

Whistle-blowing Policy

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1. INTRODUCTION

- 1.1 The policy applies to all staff employed by the Essa Foundation Academies Trust (EFAT) to work in its academies and in the central team. It also applies to contractors working for the trust e.g. supply teachers, other agency staff, and those providing other services to the trust and its academies.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the organisation. **Normally, employees would be expected to raise any concerns initially with their Principal or with the Management Team Director.** However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the trust and/or to the academy or central team. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The directors and governors of EFAT are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the trust's or its academies and central team's activities or those who work for the trust in its academies or in the central team, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.4 This policy document makes it clear that you can raise a concern without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the trust's academies or central team rather than overlooking a problem or "*blowing the whistle*" outside.
- 1.5 These procedures are in addition to the trust's Complaints Procedures and other statutory reporting procedures applying to the trust. You are responsible for making service users aware of the existence of these procedures.
- 1.6 This policy has been discussed with the relevant trade unions and has their support.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
 - Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;

- Provide avenues for you to raise those concerns and receive feedback on any action taken;
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- Reassure you that you will be protected by the trust from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 The Whistleblowing Policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within, the scope of other procedures. These include:

- Conduct which is an offence or a breach of the law, including breaches of the trust's Valuing Diversity Policy;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of public funds;
- Possible fraud and corruption;
- Sexual or physical abuse of pupils/students, or
- Safeguarding/Child Protection concerns
- Other unethical conduct.

It is important to note there is a Grievance Procedure in place to enable you to lodge a grievance relating to your own employment.

2.3 Thus, any serious concerns that you have about any aspect of the trust's provision in its academies or in the central team or the conduct of colleagues/employees of the trust or members of the Board of Directors or Local Governing Body or others acting on behalf of the trust can be reported under the Whistleblowing Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the trust, or one of its academies, subscribes to; or

- Is against the trust's articles of association, funding agreement, and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

2.4 This policy does not replace the trust's Complaints Procedure.

3. SAFEGUARDS - Harassment or Victimisation

3.1 The trust is committed to good practice and high standards and wants to be supportive of employees.

3.2 The trust recognises that the decision to report a concern can be a difficult one to make especially for staff new to the trust. If what you are saying is true, or your suspicions are reasonable, you will have nothing to fear because you will be doing your duty to your employer and to those for whom the trust's academies and central team provides a service. In fact, you may be making yourself vulnerable if you do not raise the alarm.

3.3 **The trust will not tolerate or allow any form of harassment, victimisation or discrimination (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If there are any intimidatory threats or instances of harassment/victimisation/discrimination against a 'whistleblower' the trust will take appropriate disciplinary action against the individual(s) concerned.**

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

4.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal your identity if you so wish. However, if your concerns require any further action, you may at some future date have to act as a witness and/or provide evidence.

5. ANONYMOUS ALLEGATIONS

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the trust.

5.3 In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

6. UNTRUE ALLEGATIONS

6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with the Principal or the Management Team Director. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that the Principal is involved, you should approach the Management Team Director or the Chair of Governors in the first instance. If your concern is about the Management Team Director you should contact the Chair of the Board of Directors. If your concern is about the work of the Local Governing Body you should raise your concern with the Management Team Director or the Chair of the Board of Directors. If your concern is about the overall running of the trust you should contact the Department for Education.

7.2 Concerns should be raised in writing. Staff who wish to make a written report are invited to use the attached Form P11 at Appendix 1 which enables you to identify:

- The background and history of the concern (giving relevant dates);
- The reason why you are particularly concerned about the situation.

7.3 The earlier you express the concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 Advice/guidance on how to pursue matters of concern may be obtained from:

- The Management Team Director
- EFAT HR
- The Principal
- The Chair of the Board of Directors
- The Chair of Governors
- The Nominated Person in each of the trust's the academies or the central team (you can find out the name of the Nominated Person in your academy from the Principal and the Nominated Person in the central team from the Management Team Director.

7.6 You may wish to consider discussing your concern with a colleague or your Trade Union Representative, if appropriate first as you may find it easier to raise the matter through someone you trust.

7.7 You may invite your trade union, or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

8. How the trust will respond

8.1 Your concerns will be responded to by the appropriate person in your academy or central team, by the Chair of the LGB or Board, or by EFAT HR. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- Be investigated by appropriate representatives, internal audit, or through the disciplinary process;
- Be referred to the Police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry.
(See Appendix 2)
- or a combination of these

- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, or discrimination issues) will normally be referred for consideration under these procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within **ten** working days of a concern being raised, EFAT HR write to you in confidence:
- Acknowledging that the concern has been received;
 - Indicating how we propose to deal with the matter;
 - Giving an estimate of how long it will take to provide a final response;
 - Telling you whether any initial enquiries have been made;
 - Supplying you with information on staff support mechanisms, and
 - Telling you whether further investigation will take place and if not, why not.

Every effort will be made to ensure that your concerns are dealt with as speedily as possible and you are kept informed of progress made.

- 8.6 The amount of contact between the persons considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the trust will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union representative or a colleague.
- 8.8 The trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the trust will arrange for you to receive advice about the procedure.
- 8.9 The trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. THE RESPONSIBLE PERSON

9.1 The Board of Directors and Local Governing Bodies have overall responsibility for the maintenance and operation of this Policy. They will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary in line with governance arrangements.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This Policy is intended to provide you with an avenue within the trust's academies and central team to raise concerns. The directors and governors of the trust hope you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the trust, the following are possible contact points, (*this list is not exhaustive*):

- The Secretary of State for Education
- Ofsted
- The Department for Education/ Regional Schools Commissioner
- The Education Funding Agency
- Bolton MBC's Safeguarding in Education Team
- The Health and Safety Executive
- HM Revenue and Customs
- The National Audit Office
- The Police
- The Charities Commission

10.2 If you do take the matter outside the trust, you should ensure that you do not disclose confidential information. Check with the Education Funding Agency before disclosing any information.

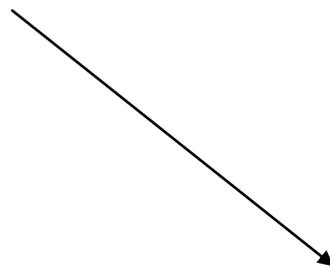
APPENDIX 2

STEPS IN MAKING A DISCLOSURE

Concern(s) identified and disclosure made to Principal/MTD/Chair of BOARD/ LGB informally



Action identified concern(s) addressed



Concern(s) remain



STEP 1

Disclosure made formally in writing using pro-forma to Principal/MTD/Chair of Board/LGB



STEP 2

Principal/MTD/Chair or Board/LGB acknowledges receipt of pro-forma in writing within ten working days



STEP 3

Formal investigation begins *(if appropriate)*



STEP 4

Outcome of investigation submitted in writing to the Principal/MTD/Chair of Board/LGB

STEP 5



1

FEEDBACK TO THE PERSON MAKING DISCLOSURE WITHIN 5 WORKING DAYS OF THE OUTCOME OF THE INVESTIGATION BEING MADE TO THE PRINCIPAL/MTD/CHAIR OF BOARD/LGB

2

RECOMMENDED ACTION TO PREVENT RECURRENCE

3

FORMAL DISCIPLINARY PROCEDURE INVOKED *(if appropriate)*