



Trinity Multi Academy Trust

<b>Policy:</b>	Whistleblowing Policy
<b>Date or review:</b>	September 2019
<b>Date of next review:</b>	September 2022
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Statutory

## **1. Purpose of policy and guiding principles**

- 1.1. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. A 'whistleblower' is a person (worker or ex-worker) who raises a genuine concern in good faith relating to the above. The concerns could be either on the part of management, the Governing Body, or by fellow employees. Workers may include, for example, contractors and agency workers.
- 1.2. There is a balance to be struck between the right of the individual member of staff to speak freely on a range of matters and the right of the academy or colleagues to protect themselves against false and malicious accusations.
- 1.3. This whistleblowing procedure is about ways in which concerns about malpractice may properly be raised within the academy and if necessary outside the academy.
- 1.4. The purpose of the policy is to:
  - Encourage employees in the academy to feel confident in raising serious concerns and to question and act upon their concerns.
  - Provide avenues for employees to raise those concerns and receive feedback on any action taken.
  - Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
  - Reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.
- 1.5. This policy is intended to cover major concerns that fall outside the scope of other procedures. The types of concerns are outlined in [Appendix 1](#).

## **2. Key principles of this procedure**

- 2.1. Create an ethical, open culture:  
Write, publish and communicate a code of conduct and ethics.
- 2.2. Establish safe routes for communications of concerns:  
Appoint individuals or a group outside the normal line management to receive complaints of irregularities or other concerns.
- 2.3. Protect the 'whistleblower':  
Make it clear that the academy will support and not discriminate against concerned employees, provided any claim is made in good faith.
- 2.4. Establish a fair and impartial investigative procedure:  
Make sure that the academy responds to the concern by focusing on the problem, rather than denigrating the messenger.
- 2.5. Remind staff of the duty of confidentiality:  
The duty of fidelity is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that information is disclosed, or unless the academy fails to properly consider or deal with the issue.
- 2.6. Safeguard against abuse of the procedure:  
Ensure that the malicious raising of unfounded allegations is recognised as a disciplinary offence.
- 2.7. Uphold the right to disclose a concern:  
The individual member of staff has the right to disclose a concern/issue if the academy does not deal with the matter.
- 2.8. Involve Directors, Governors and staff in developing the procedure:  
To be effective there should be a sense of organisational ownership of a whistleblowing procedure.
- 2.9. Review:  
Ensure there is a review mechanism using the comments and experience of those who may have had reason to invoke the whistleblowing procedure.

### **3. Links with other policies or legislation**

- 3.1. Trinity Multi Academy Trust will treat all employees equally, in accordance with our Equality Policy.
- 3.2. The Public Interest Disclosure Act 1998 is designed to protect 'whistleblowers' from detriment and unfair dismissal. The people protected by the act include workers, employees, third party contractor staff, agency workers and work experience providers.
- 3.3. Students may also have information which should be raised in the public interest and there should be proper procedures in place for them to air their concerns; e.g. a students' complaint procedure.
- 3.4. This policy should also be read in conjunction with the Staff Code of Conduct.

### **4. Consultation**

- 4.1. This policy has been developed in consultation with recognised Trade Unions.
- 4.2. The policy was approved after consultation and agreement with the recognised Trade Unions.

### **5. Procedure**

- 5.1. All parties need to agree that the issue raised will be kept confidential while the procedure is being undertaken.

#### **5.2. Making an allegation**

- The Representor (the person raising the concern) should raise the concern with their line manager or the Principal. This may be done orally or in writing. Who and how the concern is raised will depend on the seriousness of the matter.
- Any concern raised in writing should set out the background and history of the concern, giving names, dates and places where possible. The employee should also outline why they are concerned about the situation.
- The Representor has the right to have the matter treated confidentially.
- If the concern involves the Principal, then the Chair of Governors should be the first point of contact.
- If the manager or Principal believes the concern to be genuine and that it is appropriate to use the whistleblowing procedure, the manager or Principal should take appropriate steps to investigate the matter raised. The Representor should be told what these steps are.
- If the Representor feels unable to raise their concern with their line manager or the Principal in the first instance, they may contact the Chair of Governors or a Trustee direct. If this occurs the Representor will be asked to justify why they feel unable to raise the concern with their line manager or the Principal.

#### **5.3. Responding to the allegation**

- The line manager or Principal (the Assessor) should interview the Representor within five working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury. At this interview the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the academy staff to take notes.
- The Assessor will obtain as much information as possible from the Representor about the grounds for the belief of malpractice.

#### **5.4. Timescale**

The Assessor will make every effort to investigate the matter thoroughly with the aim of notifying the Representor of the outcome within ten working days of the interview.

## **6. Outcomes**

- 6.1. The Assessor will recommend to the Principal (or Chair of Governors) one or more of the following:
  - The matter be investigated internally by the academy.
  - The matter be investigated by the external auditors appointed by the academy.
  - The matter be reported to the Department for Education or other government agency.
  - The matter be reported to the Police.
  - If the matter does not fall under the academy's whistleblowing procedure, the appropriate route for the member of staff to pursue the matter if it does not fall within this procedure.
  - That no further action will be taken by the academy.
- 6.2. The grounds on which no further action is taken include:
  - The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring, or is likely to occur.  
The Assessor is satisfied that the Representor is not acting in good faith.
  - The matter concerned is already the subject of proceedings under one of the academy's other procedures or policies.
  - The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other public authority.
- 6.3. The Assessor is responsible for reporting all matters raised under this procedure to the Governing Body's responsible officer. Should it be alleged that the Principal is involved in the alleged malpractice, the Assessor's recommendation will be made to the responsible officer of the Governing Body.
- 6.4. The recipient of the recommendation (Principal or responsible officer) will ensure that it is implemented, unless there is good reason for not doing so, in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.
- 6.5. The Representor's identity will be kept confidential unless the Representor otherwise consents, or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
  - Where the Assessor is under legal obligation to do so.
  - Where the information is already in the public domain.
  - On a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
  - Where it is essential that the Representor provides evidence at a disciplinary hearing or other proceedings.
- 6.6. All responses to the Representor will be made in writing and sent to the Representor's home address. If the Representor has not had a response within the above time limits or a mutually agreed time limit, they may appeal to the academy's external auditors, but will inform the Assessor before doing so.
- 6.7. The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.
- 6.8. The academy will ensure the Representor is protected from any form of victimisation or discrimination.

## **7. Malicious accusations**

- 7.1. Deliberately false or malicious accusations made by a Representor will be dealt with under the academy's disciplinary procedure.

## **8. External sources**

- 8.1. Whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representor is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues, or possible discrimination. The external sources which could be used are:
- Department of Education
  - Member of Parliament
  - National Audit Office
  - Health and Safety Executive
  - Police

## **9. Roles and responsibilities**

### **9.1. The role of the CEO/Principal**

- The role of CEO is to ensure that this policy is applied fairly and consistently across the trust.
- The CEO will ensure that this policy is available to Governing Bodies to review and adopt.
- The role of Principal is to ensure that this policy is applied fairly and consistently across their academy.
- The Principal will delegate roles appropriately to senior leaders, ensuring that training is provided as required.

### **9.2. The role of the Governing Body**

- The Governing Body will monitor, evaluate and review policies in line with statutory and best practice guidelines.
- Approve this policy and commit to ensure that this policy is applied consistently and fairly.
- Ensure that employees are aware of the whistleblowing procedure and standards, and should make them readily available.
- Apply the relevant stages of the procedure and comply with the statutory requirements.
- Ensure that full and accurate records are kept of all meetings and investigations, where necessary.

### **9.3. The role of the employee/other staff**

- The HR Manager is responsible for providing advice and guidance within this policy and employment (or other) case law. The HR Manager will also ensure that full and accurate records are kept of all investigations and formal meetings, and they can be made available, when necessary.
- All staff have a responsibility to meet the requirements of this policy, and to raise concerns if they suspect any wrongdoing or danger at work.

## **10. Monitoring and evaluation**

- 10.1. The Board of Directors will review this policy at least every three years and assess its implementation and effectiveness. This policy will be promoted and implemented throughout the academy.
- 10.2. Any reviews to this policy will be in consultation with staff, including representatives of unions and associations recognised by the academy.
- 10.3. This process will be treated with confidentiality. However, this may be difficult for the Governors to maintain if the matter leads to legal proceedings.

## **Appendix 1**

## **Examples of the types of malpractice that could be raised by an employee**

These examples are neither exhaustive nor exclusive.

- Conduct that is an offence or a breach of the law.
- Disclosures related to miscarriage of justice.
- Decision making for personal gain.
- Health and safety risks, including risks to the public as well as other employees.
- Damage to the environment of the academy, to property belonging to the academy, or to a member of the academy community.
- The unauthorised use of public funds or assets.
- Possible fraud and corruption, such as manipulation of accounting records and finances.
- Child protection issues, including sexual, emotional or physical abuse of students, or others.
- Other unethical conduct, including the circulation of inappropriate emails.
- Suppressing information about anything listed above.