



Marches Academy Trust

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Whistleblowing Policy

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1. Introduction

The Marches Academy Trust is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring 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.

The Trust encourages employees and others who have serious concerns about wrongdoing to speak up. This may need to be on a confidential basis and the Trust wishes to emphasise that if someone does 'speak up' they can do so without fear of reprisals. Such actions are termed 'blowing the whistle' and this phrase should be viewed as a positive action of speaking up. It is understandable that employees may not express concerns because they may feel that speaking up would be disloyal to colleagues or they fear harassment/victimisation. The Trust would encourage all employees to pursue their concerns and to report them positively and appropriately.

This policy has been introduced in line with the Public Interest Disclosure Act 1998, enacted to ensure a climate of greater frankness between employers and workers 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. It has been implemented following consultation with the recognised trade unions and it has been formally adopted by the Board of Trustees.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Policy Aims, Scope and Purpose

The aims of this policy are:

- 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.
- To provide staff with guidance on how to raise concerns.
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- Establish a consistent, fair and impartial investigative procedure.
- Protect workers from malicious or vexatious allegations.

This policy applies to all employees of the Trust, Trustees, Governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

This policy is not intended as recourse against financial or business decisions made by the school.

3. What is Whistleblowing?

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 one made in the public interest by a worker who has a reasonable belief that there are wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures including our Code of Conduct;
- conduct likely to damage our reputation or financial wellbeing;
- unauthorised disclosure of confidential information;
- unethical behaviour;
- the deliberate concealment of any of the above matters.

Concerns in educational settings may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

- deliberately ignoring the best interests of the child or young person;
- teasing, harassing or touching a child or young person inappropriately;
- threatening a child, young person or a parent/carer, or distressing them in some way;
- neglecting a child by not giving them the support they need, including medical attention or care;
- hitting or restraining a child inappropriately;
- using a child or young person's money or possessions in an inappropriate way.

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.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance procedure or Anti-harassment and bullying policy as appropriate.

If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the Head Teacher/line manager or Human Resources.

If your concern is in relation to safeguarding and the welfare of students at the Trust you should consider whether the matter is better raised under the Trust'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 the is policy may still apply.

4. Raising a Whistleblowing Concern

Employees may not wish to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the school/Trust or because they fear harassment or victimisation. However, it is the duty of staff to disclose when they have serious concerns and it is the duty of the Trust to act on those concerns, and protect and support employees when they do. A failure to report serious concerns could be construed as collusion. Difficult as it may be to speak up, employees should be aware of their special position and of their duty to make their concerns known.

It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching an appropriate contact or to impede any investigation which the employee or anyone acting on their behalf may make.

Although employees are not expected to prove the truth of an allegation, employees will need to demonstrate to those appointed to investigate the matter, that there are sufficient grounds to the concern.

We hope 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.

If the allegations arise from a disciplinary matter, they will be investigated as part of a disciplinary investigation.

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.

Where the concern relates to a child protection matter and you do not wish to raise it via the school, you should inform the Local Authority Designated Officer for Safeguarding. If the concern requires Police or other agency/authority involvement, the whistleblowing process will be stopped until the relevant agencies have completed any necessary investigations and confirmed that it is appropriate to continue with the Whistleblowing procedure.

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:

Staff within the Trust

- The Head Teacher/member of the school senior leadership team
- A member of the Shared Services senior management team
- The Chair of Trustees or Chair of Governors for your school
- The Head of HR for the Trust

Outside the Trust (if you do not feel able to raise it within the Trust)

The Trust hopes employees will find the procedure a satisfactory way of dealing with concerns. An employee does have the right to take the matter outside the Trust; the following are possible contact points:

- A trade union or professional association.
- Shropshire Council Whistleblowing Hotline on 01743 252627
- Protect (Independent whistleblowing charity) 020 3117 2520.
E-mail: whistle@protect-advice.org.uk Website: <http://www.protect-advice.org.uk>
- The NSPCC whistleblowing helpline 0800 028 0285. E-mail: help@nspcc.org.uk
- One of the bodies listed on the 'List of prescribed persons and bodies'.
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-andbodies--2>

The disclosure of confidential information would normally constitute a serious disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if an employee did take the matter outside the Trust, they would need to ensure that either no confidential information is disclosed, or that there are wholly exceptional circumstances which the Trust would consider justified in the circumstances.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

We will record a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

5. Untrue allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

6. Confidentiality and data protection

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information 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 section 4 under Staff within the Trust 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.

Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:

- the seriousness of the issue raised;
- the validity/credibility of the concern; and

- the likelihood of confirming the allegation from other sources.

Concerns expressed anonymously are more difficult to investigate but they will be considered at the discretion of the Trustee with responsibility for whistleblowing (as detailed in the Marches Academy Trust Scheme of Delegation) in conjunction with the Board of Trustees.

Allegations which do not appear to be motivated by personal animosity and which if true, would have serious implications for the Trust, are more likely to be considered, even though made anonymously. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence.

As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We 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 will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

7. External disclosures

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.

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. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy.

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, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in section 4 under Staff within the Trust for guidance.

8. Whistleblowing Protocol, Investigation and Outcome

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by the Trust, but independently of those directly involved;
- be referred to the Police;
- be referred to an external auditor;
- form the subject of an independent inquiry.

In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. These will be made confidentially and every attempt made to protect the employee. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the Trust will write to the individual who has raised the concern:

- acknowledging that the concern has been received;
- indicating how an independent Investigating Officer, appointed by the Trustee with responsibility for whistleblowing proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- confirming any initial enquiries that have been made;
- confirming whether further investigations will take place and, if not, why not.

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

When any meeting is arranged, an employee will have the right, if they so wish, to be accompanied by a professional association or trade union representative, or a colleague who is not involved in the area of work to which the concern relates. This meeting may be held at a mutually agreed location.

In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. We may in some circumstances, appoint an external person or body to investigate the concern. 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 Head Teacher/Senior Manager and/or Governing Body/Board of Trustees for actioning.

If the employee should become involved in further investigations or procedures (e.g. disciplinary proceedings or a criminal trial) as a result of using this procedure, they will be given every proper support and assistance. The Trust would ensure that employees using this procedure are not disadvantaged or unfairly treated.

The Trust accepts that anyone raising a concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive appropriate information about the progress of the investigation, its likely timescale, the outcome and any changes to working practices as far as is reasonably practicable. However, sometimes the need for confidentiality may prevent us 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.

If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

9. If you are not satisfied

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

this.

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 section 4 under Staff within the Trust.

10. Protection and support for whistleblowers

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. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

The Trust is committed to ensuring that any employee who makes an allegation in good faith suffers no detriment from doing so and that their disclosure will not affect their position at work.

Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable 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 section 4 under Staff within the Trust immediately. If the matter is not remedied you should raise it formally using our Grievance procedure.

Staff must not threaten, retaliate, harass or victimise (including informal or indirect pressures) whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you. If allegations of malpractice arise during a disciplinary process, those allegations will be investigated at the same time as the disciplinary procedure.

A confidential support and counselling service is available to whistleblowers who raise concerns under this policy. Their contact details are available from your line manager or HR.

11. Standards of Conduct

Employees of the Trust are bound by the Marches Academy Trust Professional Code of Conduct. Professional bodies also have Professional Standards of Conduct which their members must adhere to. Teachers must also adhere to the Teacher's Standards.

Staff should also be aware of the Safeguarding and Child Protection Policy, as well as Policy Guidance for Safer Working Practice for Adults who work with Children and Young People in Education 2019.

All employees will be made aware of the standards which apply during induction and should ensure they make themselves aware of such standards of conduct and follow them at all times.

12. Ensuring correct procedures are followed

One of the best ways of guarding against corruption is to ensure that proper procedures are followed, in the way decisions are taken, in the way contracts are awarded and in the way employees conduct themselves.

The most important of these procedures are described in the following procedural documents:

- Professional Code of Conduct (which includes Gifts and Hospitality)
- E-Safety Policy
- Safer Recruitment Policy and Procedure
- Harassment and Bullying Procedure
- Guidance for Safer Working Practice for Adults who work with Children and Young People in Education 2019
- Marches Academy Trust Complaints Procedure
- Safeguarding and Child Protection Policy and Procedures

Actions which breach these procedures are not only unauthorised but will lead to loss of public confidence and even to corruption.

As with any other concerns on standards, you should report breaches of these procedures.

13. Review of policy

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.

DOCUMENT CONTROL

Policy Owner	Human Resources & Executive Lead Team
Scope	All staff, Trustees and Governors and in addition third parties (eg Contractors, Suppliers and visitors)
Last Updated	March 2021
Effective from	March 2021
Next planned reviewed date	September 2021
Status	Approved
Date of approval	10.03.2021
Summary of last revision	Adoption of new style of policy
Related Policies/Documents	Grievance procedure Disciplinary procedure Anti-harassment & bullying policy Retention & destruction policy