

WHISTLEBLOWING POLICY & PROCEDURE

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SHARE MAT Policy for Whistleblowing

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Section 1: Purpose and status of this document

This Policy outlines the Trust's approach to employee disclosures on "whistleblowing". The Trust is committed to providing a working environment to protect the health, safety and welfare of all its employees. Employees may, for this purpose include, for example, contractors and agency workers.

The Trust is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrong doing. It is therefore committed to a Policy which seeks to protect individuals who make disclosures with regard to any instance of malpractice or wrong doing in the public interest.

The Board of Trustees will review this policy at least every two years, however we will aim to review this policy yearly and in response to any new legislation implemented. The Trust will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust.

This policy applies to all adults, including volunteers, working in any of our schools across The Trust, as well as anyone working on behalf of the Trust.

Section 2: What is Whistleblowing?

- 2.1 **"Whistleblowing"** is the term which has been adopted to describe arrangements which allow persons, usually employees, to express concerns about any types of malpractice which may be occurring in the work place. This could be something that is, or may be:
- unlawful or a criminal offence
 - a breach of a legal obligation
 - in disregard of health and safety legislation
 - against financial regulations
 - improper conduct
 - inappropriate or unauthorised use of School funds
 - a deliberate cover up of information tending to show any of the above.
- 2.2 Whistleblowing arrangements are closely linked to the creation of a culture which encourages employees to express their concerns without fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and in confidence, and will be fully investigated.
- 2.3 The Trust therefore, will continue to encourage employees and others with serious concerns of misconduct or malpractice to come forward and voice those concerns. This Policy makes it clear that members of staff can do so without fear of reprisals or victimisation. Under the Public Interest Disclosure Act 2013, a 'Whistleblower' is protected from detriment and unfair dismissal. The Trust will support and not discriminate against concerned employees who apply the whistleblowing procedure, provided any claim is made in good faith.
- 2.4 Whistleblowing is not appropriate for dealing with issues between an employee and the Trust which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are separately published.

Section 3: What are the aims of this policy?

- Provide a channel and process for individual members of staff to raise genuine and legitimate concerns about incidents of misconduct or malpractice.
- Give a commitment that misconduct and malpractice is taken extremely seriously.
- Ensure confidentiality, to provide reassurance that employees who raise concerns in good faith can do so without fear of reprisals or victimisation.
- Alert staff to the proper channel of reporting a concern, including contact details.
- To provide guidance setting out arrangements and procedures for applying the policy.
- Allow Headteachers to give guidance where appropriate or to appoint other appropriate agencies to conduct an investigation into those concerns on behalf of the Headteacher/Trust and to take appropriate action to resolve the situation.

Section 4: Confidentiality

The Trust will do everything possible to protect an employee's identity when a concern is raised and where the individual does not want their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings.

Section 5: Anonymous Concerns

- 5.1 All complaints will be considered/investigated, but the level of investigation will depend upon the nature of the allegations; the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegations from attributable sources.
- 5.2 Concerns expressed anonymously are much less persuasive than when an employee is prepared to come forward formally. It will not of course be possible to report any findings back to the complainant in these circumstances.

Section 6: False and malicious allegations

- 6.1 While encouraging staff to bring forward matters of concern, the Trust will guard against bogus claims made to deliberately damage the reputation of other staff at the School.
- 6.2 If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken. However, if a member of staff makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action may be taken.

Section 7: Responsibilities

It is the responsibility of all members of staff to ensure that their own behaviour is appropriate to the School as a workplace and does not contribute to an environment in which malpractice or wrong doing is ignored, condoned or encouraged. All staff should challenge such behaviour if it occurs, or bring it to the attention of a relevant person e.g. a line manager, member of the School's Senior Management Team or the Headteacher.

Information of expectations in the workplace can be found induction packs when a staff

member joins The Trust. All guidelines are listed within the 'Code of Conduct' document and are readily available to all staff.

Section 8: How to raise a concern

- 8.1 The Trust acknowledges that the decision to report a concern can be a difficult decision for a member of staff to take, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will take appropriate action to protect any person who raises a concern in good faith.
- 8.2 The Headteacher or relevant person will monitor how a member of staff is subsequently treated after raising a matter of concern and will ensure that if they find evidence of harassment or victimisation, this is dealt with under disciplinary arrangements.
- 8.3 Employees should raise their concerns with their immediate line manager if possible. However, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 8.4 Where the individual believes that their manager is involved in the matter of concern, they should then contact the Headteacher (or the CEO if the concern raised is related to the Headteacher). Any matter of concern in relation to CEO should be referred to the Chair of the Trust.
- 8.5 Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why the member of staff is particularly concerned about the situation.
- 8.6 If a member of staff does not feel able to put the concern in writing initially, he or she should be allowed to telephone or meet the appropriate person who will make a note of the concerns.
- 8.7 The member of staff will need to demonstrate to the person contacted that there are sufficient grounds for concern to enable the matter to be taken forward.
- 8.8 In the event both the Headteacher **and** the CEO are the subject of the concerns the complaint must be made in writing to the Chair of the Trust.

Section 9: How to raise a concern outside of The Trust

There may be occasions where raising a concern internally is not possible. In the event of this The Trust would like to give staff the opportunity to contact designated professionals to raise any concerns.

- 9.1 In the event that both the CEO and Chair on the Trust are the subject to the concerns, a complaint should be made in writing to the Members, all contact details for Members of The Trust can be found on www.sharemat.org and on section 13 of this policy.
- 9.2 For more serious and sever complaints key information can be found online at

www.gov.uk/whistleblowing

- 9.3 For complaints regarding abuse (children only) the NSPCC have a dedicated service to support this. All details can be found on www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/ is available to staff who do not feel able to raise concerns internally. Alternatively, the NSPCC have a dedicated team working on a helpline, Mon-Fri 8:00am till 8:00pm on 0800 028 0285.
- 9.4 For complaints regarding the safety and welfare of children, staff may use The Trust's 'Safeguarding Policy' available on The Trust's website.
- 9.5 For further support on the safety and welfare of children please use the Department of Education's page on www.gov.uk/government/publications/keeping-children-safe-in-education--2
- 9.6 For more severe complaints and concerns please visit governing bodies such as Ofsted, Ofqual, Secretary of State for Education, National Audit Office, Regional Schools Commissioner or the Education & Skills Funding Agency. All contact details can be found on their websites.

Section 10: How the matter will be investigated – informal stage

- 10.1 Allegations will be handled confidentially and discreetly by all who are directly involved in the investigating process.
- 10.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including who should undertake the investigation. In some cases an investigation may be completed without the subject of the complaint being aware of the investigation.
- 10.3 Some concerns may be resolved by agreed action, without the need for investigation. In these cases, confirmation should be sought from the employee that they are satisfied that the matter is resolved. This does not preclude matters being raised in the future if further concerns arise.
- 10.4 If it is determined that the concerns or allegations fall within the scope of specific procedures (for example disciplinary procedures) it should normally be referred for consideration under those procedures. Before any further investigatory action is taken the Headteacher should consult with the Trust HR provider.
- 10.5 If it is determined that the matter should be dealt with formally, the Headteacher (or CEO) should notify the Trust HR provider before any further action is taken.
- 10.6 To assist the nominated person's investigation, you will find a "record sheet" to record progress at Appendix 1.

Section 11: How the matter will be investigated – formal stage

- 11.1 The member of staff expressing concern will receive a written acknowledgement within 10 working days of the concern being received. This acknowledgement will indicate:

- How it is proposed to deal with the matter
- An estimate of how long it will take to provide a response
- Any initial enquiries which may have been made
- Whether further investigations will take place, and if not, why not.

11.2 Having acknowledged receipt of the concern raised, the Headteacher (CEO in the case of the Headteacher) will consult with the Trust HR provider.

N.B. If urgent action is required in response to a concern this may be taken before a full investigation is conducted.

- 11.3 If necessary, further information will be sought from the member of staff at the outset. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.
- 11.4 At any meeting arranged to discuss the member of staff's concerns they may if they so wish, be accompanied by a representative or a companion who is not involved in the area to which the concern relates.
- 11.5 Investigation procedures into allegations of malpractice must be independent, skilled and objective. The investigating officer appointed must therefore not have had any previous involvement with the case and will be sensitive to the wishes of the complainant wherever possible.
- 11.6 Where a complaint involves the Headteacher, then an investigating officer must be appointed who does not work at, or with the School. In any event, investigating officers must be at an appropriate level of seniority and must have sufficient experience and/or training to allow a thorough investigation to take place. Depending upon the circumstances, external agencies may also be involved in the investigation.
- 11.7 The investigation should normally be completed within 30 working days of the complaint being registered. Where cases prove to be more complicated and it may not be possible to complete within the time scale, it will need to be extended to accommodate the particular circumstances. Where the timescale will probably exceed 30 working days, the investigating officer will advise the complainant.
- 11.8 During the investigation every effort will be made to protect the legitimate rights of all parties involved. In particular, the following principles shall be adhered to:
- 11.8.1 Strict confidentiality must be maintained at all times. Any breach of confidentiality may lead to consideration of disciplinary action;
 - 11.8.2 Throughout the investigation process, the complainant, the alleged perpetrator and any others interviewed are entitled to be accompanied by either a companion or professional association/trade union representative.
- 11.9 The first step in the investigation to be taken by an investigating officer will be to speak to the complainant and then to the alleged perpetrator. Witnesses may be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the complainant, and particularly where witnesses are interviewed, it is important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

Section 12: Outcome of the investigation

- 12.1 The investigation will conclude with a report by the investigating officer to the Headteacher/CEO/Chair of Trust or other relevant person. This will summarise the investigating officer's findings on the allegations and recommend further action which could include:
- 12.1.1. A finding that the allegation was unfounded and no action needs to be taken;
 - 12.1.2 A recommendation to take no further action on the complaint. This will be appropriate if the investigating officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue;
 - 12.1.3 A recommendation to take action to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include written management advice; and/or an instruction to the member of staff to undertake appropriate guidance and/or training; and/or appropriate changes in working arrangements which must not be to the disadvantage of the complainant;
 - 12.1.4 A recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.
- 12.2 The Headteacher/relevant person will write to the complainant and the alleged perpetrator detailing the findings of the investigation and the action to be taken. This letter will contain an undertaking that the complainant and any witnesses will not be victimised or suffer any detriment as a result of having made the complaint.
- 12.3 Where a Headteacher/relevant person determines to take no action irrespective of the recommendation made he/she shall give written reasons for this determination to the complainant (and the alleged perpetrator). Failure to give such information will be regarded as a breach of this procedure.
- 12.4 Where the investigating officer considers that a complaint is untrue and malicious he/she will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary but should be seen as a neutral act which does not of itself imply that any pre-emptive judgement has been reached.
- 12.5 The Headteacher should maintain a confidential central record for a period of five years (seven years for allegations of financial irregularities).
- 12.6 In respect of anonymous allegations, should a Headteacher/ or CEO consider that further action would be inappropriate, details of the allegation and reason for the decision must still be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the process of reporting back to members on the effectiveness and outcomes of the Policy and as a record of actions taken in case of any matters raised under the Public Interest Disclosure Act.

Section 13: How the matter can be taken further

- 13.1 It is intended that the Whistleblowing Policy and these procedures will enable the

Trust to satisfactorily deal with concerns raised by employees. If an employee is not satisfied, and feels it appropriate to take the issue further, the employee may make a protected disclosure to a third party, in accordance with the provisions of the Public Interest Disclosure Act. There is an independent charity "Public Concern at Work" (telephone 020 3117 2520) which provides free advice to employees wishing to express concerns about fraud or other serious malpractices.

- 13.2 The Trust should make every effort to ensure that a satisfactory conclusion is reached to minimise the cases where the employee feels they must resort to these measures.
- 13.3 Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's 'Code of Conduct'. The external agencies that may be used if disclosure is permitted under paragraph 3 are:

- DfE
- Member of Parliament
- National Audit Office
- Health & Safety Executive
- Police.

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

Appendix 1 Whistleblowing Record Sheet

Please print out this document and fill it in:

Date concern/allegation received:
Name of employee making complaint/allegation (unless anonymous):
Nature of concern/allegation raised:
Date acknowledgement provided to employee (within 10 working days):
School nominated person responsible for undertaking investigation:
People to be interviewed, including dates of any interviews:
Outcome of investigation:
Date notification of outcome given to employee: