



## **Whistleblowing Policy**

**Approved by the Trust:** June 2021

**Review by:** September 2022

## **Contents**

- 1.0 Introduction
- 2.0 Purpose
- 3.0 Procedure
- 4.0 Appeal
- 5.0 Recording and Monitoring
- 6.0 Contacts
- 7.0 APPENDIX 1: Roles and Responsibilities

## **1. Introduction**

Melrose Learning Trust is committed to the highest possible standards of openness, probity and accountability in all of its activities. It also expects a high standard of conduct and integrity from employees. Any employee who has a serious concern about any aspect of the School's work or the actions of any of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.

## **2. Purpose**

The purpose of the policy is to:

- encourage employees to feel confident in raising concerns and to question and act upon their concerns
- provide avenues for employees to raise these concerns and receive feedback on any action taken
- allow employees to take the matter further if they are dissatisfied with the School's response
- reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with the procedure

This policy applies to all employees including those working on a temporary or casual basis.

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

There are existing procedures in place to allow staff to lodge a grievance relating to their own employment within each school's Discipline, Conduct and Grievance Procedures. This Policy is intended to cover reasonably serious concerns that fall outside the scope of other procedures. That concern may be about any of the following:

- A Criminal conviction that has been, is being or is likely to be committed
- Fraud and Corruption
- Unauthorised use of public funds
- A failure to comply with any legal or professional obligation or regulatory requirements
- A health and safety risk relating to any individual
- A miscarriage of justice
- Damage to the environment
- Bribery
- Facilitating tax evasion
- Actions that are contrary to any internal policies and procedures
- Actions or behaviour that falls below established standards of practice
- Abuse and welfare of students or staff
- Harassment or victimisation of students or staff

- Conduct likely to damage our reputation or financial wellbeing
- Unauthorised disclosure of confidential information
- Any actions or concerns regarding practice that could result in a financial loss to School
- The deliberate concealment of information relating to any of the above matters
- Other unethical conduct

This list is not exhaustive.

A whistle-blower 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 our activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the ways you have been treated at work. In those cases you should use the Grievance Procedure.

### **3. Procedure**

#### **Making a disclosure – initial action**

As soon as an employee becomes reasonably concerned about a matter, they should first raise the issue with their line manager or the Headteacher of the school in which they work. They may be able to agree a way of resolving the concern quickly and effectively.

However, where a matter is more serious, or the employee feels that the line manager or headteacher has not addressed their concern, or they would prefer not to raise it with them for any reason, the employee should contact the CEO. Concerns related to the CEO should be raised with the Chair of the Trust. Contact details are set out at the end of the policy.

Concerns may be raised verbally or in writing and should give the background, the nature of the malpractice that is alleged; relevant dates where possible; the reasons for the concern and the names of individuals against whom the allegations are made. If the concern is raised verbally, then the person receiving the information should put in writing, an outline of the matters raised and this should be confirmed in writing to the employee. This should be done within ten working days.

A meeting will be arranged as soon as possible to discuss the concern. Employees may bring a colleague or union representative to any meetings under this policy. Such person must respect the confidentiality of your disclosure and any subsequent investigation. Following the meeting the employee will receive a written summary of the concern within ten working days. We will also aim to provide the employee with an indication of how we propose to deal with the matter.

All managers have a responsibility to act on the concerns raised, in accordance with this procedure. Failure to do so in accordance with the policy and procedure may lead to disciplinary action.

The Headteacher/CEO/Chair of Trust will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure [the employee will be informed of this]. If the matter is dealt with under the Whistleblowing policy, then the employee will then be informed of the name of the person investigating.

The receiving manager will then inform the employee in writing of the process to be followed. The receiving manager will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days. However, this may be delayed if it is likely to jeopardise the investigation.

### **Confidentiality**

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if employees want to raise their concern confidentially, we will make every effort to keep their identity secret. If it is necessary for anyone investigating your concern to know their identity, we will discuss this with them.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from the employee. It is also more difficult to establish whether allegations are credible. Whistle-blowers concerned about possible reprisals if their identity is revealed should come forward to the CEO or Chair of the Trust and appropriate measures can be taken to preserve confidentiality. If in any doubt, employees can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

### **Handling a disclosure**

Once a concern has been raised, the investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential actions that the investigating manager could take include a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy.

Where appropriate, the matters raised may:

- be investigated by the investigating manager or internal auditors
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry by an outside body

This will be determined by the investigating manager.

Within four weeks of a concern being raised, the investigating manager will write to both parties:

- indicating how they propose to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response
- indicating whether further investigations will take place and if not, why not

*Appendix 1 provides details of the role of the investigating manager.*

Any internal investigation should take no longer than three months to complete from the date of receipt of original disclosure. As part of the investigation, the investigation manager will decide:

- whether disciplinary action be taken against any employee
- whether changes should be recommended to any Academy/Trust procedures
- whether any other action should be recommended

These will be detailed in a final report.

The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.

The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

#### **4. Appeal**

An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision. An appeal should be made to the CEO (or Chair of the Trust if matter relates to the CEO) within five days of receipt of the outcome letter.

The CEO/Chair of the Trust will determine who should hear the appeal. The appeal should be completed within one month.

After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied they may raise the matter further by contacting an outside agency.

An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, within five working days, to the CEO about the outcome of the report. The CEO/Chair of the Trust will consider these representations and may direct further investigation or review as appropriate.

### Timescales

Action	Timescale	By Who
Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed.	Within 10 working days	Headteacher of school CEO (if matter relates to headteacher) Chair of Trust (if matter relates to CEO)
Confirm in writing to the person complained of that a disclosure has been received and that it is being considered. Outline the process to be followed.	Within 10 working days	Headteacher of school CEO (if matter relates to headteacher) Chair of Trust (if matter relates to CEO)
Confirmation of whether the matter is to be investigated, and if so, how it will be investigated. Letters sent to employee and person complained of.	Within four weeks of receipt of disclosure	Person appointed to investigate – the investigating manager
Written confirmation of outcome of investigation and action to be taken. Report sent to Headteacher/CEO/Chair of Trust with recommendations and determines what action to take. Letters sent to employee and person complained of	Within three months of receipt of disclosure.	Person appointed to investigate – the investigating manager
Appeal against outcome of investigation	Within five working days from receipt of outcome	Employee who makes the disclosure
Appeal carried out	Within one month of appeal	Person appointed to hear the appeal

Appeal to CEO/Chair of the Trust	Within five working days from receipt of outcome	Employee subject to the disclosure
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While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances, all parties will be kept informed as to progress.

## 5. Recording and monitoring

The academy headteacher will maintain a register containing all concerns that are brought to the school's attention. These will be reported on a termly basis to the Chair of Governors and CEO. The Trust will maintain a register of all concerns brought to the CEO/Chair of Trust. These will be reported to the Trust Board.

All records will be treated as confidential and kept no longer than necessary in accordance with the United Kingdom General Data Protection Regulations (May 2021). Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be withheld to protect a third party.

## 6. Contacts

<b>CEO</b>	Roger Ward 01740 555005 rward@wynyardprimary.org.uk
<b>Chair of the Trust</b>	Paul Mackings Paul.mackings@kymel.co.uk
<b>Protect (Independent Whistleblowing Charity)</b>	Helpline: 020 3117 2520 <a href="mailto:whistle@protect-advice.org.uk">whistle@protect-advice.org.uk</a> <a href="https://protect-advice.org.uk">https://protect-advice.org.uk</a>

## 7. Approval by Trust Board

This policy will be reviewed when there are changes in national guidelines, or in accordance with the schedule drawn up by the Headteacher and agreed by the Governing Body.

Signed:

A handwritten signature in black ink, appearing to read "J. Hunt-Bain", written over a horizontal line.

(Chair of Trust Board)

## **APPENDIX 1: Roles and Responsibilities (inc resources)**

The role of the investigating manager

The investigating manager will have the following responsibilities to School:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague
- Establish the facts/obtain statements/collect documentary evidence
- Maintain detailed records of the investigation process
- Make any recommendations for action to be submitted to a more senior manager

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague
- Keep the employee up to date with progress on the matter and agree timescales for action
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview
- Give details of employee support mechanisms available

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence
- Advise in writing of the procedure to be followed
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague
- Give details of employee support mechanisms available

- The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required
- Where necessary School will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible

The person appointed to hear an appeal will have the following responsibilities:

- Hold appeal meeting with employee who made the disclosure
- Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague
- Review the investigation report/procedure followed and findings
- Decide whether to uphold appeal or not
- Initiate a new investigation if necessary
- Report the appeal findings in writing to the CEO, if applicable
- Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made