

drb Ignite Multi Academy Trust

Whistleblowing Policy

Rationale

The Trust's *Whistleblowing Policy* is to help staff/individuals associated with the drb Ignite Multi Academy Trust to raise concerns about possible malpractice(s) at an early stage and in the right way. The Trust would rather staff/individuals raise any matter when it is just a concern rather than wait for concrete proof.

If something troubles a member of staff /individual which they think the Trust should know about or look into, they are advised to use this Policy. The Whistleblowing Policy is not for use in relation to personal grievances. The Trust's *Grievance Procedure* is designed for that purpose. This *Whistleblowing Policy* is primarily for concerns where the interests of others, or of the organisation, itself are at risk.

The Trust uses the following definition of whistleblowing in this Policy:

the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees.

(PROTECT Guidelines 2021)

For note:

The Policy is supported by a Trust summary Whistleblowing Statement which is also available on the Trust and school websites.

For note:

Situations covered by the *Whistleblowing Policy* are likely to include circumstances where staff/individuals believe that one or more of the following may have happened or be at risk of happening:

- A criminal offence e.g. fraud, corruption or theft has been/is likely to be committed.
- A miscarriage of justice has been/is likely to occur.
- The health or safety of any individual has been/is likely to be endangered.
- The environment has been/is likely to be damaged.
- Public funds are being used in an unauthorised manner.
- The Trust's governance arrangements have not or are not being observed or are being breached by pupils, staff employed in or those working with the Trust.
- Sexual or physical abuse of any staff member or pupil is taking place (subject to the Trust's *Child Protection and Safeguarding Policy and Procedures* in the case of pupils).
- Discrimination is occurring against any member of staff or pupil on grounds of sex, race or disability.

- There is evidence of activities not in line with a democratic, multi-cultural, multi-faith inclusive Britain.
- Any other form of improper action or conduct is considered to be taking place.
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

Policy aims

The Policy aims to:

- encourage staff/individuals in or working with the Trust, to feel confident in raising serious concerns and to question and act upon their concerns
- provide ways for staff/individuals in or working with the Trust to raise those concerns and get feedback on any action taken as a result
- ensure that staff/individuals in or working with the Trust are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action
- reassure staff/individuals in or working with the Trust that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate and policies procedures are available. For example:

- Staff Grievances – (see Grievance Policy and Procedure)
- Harassment – (see Anti-Harassment Policy and Procedure)
- Complaints of misconduct against Trustees
- Safeguarding /Child protection (see Child Protection and Safeguarding Policy and Procedures)

Policy scope

All Trust staff whether permanent, temporary or seconded from another organisation should use this Policy. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this Policy. Other individuals such as contractors, supply, agency staff and trainee students should also use the Policy.

Assurance of being taken seriously and protected

Staff/individuals raising a genuine concern through this Policy, will not be at risk of losing their employment or suffering any form of retribution as a result. Provided a staff member/individual is acting in good faith, it does not matter if they are mistaken. This

assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Trust Board will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that staff /individuals may, nonetheless, want to raise a concern in confidence under this Policy.

Requests for confidentiality will be granted, and identity will not be disclosed without consent. If the situation arises where resolution of the concern is not possible without revealing identity, for example, because evidence is needed in court, discussions with the staff member/individual raising the matter will be held collaboratively to decide on how to proceed.

Furthermore, in line with GDPR requirements, all personal information will be processed to meet with the GDPR Article 5(39) (Principles relating to processing of personal data), and follow the EDPS Guidelines on processing personal information within a whistleblowing procedure 2016 and *DfE Guidance on Whistleblowing Procedures for Schools (2014)*.

Legal context and background

The *Public Interest Disclosure Act 1998* (PIDA) referred to as the *Whistleblower's Act*, protects staff against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act covers protected disclosures under six categories namely:

- Crime
- Illegality
- Miscarriage of justice
- Damage to health and safety
- Damage to the environment
- *Cover-ups* about these issues.

To obtain protection, staff must first disclose the information to their employer.

Therefore, this Policy has been adopted to provide an avenue within the Trust to raise concerns safely. If a member of staff chooses to take a matter outside the Trust, they should ensure that no disclosure of confidential information takes place. They should also take advice, if unsure, as the *Public Interest Disclosure Act* does not provide blanket protection and could leave staff members vulnerable to disciplinary or other action if they disclose confidential information in circumstances not covered by the Act.

Staff/individuals unsure whether to use this *Whistleblowing Policy* for their particular concern or who require support at any stage are advised to contact:

- their headteacher
- the Trust's *Director of Privacy and Data Protection*
- if applicable, a relevant trade union or teacher professional association
- the independent charity, *Public Concern at Work*, (Tele: 020 7404 6609) where lawyers can give confidential advice about how to raise a concern about serious malpractice at work.

Steps to ensure effective safeguards for the person raising the concern

The Trust is clear that it will not tolerate any harassment or victimisation, including informal pressures and will take appropriate action to protect staff/individuals who raise a concern in good faith:

- any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the member of staff.
- no action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- every effort will be made to ensure confidentiality as far as this is reasonably practical.
- help will be provided in order to minimise any difficulties resulting from any referral. This may include advice on giving evidence if needed.
- meetings can be arranged off-site and with representation if that is the wish of the staff member/individual.

Anonymous Allegations

Staff members/individuals should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Trust Board will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Untrue and Malicious/Vexatious Allegations

If a staff member/individual makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Trust Board will consider taking disciplinary action against the member of staff.

Procedure for Making a Whistleblowing Allegation

Raising a concern

As soon as a member of staff/individual becomes reasonably concerned, any matter should be raised initially with their head teacher or line manager unless s/he is the potential transgressor. In such a case the matter should be raised with the Trust's CEO. If s/he is the reason for the concern, or suspected of being connected with it, contact should be made with the Trust Chair. If it is felt the concern cannot be expressed within the school, it is open for the staff member/individual to raise the concern with the Trust or a setting from the list of organisations in the section of this policy 'Taking the Matter Further'

Concerns may be raised orally or in writing. Staff /individuals who wish to make a written report should submit the following information as clearly as possible:

- the background and history of the concern (giving all relevant dates)
- the reason why they are particularly concerned about the situation
- where the concern relates to a child protection matter, if the staff member/individual does not want to raise this through the school, they should consult the Trust's designated safeguarding lead or Trust CEO.
- if the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.
- If possible put the concern should be put in writing for the avoidance of doubt. It should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for the concerns.
- If it is not possible to put the matter in writing it can still be raised verbally and the staff member/individual should telephone or arrange to meet the appropriate person. Staff members can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.

The Trust Response

Once the Trust has been informed it can assess what action should be taken. This may involve an internal inquiry or a more formal investigation. The member of staff/individual will be informed:

- who will be handling the matter
- how they can be contacted
- whether further assistance may be needed.

At this stage concerns/allegations are neither accepted nor rejected.

If the staff member/individual requests it, the Trust or head teacher of the school involved will write to the member of staff/individual summarising the concern and setting out how it will be handled within **5 working days**. At this stage, it is essential that the member of staff/individual declares any personal interest.

The staff member/individual may be asked for their view on how best the situation could be resolved. Should the concern fall within another policy of the Trust, for example, the Grievance Policy, the member of staff/individual will be informed.

While the purpose of this Policy is to enable an investigation and deal with any possible malpractice, the member of staff/ individual will be given as much feedback as is possible about the situation. Any response may be limited by confidentiality.

Concerns or allegations which fall within the scope of specific procedures, for example child protection and safeguarding, will be referred for consideration under that relevant procedure. Some concerns may be resolved by agreed action without the need for further investigation. If immediate, urgent action is required, this will be taken before any investigation is conducted.

The Inquiry Process

If an investigation is required, the appointed representative will:

- look into the allegation - seeking evidence and interviewing witnesses as necessary.
- maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain

As appropriate, the matter raised may:

- be investigated by a member of the Trust's Executive Team, representatives of the Board of Trustees or through the Trust's formal Disciplinary Policy and Procedures.

- be referred to the Police.
- be referred to the Trust's external auditor and ESFA
- form the subject of an independent inquiry.
- be halted if statutory bodies are involved - the whistleblowing process will be stopped until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If the person appointed by the Trust needs to talk to the staff member/individual, they are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates. The target is to complete the inquiry within **10-15 working days** from the date of the initial written response. If the enquiry extends beyond the timescales outlined for specific reasons all individuals concerned will be notified of this in writing with an indication when the inquiry will be completed.

The Inquiry Report

Following completion of the inquiry process the person appointed will make a written report and submit to the Trust Chair normally within **5 working days**. The report will not contain the whistleblower's name unless they have expressly stated that they wish to be named. Following receipt of the inquiry report, the Trust Chair will convene a committee with at least one other trustee and an independent person from outside the Trust Board, e.g. a trustee from another academy trust to consider the inquiry report and decide on the action to be taken. This should normally take place within **5 - 10 working days** following receipt of the inquiry report. Following notification of the committee's decision, the Trust Chair will notify the staff member/individual of the outcome normally within **5 working days** (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why.

Taking the Matter Further

If no action is to be taken and the staff member/individual is not satisfied with the way the matter has been dealt with, they can make a complaint under the Trust's complaints procedure or raise their concerns with other organisations as listed below:

- The ESFA
- Ofsted
- The Trust's independent auditors
- The employee's Trade Union or Professional Association
- The Citizens Advice Bureau
- The Local Government Ombudsman
- The Information Commissioner
- A relevant voluntary organisation

- The Police and/or Health and Safety Executive
- PROTECT (Public Concern At Work Charity -Telephone 020 3117 2520)

Recording and monitoring

The Trust will ensure it has sufficient internal capacity to meet the requirements of this Policy, including appropriate professional support for the CEO, trustees and head teachers in implementing it.

The Trust will maintain a *Whistleblowing Register* containing all concerns that are brought to its attention through the whistleblowing process

The Trust will review the Whistleblowing Register and produce an annual report. The Report will not mention the names of members of staff/individuals, only the concerns raised, the number of such concerns, the fact that the concern relates to a school or other education service provided by the Trust, and the nature of the job held by the person over whom the concerns were raised, if not bound by confidentiality. The Report will also note any issues arising from the same with the intention of:

- preventing the occurrence of similar concerns in future
- consistency of treatment across schools and the Trust
- developing a *lessons learnt* approach

The register and annual report will be available for inspection by both internal and external audit, after removing any items which any staff member/individual has asked should remain confidential.

Monitoring and review	Trust Board
Links	Staff Code of Conduct Child Protection and Safeguarding Policy Whistleblowing Statement
Staff responsible	CEO Trust Board Headteachers
Reviewed	December 2021
Next review	December 2023
Sign off by Chair of Trust	 Date: December 2021

*Please note that should there be any changes/further national guidance issued relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next Trust Board meeting.

Change Management

Issue No.:	Change date:	Change description:
1.0	Sept'17	Initial release
2.0	Nov'18	Rebranded, updated and signed off for release
3.0	Nov'19	Review
4.0	Sept' 20	Review
5.0	Dec'21	Review