



Marches Academy Trust

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# Whistleblowing Policy and Procedure

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## **1. Introduction**

This procedure has been adopted by all schools in the Marches Academy Trust at the point of conversion, it being based on the procedure for Shropshire Local Authority maintained schools, agreed with the appropriate professional associations/trade unions representing staff employed within the school and which was in operation at the time of the school's conversion to academy status. It has since been updated in line with current Government and ACAS guidance.

The Public Interest Disclosure Act 1998 provides employees with protection (against dismissal and other detriment) when raising genuine concerns about malpractice in the workplace. It encourages disclosures to be made internally in the first instance but also allows for certain protected disclosures to be made to specific external bodies.

The Marches Academy Trust is committed to open and honest communication and the highest possible standards of integrity. Part of meeting that commitment is to encourage 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.

Disclosures made under this policy and procedure are monitored by the Board of Trustees under the Public Interest Disclosure Act. Details of any disclosure remain confidential.

This document will be subject to review by the Board of Trustees in the light of any further relevant legislation.

## **2. Aims and scope of this policy**

This policy aims to:

- provide avenues for staff to raise concerns and receive feedback on any action taken;
- allow staff to take the matter further if they are dissatisfied with the response and;
- reassure staff that they will be protected from reprisals or victimisation for 'whistleblowing' in good faith.

Employees may be the first to see that something is seriously wrong within the Trust. Such wrongdoings may relate to:

- fraud and corruption;
- discrimination (ie witnessing discrimination as a third party);

- abuse of vulnerable children/people;
- damage to the environment;
- health & safety breaches;
- failure to comply with legal proceedings;
- breach of the school's policies, professional code of conduct and/or established standards and working practices.

### **Safeguarding**

This Whistleblowing Policy and Procedure is an important part of the school's safeguarding arrangements, and through its use employees are expected to raise a concern where they have reason to believe that the school is failing in its responsibility to safeguard and promote the welfare of its students or that a colleague:

- has or may have formed an inappropriate relationship with a pupil;
- has or may have harmed a pupil or placed pupil/pupils at risk of harm;
- has otherwise acted in a way as to raise questions about their suitability to work with children and young people.

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.

This document is issued to employees, and those undertaking duties and responsibilities on behalf of the Trust, during induction, to advise specifically on blowing the whistle on wrongdoing. It should not be confused with the Marches Academy Trust Complaints Procedure (where anyone can complain about the Trust or Trust staff), the Grievance Procedure (where employees complain about their treatment as an employee) or the Safeguarding and Child Protection Policy and Procedure (specifically relating to working around children and young people). This policy is intended to cover concerns which fall outside the scope of such policies and procedures.

This document is also made available to business partners, contractors, voluntary agencies, partnerships, and any others who the Trust has dealings with, for distribution for their employees.

### **3. Serious concerns**

Serious concern may be related to something that:

- is unlawful;
- is against financial rules, contract rules or other policies;
- does not meet established standards or working practices;
- amounts to improper conduct.

Theft, bribery and corruption, safeguarding/child protection issues, service users or staff and environmental misuse are all the type of things which would fall into these categories.

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.

Procedures for dealing with allegations or concerns about child abuse already exist and the named person in this Trust to whom such issues can be referred is the Trust Designated Safeguarding Lead. There is a specific procedure for dealing with allegations of abuse against Trust staff. This policy supplements the Marches Academy Trust Safeguarding and Child Protection Policy and Procedures.

There are existing procedures to enable employees to lodge a grievance relating to their employment.

## **4. Safeguards**

### **4.1 Harassment or victimisation**

The Trust recognises that deciding to report a concern can be difficult, 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 action to protect employees when concerns are raised in good faith. However, if an employee is already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of the whistleblowing.

### **4.2 Confidentiality**

The Trust will do their best to protect an employee's identity when concerns are raised and an employee does not want their name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by the individual employee may be required as part of the evidence.

### **4.3 Anonymous allegations**

Employees and others who have reason to raise concerns are encouraged to put their name to any allegation. 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. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the validity of the concern;
- the likelihood of confirming the allegation from other sources.

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.

#### **4.5 Untrue allegations**

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against an employee. In such circumstances employees will be supported. If, however, as a result of the investigation the allegation is established as being malicious or vexatious then disciplinary action will be considered.

#### **4.6 Support to employees**

Throughout and after this difficult process employees will be given full support from senior management, concerns will be taken seriously and the Trust will do all it can to help employees. Employees may also wish to seek confidential support from their trade union/professional association.

### **5. How to raise a concern**

Concerns should normally be raised with an employee's immediate line manager, the Headteacher, or any senior management that the employee trusts. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing.

If the employee is not comfortable raising this with any of the people outlined above, they can raise concerns directly with the Director of Trust Governance or the Trustee with responsibility for whistleblowing.

If the line manager, or the Headteacher, or other Trust management is involved, an employee may wish to report concerns to the Director Trust Governance or the Trustee with responsibility for whistleblowing.

Where the employee feels unable to raise a concern as outlined above, they may raise a concern as outlined below: Section 7 How the matter can be taken further.

Alternatively, employees can invite their trade union or professional association to raise the matter on their behalf.

The earlier concerns are expressed the better and the easier it will be to take action. Concerns are better raised in writing and should set out:

- the background and history to the concern;
- dates and places where possible;
- the reasons for the concern.

In order to ensure confidentiality, concerns should be sent in writing in a sealed envelope addressed to the Director of Trust Governance or Trustee with responsibility for whistleblowing and clearly mark it 'Strictly Private and Confidential - to be opened by the addressee only'.

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.

## **6. How the Trust will respond**

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.

The amount of contact between the Director of Trustee Governance and/or the Trustee with responsibility for whistleblowing considering the issues, and the

individual who has raised the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual who has raised the concern.

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.

If the employee should become involved in further investigations or procedures (eg 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 outcomes of any investigations and any changes to working practices as far as is reasonably practicable.

## **7. How the matter can be taken further**

This document is intended to provide employees with avenues to raise serious concerns within the Marches Academy 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:

- Shropshire Council Whistleblowing Hotline where confidential disclosures can be made 01743 252627
- an external auditor
- relevant professional bodies who regulate organisations (including the Ombudsman)
- a solicitor
- the police
- Protect – confidential advice on whistleblowing: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

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.

## **8. 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 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.

## **9. 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.