigated by external auditors (where appropriate)
- Matter to be reported to the Police, LADO and/or other external agency
- Alternative procedure should be followed
- No further action – this includes:
  - There is no evidence of malpractice has occurred, is occurring or is likely to occur;
  - The person raising a concern is not acting in good faith;
  - The matter is already (or has been) the subject of proceeding under another of the Trust’s policies/procedures.
  - Matter concerned is already the subject of legal proceedings or has already been referred to the external auditors, Police, LADO or other external agency.

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 headteacher, trustees and other staff 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.

The identity of any person raising concerns will be kept confidential unless they are happy to consent to be identified or unless there are grounds to believe the person raising concerns has acted maliciously.

### **7. Malicious or vexatious allegations**

Staff 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 member of staff 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.

### **8. Escalating concerns beyond the trust**

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

Whistleblowing to an external source without first proceeding through the internal process is inadvisable without justifiable reasons.

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

#### **9. Links with other policies**

This policy links with our policies on:

- Trust Grievance policy
- Trust Disciplinary policy
- Trust Code of Conduct
- Complaints procedure
- Child protection policy