



East Midlands  
Education Trust

# WHISTLEBLOWING POLICY

*Autumn 2020*

Review Date:	Autumn 2020	Reviewed & adopted by:	Trustees
Next Review Due:	Autumn 2023	Updated by:	HR Director
Mid-Reviews (statutory):			
Document No:		<i>The information contained on this document is considered proprietary to East Midlands Education Trust in that these items and processes were developed at private expense. This information shall not be released, disclosed, or duplicated.</i>	

## CONTENTS

1	Introduction .....	2
2	Scope of this policy .....	2
3	Safeguards .....	4
4	Raising a concern .....	5
5	How the school will respond .....	6
6	The response officer .....	6
7	How the matter can be taken further .....	7

## 1 Introduction

- 1.1 Trustees recognise that a member of staff may be the first to realise if something is wrong within their school or elsewhere within the Trust. However, they may not want to express their concerns because they feel that speaking up would somehow be disloyal to their colleagues or to the school.
- 1.2 The member of staff might also fear some form of harassment or victimisation as a result of raising concerns and because of this may feel it easier to ignore their concerns rather than report something which may turn out to be just a suspicion of malpractice.
- 1.3 It is important for staff to know that EMET is committed to the highest possible standards of openness, probity and accountability. Part of meeting that commitment is to encourage employees and others with concerns about any aspect of the Trust's or their school's work to feel able to come forward and voice those concerns. The Trust recognises the need for confidentiality and that most cases will have to proceed on a confidential basis.

## 2 Scope of this policy

### **Aims of the policy**

- 2.1 The policy is designed to ensure that staff can raise their concerns about wrongdoing or malpractice without fear of victimisation, subsequent discrimination or disadvantage.
- 2.2 It is also intended to encourage and enable them to raise serious concerns within the Trust rather than ignoring a problem or 'blowing the whistle' outside.
- 2.3 This policy aims to:
  - a. encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
  - b. provide avenues for them to raise those concerns and receive feedback on any action taken;
  - c. ensure that they receive a response to their concerns and that they are aware of how to pursue their concerns if they are not satisfied with the outcome;
  - d. reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

### **Range of the policy**

- 2.4 The policy is intended to enable those who have concerns regarding wrongdoing or malpractice to report those concerns at the earliest possible opportunity so that they can be properly investigated.
- 2.5 The policy is not, however, intended to replace existing procedures, for example:
  - a. if the concern relates to someone's own treatment as a member of staff, they should raise this under the existing grievance or harassment procedure, as appropriate;
  - b. if a parent or other user of the school has a concern about services provided, they should raise this as a complaint to the school;
  - c. some areas of services have their own specific procedures, e.g. Safeguarding and Child Protection procedures.
- 2.6 Where concerns are raised, the subsequent investigation may take the form of any appropriate procedure, either internal or external, e.g. an internal audit enquiry or a Police investigation.

- 2.7 The person who has raised the concerns will ordinarily be kept informed of progress and of the outcome of any investigation, unless there are particular reasons why confidentiality needs to be observed.

#### **Who can raise a concern under this policy?**

- 2.8 The provisions of the policy apply to all:
- a. Employees of the Trust
  - b. Governors of Trust schools
  - c. Employees of contractors working for the Trust, e.g. agency staff
  - d. Employees of suppliers
  - e. Voluntary workers within the Trust

#### **What should be reported?**

- 2.9 Staff should report any concerns that they have about service provision or about the conduct of employees, governors, or Trustees or others acting on behalf of the Trust that:
- a. make them feel uncomfortable in terms of known standards, or
  - b. are not in keeping with the school or Trust's regulations or policies, or
  - c. fall below established standards of practice, or
  - d. are improper behaviour

- 2.10 These concerns might relate to:
- a. Conduct which is an offence or a breach of the law
  - b. Any behaviour which indicates that a member of staff or member of agency staff may not be suitable to work with children
  - c. Disclosures related to miscarriages of justice
  - d. Racial, sexual, disability or other discrimination
  - e. Health and safety of the public and/or other employees
  - f. Damage to the environment
  - g. Unauthorised use of public/school funds
  - h. Possible fraud and corruption
  - i. Neglect or abuse of clients, or
  - j. Other unethical conduct

## **3 Safeguards**

### **The legal framework**

- 3.1 The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice.
- 3.2 The Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

### **Harassment or victimisation**

- 3.3 EMET is committed to good practice and high standards and to being supportive of its staff.
- 3.4 EMET recognises that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the school, their colleagues and those for whom they are providing a service.
- 3.5 The school will not tolerate any harassment or victimisation (including any informal pressures) and will take the appropriate action to protect staff when they raise a concern in good faith.

### **Support for the person raising concerns**

- 3.6 Throughout the process:
- a. The individual will be given full support from management and governors of the school;
  - b. their concerns will be taken seriously;
  - c. the school will do all it can to help them throughout the investigation, e.g. provide access to advocacy services where the individual has no access to trade union support.
- 3.7 If, following discussions, redeployment on a temporary basis is appropriate for the individual raising a concern, the school will seek to arrange for this to take place via liaison with the EMET HR Team.

### **Confidentiality**

- 3.8 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the member of staff who raises concerns, should that be their wish.
- 3.9 If disciplinary or other proceedings are to follow an investigation, it may be that it is not possible to take the appropriate action without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If this is asked for, they will be offered the appropriate advice and support.

### **Anonymous allegations**

- 3.10 It is the Trust's policy not to accept anonymous allegations.

### **Untrue allegations**

- 3.11 Some concerns raised might, when investigated, prove to be groundless. If a concern is raised or an allegation made in good faith by someone reasonably believing it to be true and their concerns are not confirmed by investigation, they will have nothing to fear as the school will recognise their genuine motives.
- 3.12 However, it needs to be stated that should someone make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## 4 Raising a concern

### Who should a concern be raised with?

- 4.1 As a first step, staff should normally raise concerns with their Line Manager or with the Head Teacher. This might depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing.
- 4.2 If this is not appropriate, for example, if they are the person or persons about whom the concerns relate, staff should raise their concerns with the chair of governors.
- 4.3 If they are not confident that either of these will deal with their concerns properly, then they may raise the issue with the Trust's Chief Executive Officer or the Education Funding Agency who may bring it to the attention of the Trust and ask them to investigate or indeed investigate on the Trust's behalf.
- 4.4 Any concerns regarding the Chief Executive Officer or the Chair of Governors should be raised directly with the Chair of Trustees.

### How to raise concern(s)

- 4.5 Staff may raise their concern by telephone, in person or in writing. In the interests of confidentiality, staff may raise concerns via their trade union. The earlier they express their concern, the easier it is to take action. They will need to provide the following information:
  - a. the background and history of the concern (giving relevant dates);
  - b. the reason why they are particularly concerned about the situation.
- 4.6 Although they are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.
- 4.7 Staff may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.
- 4.8 They may invite their trade union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns they have raised.

## 5 How the school will respond

- 5.1 The school will take the concerns seriously and will respond to them.
- 5.2 In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form that investigation should take.
- 5.3 Where concerns or allegations fall within the scope of specific school or Trust procedures, then they will normally be referred for consideration under those procedures.
- 5.4 As a result of this, where appropriate, the concerns raised may:
  - a. be investigated by management, internal audit or through the discipline/grievance/harassment process;
  - b. be referred to the external auditors;
  - c. be referred and dealt with under the established child protection procedures;
  - d. form the subject of an independent inquiry.

- 5.5 Within ten working days of the concern being raised, the Head Teacher (or Chair of Governors/Chair of Trustees if internally raised with them) will write to the person raising the concern;
- a. acknowledge that their concern has been received;
  - b. indicating how they propose to deal with the issue;
  - c. telling them whether any further investigations will take place (and if not, explaining why this is the case);
  - d. supplying them with information on staff support mechanisms.
- 5.6 The amount of contact between the person raising the concern and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided it is likely that the person raising concern will be interviewed to ensure that their disclosure is fully understood.
- 5.7 A meeting can be arranged away from the workplace, if the person raising concerns wishes, and a union, professional association representative or a friend may accompany them in support.
- 5.8 The school will do what it can to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive appropriate advice and support.
- 5.9 Individuals need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.

## 6 The response officer

- 6.1 The Head Teacher has overall responsibility for the maintenance and operation of this policy within their school. They will maintain a record of concerns raised and the outcomes. Records will be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns.
- 6.2 The Head Teacher should raise with the Central HR Team any Whistleblowing cases which may involve concerns about a member of staff as soon as possible, to ensure that appropriate support is given and processes followed.
- 6.3 The Head Teacher will report to their Governing Body as necessary.

## 7 How the matter can be taken further

- 7.1 The aim of this policy is to provide staff with an appropriate way to raise their concerns. Hopefully, they will be satisfied with any action taken as a result of their raising issues. However, should this not be the case and they feel it necessary to take the matter outside the school, the Trust's prescribed contacts are:
- a. The Trust's Chief Executive Officer
  - b. The Chair of Trustees
  - c. The Education Funding Agency
  - d. The Trust's external auditor
  - e. Their trade union
  - f. The Police

- 7.2 This does not prevent staff from seeking their own legal advice.
- 7.3 If the member of staff raises their concerns outside the school, they should ensure that it is to one of the above prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy.
- 7.4 Individuals should not disclose information that is confidential to the school or Trust, or to anyone else, such as a client or contractor of the school, except to those included in the list of prescribed contacts, above.