

Scholars' Education Trust

POLICY TITLE:	WHISTLEBLOWING
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REVIEWED BY:	Finance & Audit Committee / Trust Board
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1. Introduction

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Trust to voice those concerns and feel secure in doing so.

It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. The Trust encourages all individuals to raise any concerns they may have about the conduct of others or the way in which the Trust is run.

The Trust is committed to the principles of honesty and integrity. A culture of openness and accountability is critical to ensuring these values are authentically lived by.

This policy applies to all employees, workers, agency staff, contractors, service providers, volunteers, trustees, and any other officers of the Trust.

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

2. Scope

If your concern relates to how you have been treated this should be raised under the grievance or bullying and harassment policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy the Trust's disciplinary policy will be used.

The Trust encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

3. What is whistleblowing?

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing related to a "qualifying disclosure".

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- concealment of any of the above

is being, has been, or is likely to be, committed.

It is not necessary for a whistleblower to have proof of such an act for the protections of this policy to apply. They must only have a reasonable belief.

Potential whistleblowers should have reasonable grounds for believing the information they are disclosing is accurate.

Where a disclosure fails to show that one of the six categories of wrongdoing has been or is likely to be occur, it cannot amount to a qualifying disclosure for the purposes of the whistleblowing legislation.

Potential whistleblowers are encouraged to seek support from a senior manager, the Trust's HR team, or their trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

4. Protections for whistleblowers

This policy has been written to take account of the Public Interest Disclosure Act 1998 and other relevant legislations, which protects workers making disclosures.

A whistleblower who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detrimental detriment, or victimised, because they have made a disclosure.

Victimisation of a whistleblower for raising a qualifying disclosure will be a disciplinary offence.

The Trust will not dismiss anyone on the basis that they have made an appropriate lawful disclosure in accordance with the law and this policy.

Whistleblowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS (www.acas.org.uk).

5. Obligations for the whistleblower

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistleblower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the Trust's Code of Conduct.

It is not appropriate to whistle blow to the media in any circumstances and may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence.

6. Confidentiality

The Trust encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, the Trust will make every effort to keep their identity secret.

The Trust will consult with the whistleblower before divulging their identity to any party, including an investigator.

The Trust does not encourage anonymous disclosures as this may make it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

7. The Trust's commitment

Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially.

Whilst the trust will aim to keep the employee informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed.

8. Obligations for the Trust

It is a requirement under the Academies Financial Handbook that academy trusts must have procedures for whistle-blowing, and trustees must agree the whistleblowing procedure. The trust will appoint at least one trustee and one member of staff who other staff can contact to report concerns, and must ensure all staff are aware of the process and how concerns will be managed.

The Academies Financial Handbook sets out a requirement that the board of trustees must notify the Education and Skills Funding Agency (ESFA) as soon as possible, of any instances of fraud, theft and/or irregularity exceeding £5k individually, or £5k cumulatively in any financial year. Unusual or systematic fraud, regardless of value, must also be reported.

9. Whistleblowing procedure

9.1. Stage 1 – Disclosure

The whistleblower should initially raise their concern to their line manager. They may do this orally or in writing.

If the concern relates to the line manager or any person to whom they report (other than the Headteacher) the whistleblower should raise the issue with the Headteacher.

If the concern relates to the Headteacher, the whistleblower should raise this with the Trustee or employee named at the end of this policy.

9.2. Stage 2 – Investigation

The Trust will arrange an investigation into the concerns raised. This will take place as soon as is reasonably practicable.

The investigation may involve the whistleblower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistleblower is entitled to be accompanied by a recognised trade union representative or a work colleague.

9.3. Step 3 – Report to Trustees

The investigator will report to the board of trustees before any further action is taken. The board will decide on potential outcomes including, but not limited to:

- invoking the Trust's disciplinary process, or other relevant policy
- referral to the police, government department or regulatory agency
- no further action

On conclusion of any investigation, the whistleblower will, as far as is practicable and where it is reasonable to do so, be told the outcome of the investigation and what the Trust has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

9.4. Step 4 – Escalation.

If, on conclusion of stages 1, 2 and 3 the whistleblower reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made.

These include:

- the Financial Conduct Authority (formerly the Financial Services Authority)

- the Health and Safety Executive
- the Environment Agency
- Her Majesty's Chief Inspector of Children's services and skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulator.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) website. Alternatively, an employee may contact their professional association or trade union representative for guidance.

10. Data Protection

When an individual makes a disclosure, the Trust will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

11. Contacts

The trust's appointed trustee for this purpose is: **Chair of Trust**

The trust's appointed member of staff for this purpose is: **Hazel Wale, Chief Operations Officer**, h.wale@scholarseducationtrust.co.uk

Or the independent whistleblowing charity **Protect**:

Helpline [020 3117 2520](tel:02031172520)

E-mail: whistle@protect-advice.org.uk