



TRUST WHISTLEBLOWING POLICY

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1. 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 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 whistleblowing concern
- Assure staff 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)
- Individual employees have the facility to raise individual concerns regarding their own employment and should do so through the Trust Grievance Procedure.
- This Whistleblowing Policy is intended to cover concerns that fall outside of the scope of other procedures, although the Trust CEO/ Chair of Trustees reserve the right to determine which procedure is appropriate.

This policy does not form part of any employee's contract of employment 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.

The Trust recognises that whistleblowers may wish to raise concerns confidentially or anonymously. While concerns raised anonymously will be considered, they may be harder to investigate. The Trust will do all it reasonably can to protect the identity of a whistleblower who requests confidentiality

2. LEGISLATION

This Policy has been developed with reference to:

- The current Academy Trust Handbook;
- The Public Interest Disclosure Act 1998 (PIDA);
- The Employment Rights Act 1996;
- Government Guidance: *Whistleblowing for Employees* and *Whistleblowing for Employers*;
- The Bribery Act 2010;
- The Fraud Act 2006;
- Keeping Children Safe in Education (current edition);
- The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.

This policy supports the Trust's commitment to maintaining the highest standards of conduct, integrity, safeguarding and financial accountability and complies with the Trust's funding agreement and articles of association.

3. 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 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
- The academy or any associated person has been, is being or is likely to be receiving or offering bribes
- Any foreign official has been, is being or is likely to be bribed or offered facilitation payment by the academy or any associated person

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

Not all concerns about the Trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. 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 better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

Further guidance on the difference between a whistleblowing concern and a grievance that staff may find useful if unsure
A free and confidential advice line

This policy applies to all Trust employees, agency workers, contractors, consultants, volunteers, Trustees and governors. All individuals connected with the Trust are encouraged to raise concerns under this procedure if they reasonably believe wrongdoing has occurred, is occurring or is likely to occur.

PROCEDURE FOR STAFF TO RAISE A WHISTLEBLOWING CONCERN

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding 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 any such activity up.

Concerns of a safeguarding nature must also be reported to the Designated Safeguarding Lead (DSL) in line with statutory guidance, and may be handled under the Safeguarding and Child Protection Policy.

4.2 Who to report to

School staff should report their concern to the Headteacher. If the concern is about the Headteacher or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concerns to the Trust CEO.

Central Trust staff should report their concern to the CEO. If the concern is about the Trust CEO or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Chair of Trustees.

4.3 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. Staff raising a concern should also include details of any personal interest in the matter.

Concerns of a safeguarding nature must also be reported to the Designated Safeguarding Lead (DSL) in line with statutory guidance, and may be handled under the Safeguarding and Child Protection Policy.

5. TRUST PROCEDURE FOR RESPONDING TO A WHISTLEBLOWING CONCERN

The Trust will acknowledge receipt of a whistleblowing concern within five working days and will keep the whistleblower informed, as far as confidentiality allows, of the progress of the investigation and its likely timescales.

5.1 Investigating the concern

When a concern which falls under the scope of this policy is received by the Headteacher, Trust CEO or Chair of Trustees - referred to from here as the 'recipient' – they will:

- Meet with the person raising the concern (the person raising the concern may be joined by a trade union or professional association representative if they feel necessary.)
- 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 whistleblowing 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. 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 should then arrange a further investigation into the matter, involving the Trust CEO or Chair of Trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other 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. However, sometimes the need for confidentiality may prevent specific details of the investigation or any disciplinary action taken as a result being provided to the employee. Any information about the investigation should be treated as confidential. The Trust will acknowledge receipt of a whistleblowing concern within five working days and will keep the whistleblower informed, as far as confidentiality allows, of the progress of the investigation and its likely timescales.

The action taken by the Trust will depend on the nature of the concern, but could be (this list is not exhaustive):

- An internal investigation
- A referral to the Police
- A referral to an external party such as LADO
- The start of an independent enquiry
- A combination of the above

Concerns or allegations which fall within the scope of specific procedures (e.g. child protection, discrimination) will be considered by the Trust CEO under those procedures.

Enhance Academy Trust may take appropriate action against any employee who is:

- Found to be victimising another person for using this policy or deterring any person from reporting genuine concerns under it
- Making the disclosure/allegation maliciously, with a view to personal gain, or where there were no reasonable grounds for believing that the information supplied was accurate

Such employees could be subject to disciplinary action, which may result in dismissal.

5.2 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 or not any wrongdoing has occurred. The report will include any recommendations and details on how the

matter can be rectified and whether or not 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 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 Board of Trustees will receive an anonymised annual report of whistleblowing activity, including the number and general nature of concerns raised, to provide assurance that the policy is being used and applied appropriately.

6. 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.

7. 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.

Individuals may make disclosures to prescribed bodies in accordance with whistleblowing legislation. Examples include:

- Department for Education (DfE);
- Education and Skills Funding Agency (ESFA);
- Ofsted;
- Health and Safety Executive (HSE);
- Information Commissioner's Office (ICO);
- Charity Commission;
- Local Authority Designated Officer (LADO);
- Police;
- Protect (independent whistleblowing charity).

Current prescribed persons and bodies can be found on the Government's published list of prescribed organisations. Before making an external disclosure, individuals are encouraged to seek confidential advice from Protect, a trade union, professional association or legal adviser.

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.

8. APPROVAL

This policy will be reviewed every two years.

These procedures have been agreed by the Board of Trustees, who will approve them whenever reviewed.

9. LINKS WITH OTHER POLICIES

This policy should be read alongside:

- Safeguarding and Child Protection Policy;
- Staff Code of Conduct;
- Grievance Policy;
- Complaints Policy;
- Disciplinary Policy;
- Health and Safety Policy;
- Data Protection Policy;
- Anti-Fraud, Bribery and Corruption Policy;
- Finance Policy;
- Scheme of Delegation;
- Low-Level Concerns Policy (where applicable);
- Staff Behaviour Policy;
- Equality Policy.

