



Mid-Trent
Multi Academy Trust

MID-TRENT MULTI ACADEMY TRUST WHISTLE BLOWING POLICY

**Policy Reviewed and Adopted by
Board of Trustees:**

17.07.2018 – Board of Trustees

Signed by Chair Of Trustees

Version

1.1

Date of Next Review:

Autumn Term 2020

1 **WHAT IS 'WHISTLEBLOWING'?**

Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Governing Bodies or by fellow employees. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Multi Academy Trust Code of Conduct.

2 **PURPOSE**

- 2.1 The purpose of this policy is to make clear that employees can and should voice concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended that this policy will encourage and enable employees to raise serious concerns within the academy and the Multi Academy Trust rather than overlooking a problem or 'whistleblowing' outside the organisation
- 2.2 This policy applies to all employees within the Multi Academy Trust whether on a permanent, fixed term or temporary contract. It also applies to volunteers or contractors working for the academy or the Multi Academy Trust for example agency workers, supply teachers and builders
- 2.3 It is recognised that in certain cases the person raising the concern will wish to proceed on a confidential basis. This document makes it clear that wherever possible, confidentiality will be respected and the staff member raising the concern will be kept informed at all times as to progress of the issue. This policy is intended to encourage and enable staff to raise concerns within the academy or the Multi Academy Trust in order that they can be properly and quickly investigated.

3 **PROTECTING THE WHISTLEBLOWER**

You will be protected under the Public Interest Disclosure Act 1988 if you raise your concerns with any of the above, provided that:

- You make the disclosure in good faith
- You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- You do not make the disclosure for personal gain.

4 **WHEN SHOULD WHISTLEBLOWING PROCEDURES BE USED?**

- 4.1 If an employee has concerns about wrongdoing at the Academy and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
- 4.2 Each individual member of staff should feel able to speak freely on such matters. However, the Academy and colleagues have the right to protect themselves against unfounded false or malicious accusations.
- 4.3 Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.

- 4.4 Whistleblowing is not appropriate for dealing with issues between an employee and the Academy which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.
- 4.5 Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.
- 4.6 Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Headteacher or Child Protection Officer.
- 4.7 The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. This includes:
- Conduct which is an offence or breach of the law
 - Disclosures related to miscarriages of justice
 - Serious health and safety risks, including risks to the public as well as other employees
 - Serious damage to the environment
 - The unauthorised use of public funds
 - Sexual, physical or financial abuse of pupils
 - Unethical conduct

5 HOW TO RAISE A CONCERN

- 5.1 Concerns may be raised verbally or in writing, it is preferable for concerns to be raised in writing and where this is the case the following details are requested;
- Your name and contact details
 - background information and history including details as to why you are concerned
 - whether the issue has already been reported to management and the outcome of this
 - whether you wish your name to remain confidential
 - whether you want feedback
 - the names and jobs of any other employees who may support your concern.
- 5.2 You should raise your concern with your line manager. This may be done orally or in writing as per 5.1.
- 5.3 However, if the concern relates to your line manager or any person to whom he or she reports, other than the Headteacher, you should raise the issue with the Headteacher;
- 5.4 If the concern relates to the Headteacher, you should raise the matter with the MAT Business Manager (for Accounting irregularities) or Chair of the Local Governing Body.
- 5.5 Where members of staff, or individual governors, have concerns relating to the conduct of the local governing body and/or the senior management of the academy, and where it would be unreasonable to raise these concerns within the academy, then the Head of the Multi Academy Trust should be contacted.

- 5.6 Where concerns relate to conduct of the Head of the Multi Academy Trust then the Chair of the Multi Academy Trust Board should be contacted.

6 THE PROCEDURE

- 6.1 Any issue raised will be kept confidential while the procedure is being used.
- 6.2 An appropriate Investigating Manager will be appointed who will act as the "Assessor".

The Assessor will:

- 6.2.1 Interview you as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
- 6.2.2 Obtain as much information as possible from you about the grounds for the belief of wrongdoing;
- 6.2.3 Consult with you about further steps which could be taken;
- 6.2.4 Advise you of the appropriate route if the matter does not fall under this Procedure;
- 6.2.5 Other than in the case of paragraph 5.5, report all matters raised under this procedure to the Chair of the Local Governing Body.
- 6.3 At the interview with the Assessor, you may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy staff to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

- 6.4 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
- 6.4.1 The matter be further investigated internally by the Academy;
- 6.4.2 The matter be further investigated by external consultants appointed by the Academy;
- 6.4.3 The matter be reported to an external agency;
- 6.4.4 Disciplinary proceedings be implemented against an employee;
- 6.4.5 The route for the Representor to pursue the matter if it does not fall within this procedure; or
- 6.4.6 That no further action is taken by the Academy.
- 6.5 The grounds on which no further action is taken include:
- 6.5.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;

- 6.5.2 The Assessor is satisfied that the Representor is not acting in good faith;
- 6.5.3 The matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
- 6.5.4 The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 6.6 Where the Assessor is not the Headteacher then the recommendation of the Assessor will be made to the Headteacher. However, should it be alleged that the Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Local Governing Body.
- 6.7 The Headteacher or Chair of the Local Governing Body, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Local Governing Body.
- 6.8 Your identity will be kept confidential unless you otherwise consent or unless there are grounds to believe that you has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal your identity except:
- 6.8.1 Where the Assessor is under a legal obligation to do so;
- 6.8.2 Where the information is already in the public domain; or
- 6.8.3 On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 6.9 The conclusion of any agreed investigation will be reported by the Assessor to you promptly within twenty eight working days of the initial interview.
- 6.10 All responses to you will be made in writing and sent to your home address.
- 6.11 If you have not had a response within the above time limit or such reasonable extension as the Academy requires, you may go escalate the matter higher within the Multi Academy Trust but you must inform the Assessor before doing so.
- 6.12 You may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

7 MALICIOUS UNTRUE ACCUSATIONS

- 7.1 If you make a deliberately false or malicious accusation then disciplinary action may be taken and will be dealt with under the Multi Academy Trust disciplinary procedure, as well as potentially exposing you to legal liability.

8 HOW THE MATTER CAN BE TAKEN FURTHER

- 8.1 The aim of this policy is that employees should be able to raise concerns internally and it is hoped that you will be satisfied with any action taken. If this is not the case then they may raise their concerns to the Head of the Multi Academy Trust.
- 8.2 If you are still unhappy after following all these procedures (and getting a final response) you may wish to take the matter outside of the organisation, if so then the following are possible contact points:
- Diocesan Board of Education

- Public Concern at Work. This is an independent charity that operates a confidential helpline to provide free impartial advice.020 7404 6609 or (www.pcaw.co.uk)
- A relevant Trade Union
- Citizens Advice Bureau
- Relevant Professional Bodies
- Regulatory Organisations
- Local Police

8.3 If you choose to take the matter outside of the academy and Multi Academy Trust then the employee should ensure that they do not disclose confidential information. Within the Academy all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Academy fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

8.4 Whistleblowing to an external agency without first going through the internal procedure is a breach of the Academy's Code of Conduct.

8.5 Whistleblowing to the media is not appropriate or permitted in any circumstances.

9 **CONFIDENTIAL EMPLOYEE ENQUIRIES**

7.1 Employees may, on a confidential basis seek prior guidance from the Headteacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Headteacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Academy or any person under these procedures.

This Policy will be reviewed by the Governing Body on a 2-yearly cycle and must be signed by the Chair of MAT Board.