



## Whistleblowing Policy

### 1 Introduction

- 1.1** The Trust is committed to the highest possible standards of honesty and integrity and expects all staff to maintain these standards. 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.
- 1.2** This policy does not form part of any employee's contract of employment and the Trust may amend it at any time.

### 2 Scope and purpose

**2.1** The aims of this policy are:

- 2.1.1** 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.
- 2.1.2** To provide staff with guidance on how to raise concerns.
- 2.1.3** To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

**2.2** This policy applies to all employees of the Trust, including Board members, governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

- 2.3** The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:
- Do not take the concern outside the school, e.g. gossiping.
  - Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

### 3 What is whistleblowing?

- 3.1** 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:

- 3.1.1 criminal activity;
- 3.1.2 miscarriages of justice;



- 3.1.3 danger to health and safety;
  - 3.1.4 damage to the environment;
  - 3.1.5 failure to comply with any legal or professional obligation or regulatory requirements;
  - 3.1.6 bribery;
  - 3.1.7 financial fraud or mismanagement;
  - 3.1.8 negligence;
  - 3.1.9 a breach of the Trust's internal policies and procedures;
  - 3.1.10 conduct likely to damage the Trust's reputation or financial wellbeing;
  - 3.1.11 unauthorised disclosure of confidential information;
  - 3.1.12 unethical behaviour
  - 3.1.13 the deliberate concealment of any of the above matters.
- 3.2 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 the trust's activities (a whistleblowing concern) you should report it under this policy.
- 3.3 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.
- 3.4 If you are uncertain whether something is within the scope of this policy you should seek advice from a member of the Trust's leadership team.
- 3.5 If your concern is in relation to safeguarding and the welfare of pupils/students at any school within the Trust, you should consider whether the matter is better raised under the trust/academy'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 this policy may still apply.

#### **4 Raising a whistleblowing concern**

- 4.1 It is hoped 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.
- 4.2 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:

##### **4.2.1 The Operations Manager**



4.2.2 The Head Teacher/Head of School

4.2.3 The Chief Executive Officer

4.2.4 Where the concern is regarding the CEO, the matter may be raised with the Chair of the Trust Board.

4.2.5 Concerns can be reported to the ESFA, they should use the [online contact form](#).

4.3 Contact details are set out at the end of this policy.

4.4 The Trust 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.

4.5 The Trust will take down a written summary of your concern and provide you with a copy after the meeting. The Trust will also aim to give you an indication of how it proposes to deal with the matter.

## 5 Confidentiality and data protection

5.1 It is hoped that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, every effort will be made to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, this will be discussed with you.

5.2 The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained 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 paragraph 4.2 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 offers a confidential helpline. Their contact details are given at the end of this policy.

5.3 Where the Trust receive anonymous complaints it will investigate the complaints as far as is reasonable taking into account:

5.3.1 the seriousness of the issue raised

5.3.2 the credibility of the concern; and

5.3.3 the likelihood of confirming the allegation from other sources

5.4 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with the data protection policy. It 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 the workforce. Records will be kept in accordance with the



Workforce Privacy Notice, the Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

## **6 External disclosures**

- 6.1 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.
- 6.2 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. The Trust strongly encourages you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively the list is available from the Department for Business, Energy & Industrial Strategy.
- 6.3 Whistleblowing concerns usually relate to the conduct of the Trust's 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, the Trust encourages you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

## **7 Investigation and outcome**

- 7.1 Once you have raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation and will inform you of the outcome of the assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The Trust 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 the Trust to minimise the risk of future wrongdoing. This will be sent to the appropriate manager who has commissioned the investigation for actioning. This could be the CEO, Headteacher, Operations Manager, or another Senior Manager.
- 7.3 The Trust will aim to keep you informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent 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.
- 7.4 If the Trust concludes that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

## **8 If you are not satisfied**

- 8.1 While the Trust cannot always guarantee the outcome you are seeking, it will try to deal with your concern



fairly and in an appropriate way. By using this policy you can help to achieve this.

8.2 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 paragraph 4.2. Alternatively you may contact the Chair of the Trust Board, or the Trust's external auditors. Contact details are set out at the end of this policy.

## 9 Protection and support for whistleblowers

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 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 paragraph 4.2 immediately. If the matter is not remedied you should raise it formally using the Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 9.4 The PIDA and the Employment Rights Act 1996 **do not** protect non-employees as far as whistleblowing is concerned.
- 9.5 Irrespective of 9.4, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

## 10 Review of policy

- 10.1 This policy is reviewed annually by the Trust. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

## 11 Contacts

Whistleblowing Officer	Operations Manager <a href="mailto:clairebeckwith@stjohnplessington.com">clairebeckwith@stjohnplessington.com</a>
------------------------	--



Head Teacher	Headteacher of your school
CEO	Andy Moor <a href="mailto:ceo@hfcmat.com">ceo@hfcmat.com</a>
Chair of Trust Board	Carol Lawrence <a href="mailto:carollawrence@hfcmat.com">carollawrence@hfcmat.com</a>

Trust's external auditors	Wylie Blisset <a href="https://www.wylieblisset.com/contact/">https://www.wylieblisset.com/contact/</a>
Trust internal Audit and Risk Committee	Chair of Audit and Risk Committee <a href="mailto:chriskerin@hfcmat.com">chriskerin@hfcmat.com</a>
Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 E-mail: <a href="mailto:whistle@protect-advice.org.uk">whistle@protect-</a> <a href="http://www.protect-advice.org.uk">advice.org.uk</a> Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>