



**Education
Partnership
Trust**

Creating outstanding schools
which transform learning, lives
and communities

WHISTLEBLOWING POLICY

DOCUMENT CONTROL

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Contents

1.0	INTRODUCTION.....	4
2.0	AIMS AND SCOPE OF THIS POLICY	4
3.0	HOW TO RAISE A CONCERN.....	5
4.0	INTERNAL PROCEDURE	6
5.0	SAFEGUARDS	7
6.0	NEXT STEPS	7
7.0	MONITORING, EVALUATION AND REVIEW.....	7

1.0 INTRODUCTION

- 1.1 The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and employees so that irregularities can be identified and addressed quickly, and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the Trust and its academies.
- 1.2 This Policy also applies to the Trust's Board Members, Governors, Senior Leaders and all school-based staff.
- 1.3 Employees are often the first to realise that something seriously wrong may be happening within the Trust or in schools. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to their employer or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice. It is an obligation on all employees of the Trust to report concerns of this nature.
- 1.4 Education Partnership Trust is committed to the highest possible standards of openness, probity and accountability and to treat all disclosures fairly and consistently. In line with that commitment and high expectations, it encourages employees and others with serious concerns about any aspect of the work of the Trust or one of its schools to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Trust or a school, rather than overlooking a problem or publicly disclosing the matter.
- 1.5 Education Partnership Trust recognise that employees are valuable ears and eyes and having an effective whistleblowing policy is about getting the right culture. It also allows for better control, as there is more effective information to make decisions, and control risk with the view of resolving matters quickly.
- 1.6 This policy has been produced following consultation and negotiation with the recognised Trade Unions.

2.0 AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- Provide avenues for you to raise concerns and receive feedback on any action taken;
 - Allow you to take the matter further if you are dissatisfied with the response of the Trust / School;
- 2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust/School. Nor is it an alternative to well-established disciplinary, dignity at work or grievance procedures, which should be used to address concerns regarding individual employment matters. It may however overlap with other policies for dealing with complaints.

- 2.3 Concerns raised under this Whistleblowing Policy should be about something that is, in the reasonable belief of the employee, made in the public interest, and may be;
- Unlawful or a criminal offence;
 - A breach of a legal obligation;
 - A miscarriage of justice;
 - Mistreatment or abuse of a pupil or a member of the public for whom the Trust/ school has a responsibility;
 - In disregard of legislation governing health and safety at work;
 - Seeking undue favour over a contractual matter or a job application;
 - Against the Trust/school or Financial Regulations;
 - Amounts to improper conduct or unauthorised use of public funds;
 - Has led to or could lead to damage to the environment;
 - Exam Malpractice
 - Safeguarding concerns.
 - A deliberate cover up of information tending to show any of the above.
- (The list above is for guidance only and is not intended to be comprehensive and in line with the Public Interest Disclosures Act 1998)*
- 2.4 Members of staff are entitled to refuse to carry out instructions if they would result in any of the above, and disciplinary action will not result in these circumstances.
- 2.5 Managers must be aware that requesting an employee to undertake any of the above may be subjected to disciplinary action.
- 2.6 If an employee, wishes to disclosure, this must be done as soon as the employee is aware of the situation arising, or may be subject to disciplinary action as a consequence of a failing to report a serious issue in a timely manner.

3.0 HOW TO RAISE A CONCERN

- 3.1 Staff should in the first instance raise a concern with their line manager, or another manager within their academy. However, if for some reason this first step is inappropriate then the concern should be raised at a more senior level with the Headteacher/Principal, Chair of Governors or Chief Executive of the Trust. In some circumstances, the concerns can be raised directly with the Trust's Board, or the Education Funding Agency (EFA), Children's commissioner, Ofsted, NSPCC, OFCOWL, Health and Safety Executive or Local Authority.
- 3.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record.
- 3.3 The earlier you express the concern, the easier it is to take action.

3.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

3.5 You may of course wish to seek advice from your trade union representative on how best to raise your concern.

4.0 INTERNAL PROCEDURE

4.1 The action taken by the school will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally by the academy (employing specific procedures where these are applicable – for example in child protection or discrimination issues), by an independent investigating officer appointed by the Trust, or referred to another agency.

4.2 If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

4.3 In any event within ten working days of a concern being received, the following steps will be taken:

- 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
- Informing you whether any initial enquiries have been made
- Informing you whether further investigations will take place, and if not, why not
- Informing you the name of the person or agency who has been appointed by the Trust to investigate the matter
- Identifying an independent person to support you during any investigation e.g. your trade union official.

4.4 This named person will make contact with you immediately, explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation and the investigating officer informed of any further issues you think are necessary. You should raise with this support officer any concerns you have about the conduct of the investigation. This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings, which may eventually result from your concern and at which you are asked to give evidence.

4.5 If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed.

4.6 The amount of contact between the investigating officer and you 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 you.

4.7 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a recognised trade union representative or a work colleague.

4.8 The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

5.0 SAFEGUARDING

Harassment or Victimisation

- 5.1 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 malpractice. The Trust will take action to protect you when you raise a concern. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence, which will be dealt with under the proper procedures.
- 5.2 All parties should note that Whistle blowers are protected, by law, from suffering a detriment, bullying or harassment from another employee.
- 5.3 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

Confidentiality

- 5.4 All concerns will be treated in confidence and the school will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

Anonymous allegations

- 5.5 This policy encourages you to put your name to your allegation.
- 5.6 You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. We cannot guarantee anonymity throughout this process, although we will take reasonable steps to preserve this where necessary.

Malicious/Vexatious allegations

- 5.7 If you make an allegation, which is not confirmed by the investigation, no action will be taken against you unless it is considered that you have made malicious or vexatious allegations. In these circumstances, disciplinary action may be taken against you.

6.0 NEXT STEPS

- 6.1 This policy is intended to provide you with a way to raise concerns within the Trust and / or school. The Trust hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with your trade union official, who in return will liaise with the Trust on your behalf.

7.0 MONITORING, EVALUATION AND REVIEW

- 7.1 The Trust Directors have overall responsibility for the maintenance and operation of this policy. Within their duty to ensure that the Trust acts lawfully, they will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

- 7.2 The Trust Board will review this policy in conjunction with the recognised trade unions at least every two years and assess its implementation and effectiveness.