



# Whistleblowing Policy

## **1. Introduction**

- 1.1 The purpose of this policy is to ensure that individual Academies within The Exceptional Education MAT have clarity in relation to whistleblowing.

## **2. Aims**

- 2.1 The aim of the policy is to ensure that all staff feel confident in raising serious concerns and to question and act upon concerns about practice, ensure that there are avenues for any concerns raised and that there is awareness of how to pursue them if not satisfied with the response. In addition, the aim is to reassure staff that they will be protected from possible reprisals or victimisation if they make a disclosure in good faith.
- 2.2 The aim is also to ensure that when concerns are raised, a response to concerns are received.
- 2.3 In so doing to protect the good reputation of The Exceptional Education Trust and its Academies to limit any complaint against the Trust or the individual Academies.

## **3. Responsibilities**

- 3.1 The Multi Academy Trust Board of Directors is responsible for ensuring that the Local Governing Bodies of the Academies within the MAT have a Whistleblowing Policy in place and that there is fairness and consistency across the MAT Academies.
- 3.2 The Local Governing Body (LGB) of the Academy is responsible for adopting a clear Whistleblowing policy; this may be delegated to a sub-committee of the full LGB and is named on the cover page for this policy. In addition, it is the responsibility of the LGB to act consistently and fairly when issues of whistleblowing arise. If there is a named Local Governor who is responsible for this policy, he or she is named on the cover page for this policy.
- 3.3 The Principal is responsible for ensuring that working arrangements allow for the full implementation of this policy, that all employees are aware of the policy and related procedures and comply with legal requirements.
- 3.4 All Staff are responsible for ensuring their familiarity with and understanding of the Whistleblowing policy and comply with it when carrying out their duties. Where the policy or related procedures are not understood, it is the responsibility of staff to direct questions to the Principal.

## **4. Policy Statement**

- 4.1 This policy is intended for major concerns that fall outside the scope of other procedures. These include but are not limited to:
  - conduct which is an offence or a breach of law
  - disclosures related to miscarriages of justice
  - the unauthorised use of public funds
  - possible fraud and corruption
  - other unethical conduct
- 4.2 *The whistleblowing policy does not replace the following:*
  - *Child Protection Safeguarding reporting*
  - *Complaints Procedure*
  - *Disciplinary Policy*
  - *Grievance Procedure*
- 4.3 The whistleblower should only consider raising concerns through our Whistleblowing arrangements if:
  - There are genuine reasons why the above policies and procedures cannot be used;
  - There is reason to believe that these policies are failing or are not being properly applied
  - there is a public interest aspect

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- 4.4 A whistleblower is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation.
- 4.5 The whistleblowing policy is intended to cover any serious concerns that staff have about any aspect of service provision or the conduct of officers or members of the Academy or others acting on behalf of the Academy can be reported under the whistle-blowing policy. This may be about something that:
- makes a member of staff feel uncomfortable in terms of known standards, their experience or the standards they believe the Academy subscribes to; or
  - is against the Academy's Standing Orders, regulations and policies; or
  - falls below established standards of practice; or
  - amounts to improper conduct.
- 4.6 The whistleblowing policy is intended for issues such as:
- Conduct which is a criminal offence or breach of law
  - a breach of our Code of Conduct for staff
  - sexual, physical or verbal abuse of our clients, employees or public
  - dangerous procedures risking the health & safety of our clients, employees or public
  - unauthorised use of public funds
  - suspected fraud or corruption
  - damage to the environment (e.g. land, buildings, highways, water, air, waste, energy, transport, natural habitat etc.)
  - unethical or improper conduct
  - services that fall seriously below approved standards or practice
  - failure to follow the Academy's policies and procedures
  - Safeguarding issues
- 4.7 Employees are often the first to realise that there may be something seriously wrong within the Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. 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.
- 4.8 The Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Academy's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 4.9 This whistle-blowing policy is intended to encourage and enable employees to raise serious concerns within the Academy rather than overlooking a problem or 'blowing the whistle' outside.
- 4.10 The policy applies to all employees and those contractors working for the Academy on Academy premises, for example, agency staff, consultants, etc. It also covers suppliers and those providing services under a contract with the Academy in their own premises, for example, care homes.
- 4.11 These procedures are in addition to the Academy's complaints procedures and other statutory reporting procedures applying to directorates. Staff are responsible for making service users aware of the existence of these procedures

## 5. Safeguards

- 5.1 The Academy recognises that staff may be worried about reporting for a number of reasons:
- fear of reprisal or victimisation (e.g. loss of job)

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- too much to lose (reputation, damage to career etc)
  - feelings of disloyalty
  - worries about who may be involved
  - the whistleblower may have no proof, only suspicions
  - fear of repercussions if there is no evidence or you are proved wrong
- 5.2 The Academy is committed to good practice and high standards and wants to be supportive of employees. It recognises that the decision to report a concern can be a difficult one to make. If what the whistleblower is saying is true, they have nothing to fear because they will be doing their duty to their employer and those for whom you are providing a service.
- 5.3 The Academy will not tolerate any harassment or victimisation (including informal pressures) from their colleagues, peers, managers or from external sources, and will take appropriate action to protect whistleblowers when they raise a concern in good faith.
- 5.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the whistleblower.
- 5.5 UK law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in the public interest. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable.

## **6. Confidentiality**

- 6.1 All concerns will be treated in confidence and the Academy will keep the identity of the whistleblower confidential if they so wish. At the appropriate time, however, the whistleblower may need to come forward as a witness.

## **7. Anonymous Allegations**

- 7.1 This policy encourages staff you to put their name to the allegation whenever possible.
- 7.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Academy.
- 7.3 In exercising this 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

## **8. Untrue Allegations**

- 8.1 If a person makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## **9. How to Raise a Concern**

- 9.1 As a first step, the whistleblower should normally raise concerns with their immediate manager or their superior or one of the Senior Leaders. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management or leadership is involved the following should be approached:
- Principal in person or send a confidential letter detailing concerns;
  - Chair of Governors via a confidential letter addressed to the Academy. The letter will be forwarded for investigation;

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- The CEO of the Exceptional Education Trust
  - The Chair of the Board of Directors
- 9.2 Concerns may be raised verbally or in writing. Whistleblowers who wish to make a written report are invited to include the following information:
- the background and history of the concern (giving relevant dates);
  - the reason for the concern about the situation.
- 9.3 The earlier the concern is expressed the easier it is to take action.
- 9.4 Although the whistleblower is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.
- 9.5 A whistleblower may wish to consider discussing their concern with a colleague first and it may be easier to raise the matter if there are two (or more) whistleblowers who have had the same experience or concerns.
- 9.6 A whistleblower may invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

### **10. How the Academy will Respond**

- 10.1 The Academy will respond to the concerns of the whistleblower, who should understand that testing out their concerns is not the same as either accepting or rejecting them.
- 10.2 Where appropriate, the matters raised may:
- be investigated by management, officers from the Academy's Audit, Fraud and Risk Division, or through the disciplinary process
  - be referred to the police or other appropriate agency such as Her Majesty's Revenue and Customs (HMRC) or the United Kingdom Borders Agency (UKBA)
  - be referred to the Academy's external auditor, the Audit Commission
  - form the subject of an independent inquiry.
- 10.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Academy will have in mind is the public interest. 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.
- 10.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 10.5 Within ten working days of a concern being raised, the responsible person will write to the whistleblower:
- acknowledging that the concern has been received
  - indicating how the Academy proposes to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - indicating whether any initial enquiries have been made
  - supplying the whistleblower with information on staff support mechanisms, and
  - explaining whether further investigations will take place and if not, why not.
- 10.6 The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Academy will seek further information from the whistleblower.
- 10.7 Where any meeting is arranged, off-site if the whistleblower wishes, they can be accompanied by a union or professional association representative or a friend.

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10.8 The Academy will take steps to minimise any difficulties the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Academy will arrange for them to receive advice about the procedure.

10.9 The Academy accepts that the whistleblower needs assurance that the matter has been properly addressed. Thus, subject to legal constraints, the Academy will inform them of the outcome of any investigation.

### **11. The Responsible Officer**

*11.1 The CEO of the EET has overall responsibility for the Whistleblowing Policy. The day to day maintenance and operation of the policy will be undertaken by the Chief Operating Officer (COO). That officer maintains a record of concerns raised and the outcome (but in a form which does not endanger the confidentiality of the whistleblower) and will report as necessary to the Directors of the Trust.*

### **12. How the Matter can be Taken Further**

12.1 This policy is intended to provide the whistleblower with an avenue within the Academy to raise concerns. The Academy hopes any whistleblower will be satisfied with any action taken. **if** they are not, and **if** they feel it is right to take the matter outside the Academy, the following are possible contact points:

- Public Concern at Work (tel: 020 7404 6609), a registered charity whose services are free and strictly confidential
- the external auditor
- their trade union
- the local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- The Childrens' Commissioner for England

12.2 The matter also may be referred to the local ombudsman 0 they generally do not take action until the matter has be dealt with internally first. They can be contact on

The Local Government Ombudsman

12.3 If the whistleblower does take the matter outside the Academy, they should ensure that they do not disclose confidential information.

*12.4 Whistleblowers should bear in mind that employees are not to report any Academy related issues to the media – to do so may be considered a breach of the Academy's Disciplinary and Code of Conduct.*