

# WHISTLEBLOWING POLICY

## INTRODUCTION

People who work for or on behalf of the Trust 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 victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, the Trust will encourage those people with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. In return the Trust will provide a structure which is safe and acceptable, recognising that certain cases will have to proceed on a confidential basis.

This policy document is intended to encourage and enable anyone who works for, or on behalf of the Trust, to raise serious concerns within the Trust rather than overlooking a problem and to make it clear that reporting will happen without fear of reprisal.

This Policy provides for the following stakeholders to raise concerns arising from reasonable suspicion of malpractice within or relating to the Trust:

Employees, Directors, Members, and those contractors working for the Trust on Trust premises eg agency staff, builders, and drivers.

The Trust encourages its partners and contractors to operate within their own ethical framework, which would be expected to be comparable to that of the Trust.

## AIMS AND SCOPE OF THIS POLICY

This Policy aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for employees to raise concerns and receive feedback on any action taken
- reassure employees that the Trust will seek to protect you from reprisals, or victimisation for raising concerns in good faith.

Examples of issues which might be raised, would include,

- conduct which is an offence or a breach of law
- disclosures related to miscarriage of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud or corruption
- emotional, sexual or physical abuse of clients
- unethical conduct

Or it may be something that,

- makes you feel uncomfortable in terms of known standards
- is against the Trust's Standing Orders or policies
- is unlawful
- amounts to improper conduct.

The policy will come into immediate effect regardless of the date when any reported incident occurred.

This policy is not intended to replace other established policies. The key policy which interrelates to the whistleblowing policy is the Grievance Procedure.

The Grievance Procedure enables concerns to be raised by employees about their work, working environment or working relationships. Some common areas that may give rise to a grievance involve terms and conditions of employment, relationships at work (including any type of harassment and bullying), new working practices, organisational change and fair treatment.

## **SAFEGUARDS**

### **Harassment or Victimisation**

The Trust 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 take action to protect an employee who raises a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy or contract procedures that may already affect the employee.

### **Employee Support**

This is offered to all staff via their line manager. Where this is not practicable staff can contact Estelle Sharpe, Bursar.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the employee's identity if they so wish. At an appropriate time however the employee may need to come forward as a witness and this will be fully discussed with them. In very exceptional circumstances, for instance where life is threatened or ongoing child abuse is disclosed, appropriate disclosure will be made to the regulatory authorities.

### **Anonymous Allegations**

This policy encourages an employee to put their name to their allegation, as concerns expressed anonymously can be less powerful. However, the absence of a name will not prevent an investigation taking place into the concern. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to follow up the allegation or obtain more details.

## **Untrue Allegations**

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee makes a malicious or vexatious allegations or is motivated by personal gain, disciplinary action may be taken against them.

## **HOW TO RAISE A CONCERN**

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the nature, seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example if you believe that senior management is involved, you should approach the Executive Headteacher.

Concerns are better raised in writing. Employees are invited to set out the background and history of the concern giving names, dates and places where possible, and the reason why they are particularly concerned about the situation.

The earlier an employee expressed the concern, the easier it is to take action.

Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.

An employee may invite their trade union to raise a matter on their behalf.

An employee may feel the need to take advice before raising the concern and may contact the independent charity, Public Concern at Work. Which provides free confidential legal advice on whistleblowing matters.

## **HOW THE TRUST WILL RESPOND**

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

- Investigated internally by a member of senior leadership team.
- Referred to the Police
- Referred to the external auditor
- The subject of an independent inquiry  
(Determined by the Executive Headteacher in consultation with the Chair of Directors)

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 or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the Trust will contact the employee who has made the allegation, ideally in writing:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling them whether any initial enquiries have been made and
- telling them whether further investigations will take place, and if not, why not

- giving them details of support mechanisms.

The amount of contact between the member of the Senior Leadership Team considering the issues and the employee 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 the employee.

When any meeting is arranged, the employee has the right, if they so wish, to be accompanied by a union representative or a friend who is not involved in the area of work to which the concern relates.

The Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if the employee is required to give evidence in criminal or disciplinary proceedings, the Trust will advise them about the procedure.

The Trust accepts that an employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the employee will receive information about the outcome of any investigations. If they are not satisfied with the outcome of the investigation then based on the detail of the concern they will be advised of further channels that they can use to raise their concern

Where a case is investigated, the detailed course of action will be determined by the Executive Headteacher, who will decide whether to publish any details of the concern and any action plan. If details are published they will discuss this with the employee and seek to address any concerns they have about anonymity.

In the case of allegations against the Executive Headteacher, the initial course of action will be determined by the Chair of Directors.