

Whistleblowing Policy

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Related policies and documents

- Finance Policy
- Anti Fraud and Corruption Policy
- Conflicts of Interest Policy
- Expenses Policy
- Gifts & Hospitality Policy
- Procurement and Tendering Policy
- IT and Internet Acceptable Use Policy
- Data Protection Policy
- Freedom of Information Policy
- Health and Safety Policy
- Disciplinary Policy
- Procedure for Dealing with Allegations Against a Staff Member
- Grievance Policy
- Bullying and Harassment Policy
- Equality and Diversity Policy
- Pay Policy
- Safeguarding Policy

Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the words 'Governance Body' is used it refers to the relevant Governance Body of an individual academy within the Trust.
- Where the words 'Senior Leader' are used they refer to the CEO/Executive Principal/Principal/Director or member of the senior leadership team leading the process
- Where appropriate individual academies will publish details of the procedures and practices to implement Trust policies.

The Elliot Foundation Academies Trust Values

1. Put children first

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

2. Be safe

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

3. Be kind & respect all

- a. People are allowed to be different as are you
- b. Kindness creates the positive environment we all need to flourish
- c. This kindness should extend to ourselves as well as to others

4. Be open

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. We exist to nurture innovators and support those who take informed risks in the interests of children

5. Forgive

- a. We all make mistakes
- b. Admit them, learn from them and move on

6. Make a difference

- a. Making the world a better place starts with you
- b. Model the behaviour that you would like to see from others

1. Policy statement and objectives

- 1.1. The Elliot Foundation Academies Trust (TEFAT) is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, the Trust will ensure a transparent, clear, robust approach to dealing with incidents of whistleblowing to enable relevant individuals to raise serious concerns which relate to suspected wrongdoing or dangers at work without fear of reprisals and with confidence that they will be dealt with swiftly and appropriately.
- 1.2. Training and guidance in relation to whistleblowing will be provided to all staff and Trustees to ensure that they know how to raise whistleblowing concerns and the procedure that will be used to deal with them.

2. Scope and principles

- 2.1. This policy sets out the Trust's approach and procedure for dealing with concerns raised by individuals which relate to suspected wrongdoing or dangers at work. Certain types of allegations will be dealt with in line with other relevant policies such as the Grievance Policy, Bullying and Harassment Policy or Disciplinary Policy, and statutory guidance, where applicable.
- 2.2. This policy applies to Trustees, Community Council members, employees, officers, consultants, contractors, volunteers, casual workers, agency workers and visitors.
- 2.3. Whilst the aim of this policy is to provide an internal mechanism for effectively dealing with concerns relating to wrongdoing or dangers, it is recognised that there may be exceptional circumstances in which it would be appropriate for an individual to refer the matter to a relevant outside agency. However, individuals are strongly advised to seek advice from either their Trade Union or a body such as Public Concern at Work prior to taking this action to ensure that this is appropriate and should be aware that to do so, may invalidate the protection afforded to them by The Public Interest Disclosure Act 1998.
- 2.4. This policy aims to:
 - a. provide avenues for individuals to raise concerns which fulfil the definition of whistleblowing (see paragraph 3.2) internally as a matter of course and receive feedback on any action taken;
 - b. provide for such matters to be dealt with quickly and appropriately and ensure that whistleblowing concerns are taken seriously and treated consistently and fairly;
 - c. reassure individuals that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern;
 - d. allow individuals to take the matter further if they are dissatisfied with the Trust's response.

- 2.5. Before initiating the procedure individuals should consider the following:
- a. the responsibility for expressing concerns about unacceptable practice or behaviour rests with all individuals;
 - b. employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
 - c. whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, individuals should act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- 2.6. This policy should not be used for complaints about an employee's personal circumstances, such as the way he/she has been treated at work. In these cases an employee should use the Trust's relevant procedures which may include those contained in the Grievance Policy, Bullying and Harassment Equality and Diversity Policy and/or Pay Policy.
- 2.7. As individuals working directly with the Trust are often the first to realise that there may be something wrong within the organisation, it is important that they feel able to express their concerns without fear of harassment or victimisation, otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect individuals who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.8. The Trust is committed to ensuring that any individual who raises concerns in the public interest, which constitute a protected disclosure under the Whistleblowing Policy, is afforded full protection from any form of detriment or victimisation as a result. Individuals who make such disclosures in good faith will be supported and their identity will be protected as far as possible in accordance with legal requirements and Trust values of safety and openness.
- 2.9. The Trust will keep a record of Public Interest Disclosures made, including those made anonymously.
- 2.10. This policy does not form part of any employee's contract of employment and it may be amended at any time following appropriate consultation with staff and recognised trade unions.

3. Whistleblowing definitions

- 3.1. A **whistleblower** is a person who raises a genuine concern relating to matters such as those outlined in paragraph 3.2. If individuals have any genuine concerns related to suspected wrongdoing or danger affecting any Trust or academy activities (a whistleblowing concern) he/she should report it under this policy.
- 3.2. **Whistleblowing** is the disclosure of information which the individual reasonably believes relates to suspected wrongdoing or dangers at work. The disclosure must be *made in the public interest* rather than for personal gain and may include matters which are:
- a. a criminal offence
 - b. the breach of a legal obligation
 - c. a miscarriage of justice
 - d. a danger to the health and safety of any individual
 - e. damaging to the environment
 - f. a deliberate attempt to conceal any of the above.

4. Safeguards

4.1. Support to Individuals

- 4.1.1. It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the individual(s) raising the concerns and any individual(s) subject to investigation, including the Trust's Employee Assistance Programme (EAP).
- 4.1.2. Individuals raising concerns are also encouraged to seek the advice and support of their trade union if applicable.

4.2. Harassment or Victimisation

- 4.2.1. 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 alleged concern/malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect individuals and their employment rights when they have raised a qualifying disclosure in good faith and in accordance with this procedure.
- 4.2.2. If an individual is already the subject of internal procedures such as disciplinary or redundancy, those procedures will not be halted as a result of that individual raising a concern under the Whistleblowing Policy, save for exceptional circumstances.

4.3. Confidentiality

- 4.3.1. This policy is intended to enable individuals to feel able to voice whistleblowing concerns openly under this policy. The Trust/academy will make every effort to protect a whistleblower's identity and will never disclose the individual's identity without first discussing the situation with them.
- 4.3.2. Managers dealing with whistleblowing complaints will be trained and supported on how to deal with a disclosure, in particular, the level of confidentiality and objectivity required.

4.4. Anonymous Allegations

- 4.4.1. Individuals are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if the Trust/academy cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trust/academy. In exercising such discretion, the factors to be taken into account will include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.
- 4.4.2. Anonymous whistleblowers will not ordinarily be able to receive feedback as outlined in paragraph 7.11. However, they may include an anonymised email address or telephone number with their original disclosure and request feedback via that route.
- 4.4.3. Employees can make a disclosure via their trade union rather than personally, in order to further maintain confidentiality. In this circumstance, the employee and their representative will be afforded relevant statutory protection, provided they have raised a qualifying disclosure in good faith and in accordance with this procedure.

4.5. Untrue Allegations

- 4.5.1. If an individual makes an allegation where he/she has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that individual. If, however, the Trust concludes that an individual has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that individual if they are an employee or steps taken to sever the working relationship between the Trust/academy and the individual if they are a Trustee, Community Council member, officer, consultant, contractor, volunteer, casual worker or agency worker.

4.6. Unfounded Allegations

- 4.6.1. Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the individual who raised the concern, who will be informed that the Trust/academy deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

5. How to raise a concern

- 5.1. The means of making a disclosure will depend to some extent on the nature and seriousness of the concern, the sensitivity of the issues and the individual(s) thought to be involved in the malpractice reported.

- 5.2. As a first step, an individual should normally raise concerns with their immediate manager or their manager's superior (or main Trust/academy contact if the individual is not an employee). This enables the issue to be addressed at a local level. However, this depends on the seriousness and sensitivity of the issues and who is involved and therefore, if the individual believes they cannot raise the concerns with their line manager or their manager's superior, s/he should contact one of the following:

- a. a senior leader
- b. the Principal or Executive Principal (if applicable)
- c. the Regional Director
- d. a member of the central HR Team
- e. the HR Director
- f. the Chief Executive Officer (CEO)
- g. the Chair of the Board of Trustees
- h. a Member of The Elliot Foundation Academies Trust

5.3. Concerns in relation to the CEO/Chair of the Board of Trustees

An individual can by-pass the direct management line and the governance structure of the Trust if s/he feels the overall management and governance of the Trust is engaged in an improper course of action. This would include concerns relating to the practice of the CEO and/or Chair of the Board of Trustees. In this case please refer to section 7 below.

- 5.4. Concerns are better raised in writing and as promptly as possible. The individual should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an individual does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person they wish to raise the concerns with. It is important that, however the concerns are raised, the individual makes it clear that s/he is raising the issue via the Whistleblowing Policy and the individual receiving the information treats it seriously and responds properly and fairly.

- 5.5. Although an individual is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concerns.
- 5.6. In some instances it may be appropriate for an employee to ask their trade union representative to raise a matter on their behalf.
- 5.7. At each meeting under this policy the individual may bring a workplace colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

6. The role of senior leaders

- 6.1. Those responsible for dealing with concerns raised via this policy will seek appropriate HR advice from the Trust's central HR Team as appropriate. They will treat them seriously and attempt to resolve them as quickly as possible.
- 6.2. A senior leader who is informed by an individual about concerns which fall under the remit of this policy should arrange to meet with the individual to discuss the concerns as soon as possible.

7. Whistleblowing Procedure

- 7.1. **Stage One:**
At the initial meeting the senior leader should establish whether:
 - a. there is genuine cause and sufficient grounds for the concerns; and
 - b. this policy is the appropriate mechanism for the concerns to be dealt with.
- 7.2. They should ask the individual to put their concerns in writing, if they have not already done so. If the individual is unable to do this, the senior leader will take down a written summary of the concerns and provide the individual with a copy after the meeting.
- 7.3. The written record of the concerns should make it clear that the individual is raising the issue via the Whistleblowing Policy and provide:
 - a. the background and history of the concerns; and
 - b. relevant names, dates and places (where possible); and
 - c. the reasons why the individual is particularly concerned about the situation.
- 7.4. The individual should be asked to date and sign their written record of the concerns and/or the notes of any discussion. The senior leader should positively encourage the individual to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

- 7.5. The senior leader should follow the policy as set out above and in particular explain to the individual:
- a. who he/she will need to speak to in order to determine the next steps (e.g. Executive Principal/Principal/CEO);
 - b. what steps s/he intends to take to address the concern;
 - c. how s/he will communicate with the individual during and at the end of the process. It should be noted that the need for confidentiality may prevent the academy giving the individual specific details of any necessary investigation or any necessary disciplinary action taken as a result;
 - d. that the individual will receive a written response as soon as is reasonably practicable;
 - e. that their identity will be protected as far as possible, but should the investigation into the concern require the individual to be named as the source of the information, that this will be discussed with the individual before their name is disclosed;
 - f. that the Trust will put systems in place to ensure that the individual is protected from discrimination, victimisation and harassment;
 - g. that the matter will be taken seriously and investigated immediately if appropriate;
 - h. that if the individual's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
 - i. if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
 - j. the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded unless new evidence becomes available.
- 7.6. **Stage Two:**
- Following the initial meeting with the individual, the senior leader should consult with the Executive Principal, Principal, Chief Executive Officer, Chair of Board of Trustees or Member to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions. Records will be treated as confidential and will be kept no longer than necessary in accordance with data protection legislation.
- 7.7. It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior leaders should take the following factors into account:
- a. the seriousness of the issue(s) raised;
 - b. the credibility of the concern(s); and
 - c. the likelihood of confirming the allegation(s) from attributable sources.

- 7.8. In some cases, it may be possible to resolve the concerns simply, by agreed action or an explanation regarding the concerns, without the need for further investigation. However, depending on the nature of the concerns, it may be necessary for them to:
- a. be investigated internally;
 - b. be referred to the police;
 - c. be referred to an external auditor;
 - d. form the subject of an independent inquiry.
- 7.9. If an internal investigation is required, it will be conducted by a suitably trained person with no prior involvement in the case and they will be provided with appropriate support from the central HR Team.
- 7.10. Senior leaders should have a working knowledge and understanding of other Trust policies and procedures such as the Grievance Policy, Disciplinary Policy and safeguarding related policies and procedures. They should ensure that concerns raised by individuals are addressed via the appropriate procedure/process and should seek advice in relation to this from the Trust's HR Team as appropriate.
- 7.11. **Stage Three**
- 7.11.1. Within ten working days of a concern being received, the senior leader receiving the concern must write to the individual, with exception of anonymous whistleblowers:
- a. acknowledging that the concern has been received;
 - b. indicating how they propose to deal with the matter;
 - c. giving an estimate of how long it will take to provide a substantive response;
 - d. confirming whether any initial enquiries have been made and whether further investigations will take place, and if not why not; and/or
 - e. letting the individual know when s/he will receive further details if the situation is not yet resolved.

8. Raising concerns outside the Trust

- 8.1. The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the individual should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the individual to report his/her concerns to an external body such as a regulator. Individuals are strongly encouraged to seek advice either from their line manager, the Trust's central HR Team or their trade union before reporting a concern to anyone external to the Trust.

- 8.2. If an individual is not satisfied with the Trust's response to concerns raised legitimately under this policy, the senior leader should ensure that s/he is made aware with whom s/he may raise the matter externally. Details of prescribed persons and bodies are provided at Appendix 1.
- 8.3. The senior leader should stress to the individual that if s/he chooses to take a concern outside the Trust, it is the individual's responsibility to ensure that confidential information is not disclosed to a third party.

Appendix 1: Trade Union and Whistleblowing Prescribed External Bodies

In most cases whistleblowing concerns should be dealt with via the internal procedure available. However, the law recognises that in some circumstances it may be appropriate for the individual to report his/her concerns to an external body such as a regulator.

Individuals are strongly encouraged to seek advice, such as from their trade union representative, before reporting a concern externally outside of the Trust.

The details below identify recognised trade union contacts and prescribed external persons and bodies to whom a whistleblowing disclosure can be made.

External Body	Contact Details	Nature of Whistleblowing Concern
Recognised Trade Unions	UNISON https://www.unison.org.uk/ GMB https://www.gmb.org.uk/ UNITE https://www.unitetheunion.org/ NEU https://neu.org.uk/ NASUWT https://www.nasuwt.org.uk/ ASCL https://www.ascl.org.uk/ NAHT https://www.naht.org.uk/	Trade Unions will be able to offer their members advice and support in relation to whistleblowing concerns.
Local Authority Designated Officer (LADO)	LADO Directory - https://national-lado-network.co.uk/lado-contact-details/	Contact them about matters relating to the welfare of children
Acas	https://www.acas.org.uk/ Telephone: 0300 123 1100 Textphone: 18001 030 0123 1100	Contact them for employment law or workplace advice

Ofsted	The Chief Inspector Ofsted T: 0300 123 3155 E: whistleblowing@ofsted.gov.uk	Contact them about education specific matters and those relating to the welfare of children
The Standards and Testing Agency	Standards and Testing Agency E: assessments@education.gov.uk T: 0300 303 3013	Contact them about assessments for children in education between reception and the end of key stage 2
Secretary of State for Education	Ministerial and Public Communications Division Department for Education T: 0370 000 2288 www.gov.uk/contact-dfe	Contact them about matters relating to our academies or the Trust
The Environment Agency	National Customer Contact Centre T: 03708 506 506 www.gov.uk/environment-agency	Contact them about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment.
Equality and Human Rights Commission	Equality and Human Rights Commission Correspondence Unit (Whistleblowing) T: 0161 829 8100 E: whistleblowing@equalityhumanrights.com www.equalityhumanrights.com/whistleblowing	Contact them about compliance with the requirements of legislation relating to equality and human rights.
The Food Standards Agency (FSA)	Food Standards Agency T: 020 7276 8829 E: helpline@food.gov.uk www.food.gov.uk	Contact them about matters which may present a risk to the health of any member of the public in connection with the production, supply or consumption of food
The Health and Safety Executive	The HSE T: 0300 003 1647 www.hse.gov.uk/contact/concerns.htm	Contact them about the health and safety of individuals at work, or the health and safety of the public arising out of or in

		connection with the activities of persons at work
The Pensions Regulator	The Information Team Tel: 0345 600 7060 Email: wb@tpr.gov.uk www.thepensionsregulator.gov.uk	Contact them about matters relating to the protection of members' benefits under work-based pension schemes and the administration and governance of such schemes, including automatic enrolment
Commissioners for Her Majesty's Revenue and Customs (HMRC)	HMRC Fraud Hotline T: 0800 788 887 www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion	Contact them about the administration of UK taxes and national insurance
The Information Commissioner	The Information Commissioner's Office Tel: 0303 123 1113 Email: casework@ico.org.uk www.ico.org.uk	Contact them about compliance with the requirement of legislation relating to data protection and freedom of information