



## Human Resources

# Whistleblowing Policy

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## 1. Introduction

- 1.1 The Board of Trustees is committed to the highest possible standards of honesty and integrity, and expect all staff to maintain these standards in accordance with the Trust's Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harboring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.2 This policy complies with the Public Interest Disclosure Act 1998 (PIDA) and provides a mechanism by which employees and others can raise concerns in the public interest.
- 1.3 This policy has been implemented following consultation with the recognised trade unions. It has formally been adopted by the Board.
- 1.4 This policy does not form part of any employee's contract of employment, and it may be amended at any time in accordance with the provisions in 10.1.

## 2. Scope and purpose

- 2.1 The aims of this policy are:

- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- (b) To provide staff with guidance on how to raise concerns.
- (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

- 2.2 This policy applies to all individuals working for and on behalf of the Trust at all levels and grades, including employees, Governors, consultants, contractors, casual / agency staff and volunteers (collectively referred to as staff in this policy).

## 3. What is whistleblowing?

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is a disclosure of information which, in the reasonable belief of the worker is made in the public interest and tends to show one or more of the following:
  - (a) criminal activity;
  - (b) miscarriages of justice;
  - (c) danger to health and safety;
  - (d) damage to the environment;
  - (e) failure to comply with any legal or professional obligation or regulatory requirements;

- (f) bribery;
- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) breach of the Trust's internal policies and procedures including the Code of Conduct;
- (j) conduct likely to damage the Trust's reputation or financial wellbeing;
- (k) unauthorised disclosure of confidential information;
- (l) unethical behaviour; and
- (m) the deliberate concealment of any of the above matters.

3.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

3.3 Concerns about personal employment matters that do not have wider public interest implications should be raised through the Grievance Procedure, the Anti-bullying and Harassment Policy or the Sexual Harassment Policy

3.4 If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the Academy's / Trust's leadership team.

3.5 If your concern is in relation to safeguarding and the welfare of pupils at the Academy, you should consider whether the matter is better raised under the Academy's child protection policy and in accordance with the arrangements for reporting such concerns, i.e., via the designated safeguarding lead, although the principles set out in this policy may still apply.

## 4. Raising a whistleblowing concern

4.1 The Trust hopes that you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

4.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with:

- (a) The Principal
- (b) Sean Kelly, CEO. This is the member of the Central Executive Team who is responsible for managing whistleblowing complaints.
- (c) The Chair of Trustees

4.3 Contact details are set out at the end of this policy.

- 4.4 Whether raising concerns in writing or verbally, you should detail the background / history to your concerns, the reason for your concerns and the fact that you are raising your concerns as a whistleblowing matter.
- 4.5 Concerns raised will be acknowledged within 5 working days and an initial assessment will be completed within 10 working days.
- 4.6 A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or trade union representative to any meetings under this policy. They must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.7 A written summary of your concern will be taken, and you will be provided with a copy after the meeting. You will be provided with an indication of how we propose to deal with the matter.

## 5. Confidentiality and data protection

- 5.1 The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, every effort will be made to preserve your identity. If it is necessary for anyone investigating your concern to know your identity, this will be discussed with you.
- 5.2 The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are given at the end of this policy.
- 5.3 Where the Trust receives anonymous complaints, a decision will be made whether to investigate based on:
  - (a) the seriousness of the issue raised
  - (b) the credibility of the concern; and
  - (c) the likelihood of confirming the allegation from other sources
- 5.4 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. The Trust will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records relating to whistleblowing disclosures will be retained securely for no longer than necessary and in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

## 6. External disclosures

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. In the education sector, prescribed regulators may include Ofsted and the Department for Education (DFE).
- 6.3 The Trust strongly encourages you to seek legal advice before reporting a concern to anyone external. Protect (the independent whistleblowing charity) holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy<sup>1</sup>.
- 6.4 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will protect you if you raise a concern with the third party directly where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the Trust encourages you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

## 7. Investigation and outcome

- 7.1 Once you have raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. You will be informed of the outcome of this assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases, the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to the Principal / Manager and / or the CEO for actioning.
- 7.3 The Trust will aim to keep you informed of the progress of the investigation, its likely timescale and outcome. Investigations will normally be completed within 20 working days. Sometimes the need for confidentiality may prevent the Trust from giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If the Trust concludes that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.
- 7.5 An anonymised summary of outcomes will be reported to the Board, where considered appropriate.

## 8. If you are not satisfied

- 8.1 While the Trust cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

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<sup>1</sup> <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. If you remain dissatisfied after internal escalation, you may refer the matter to the Trust's external auditors or a prescribed body under PIDA. Contact details are set out at the end of this policy.

## 9. Protection and support for whistleblowers

9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

9.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detimental treatment includes dismissal, disciplinary action, threats or other unfavorable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

9.3 Staff must not threaten or retaliate against whistleblowers in any way. The Trust operates a zero-tolerance approach to any form of retaliation. Any individual who victimises a whistleblower will be subject to disciplinary action.

9.4 Confidential support and counselling are available through the Trust's employee assistance programme, Health Assured, who are able to provide free confidential guidance and support to you 24 / 7. Their contact details are set out at the end of this policy.

## 10. Review of policy

10.1 This policy is reviewed annually by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## 11. Contacts

Whistleblowing Officer	Sean Kelly, CEO 0115 855 0100 <a href="mailto:sean.kelly@raleightrust.org">sean.kelly@raleightrust.org</a>
Principal	Andrew Morgan, Principal, Woodlands Academy 0115 915 5734 <a href="mailto:andrew.morgan@woodlands.raleightrust.org">andrew.morgan@woodlands.raleightrust.org</a> Lee Morgan, Principal, Westbury Academy 0115 915 5858 <a href="mailto:l.morgan@westbury.raleightrust.org">l.morgan@westbury.raleightrust.org</a> Mark Clifford, Head of School, Denewood Academy 0115 915 1271 <a href="mailto:m.clifford@denewood.raleightrust.org">m.clifford@denewood.raleightrust.org</a> Elizabeth Browne, Executive Principal, Unity Academy 0115 915 1271 <a href="mailto:Elizabeth.Browne@unity.raleightrust.org">Elizabeth.Browne@unity.raleightrust.org</a>

	<p>Amy Johnson, Principal, Ambleside Primary Academy 0115 900 3610 <a href="mailto:a.johnson@ambleside.raleightrust.org">a.johnson@ambleside.raleightrust.org</a></p> <p>Michael FitzGerald, Principal, Lady Jane Grey Academy 01162320031 <a href="mailto:M.FitzGerald@Ladyjanegrey.Raleightrust.org">M.FitzGerald@Ladyjanegrey.Raleightrust.org</a></p>
Chair of Trustees	<p>Eileen Hartley 0115 855 0100 <a href="mailto:claire.beardsall@raleightrust.org">claire.beardsall@raleightrust.org</a></p>
Trust's external auditors	<p>PKF Smith Cooper Audit Limited Chartered Accountants and Statutory Auditors 2 Lace Market Square Nottingham, NG1 1PB 0115 945 4300</p>
Confidential counselling advice / support	<p>Health Assured 0844 892 2493 <a href="https://www.healthassured.org/your-eap/">https://www.healthassured.org/your-eap/</a></p>
Protect (Independent whistleblowing charity)	<p>Helpline: (020) 3117 2520 E-mail: <a href="https://protect-advice.org.uk/contact-protect-advice-line/">https://protect-advice.org.uk/contact-protect-advice-line/</a> Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a></p>
The NSPCC whistleblowing helpline	<p>Helpline: 0800 028 0285 E-mail: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a></p>
List of regulators	<p><a href="https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/blowing-the-whistle-list-of-prescribed-people-and-bodies">https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/blowing-the-whistle-list-of-prescribed-people-and-bodies</a></p>
Trade Unions	<p>If you are a member of a Trade Union, you may choose to contact them for advice and support</p>