

## **Whistleblowing policy**

### **Policy Statement**

We are committed to conducting the Children of Success Schools Trust with honesty and integrity, and we expect all staff to maintain high standards.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are:

- to encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- to provide staff with guidance as to how to raise those concerns; and
- to reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

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

### **1. What is Whistleblowing?**

Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Board of Trustees or other governing committee or individual members thereof, or by fellow employees. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Trust's Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers.

### **2. Protecting the Whistleblower**

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.

### **3. When should Whistleblowing procedures be used?**

- 3.1 If an employee has concerns about wrongdoing at the Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
- 3.2 Each individual member of staff should feel able to speak freely on such matters. However, the Trust and colleagues have the right to protect themselves against unfounded false or malicious accusations.
- 3.3 Whistleblowing should only be used when the party implementing the procedure (the Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
- 3.4 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. In such cases the employee should make use of the Trust's Grievance Procedure, or the rights of

appeal included in pay, appraisal, capability and disciplinary policies. In the case of pay and employment conditions generally, employees have the right to make representations to the Trust directly or through their trade union/professional association.

- 3.5 Whistleblowing is not appropriate for dealing with pupil or parent complaints, which will be dealt with under the Trust's Complaints Procedure.
- 3.6 Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the safeguarding procedure (as recommended by the Manchester City Council and adopted by the Trust). If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Headteacher or Child Protection Officer.

#### **4 The procedure**

- 4.1 Any issue raised will be kept confidential while the procedure is being used.
- 4.2 The Representer (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing.
- 4.3 However, if the concern relates to the Representer's line manager or any person to whom he or she reports, other than the Headteacher, the Representer should raise the issue with the Headteacher;
- 4.4 If the concern relates to the Headteacher, the Representer should raise the matter with the Chair of the Governing Committee.
- 4.5 If the concern relates to the Governing Committee or an individual member thereof, or a member of the Board, the Representer should raise the matter with the Chair of the Board. If the concern relates to the Board as a whole or to its Chair, the Representer should raise the matter with the Chair of the Company. (Names of the relevant individuals are listed on the Trust website.)
- 4.6 The person with whom the matter is raised is referred to as the "Assessor". The Assessor will:
  - 4.6.1 Interview the Representer as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
  - 4.6.2 Obtain as much information as possible from the Representer about the grounds for the belief of wrongdoing;
  - 4.6.3 Consult with the Representer about further steps which could be taken;
  - 4.6.4 Advise the Representer of the appropriate route if the matter does not fall under this Procedure;
  - 4.6.5 Other than in the case of paragraph 4.4, report all matters raised under this procedure to the Chair of the Governing Committee, or to the Chair of the Board or the Chair of the Company as outlined in 4.5.
- 4.7 At the interview with the Assessor, the Representer may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Trust staff to take notes. The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, with other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.
- 4.8 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
  - 4.8.1 The matter be further investigated internally by the Trust;
  - 4.8.2 The matter be further investigated by external consultants appointed by the Trust
  - 4.8.3 The matter be reported to an external agency;
  - 4.8.4 Disciplinary proceedings be implemented against an employee;

- 4.8.5 The route for the Representor to pursue the matter if it does not fall within this procedure; or
- 4.8.6 That no further action is taken by the Trust.
- 4.9 The grounds on which no further action is taken include:
- 4.9.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- 4.9.2 The Assessor is satisfied that the Representor is not acting in good faith;
- 4.9.3 The matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
- 4.9.4 The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 4.10 The recommendation of the Assessor will be made to the Headteacher. However, should it be alleged that the Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Governing Committee; or in matters affecting governing committees or their members or the Board or its members to the Board or the Company.
- 4.11 The Headteacher/Chair of the Governing Committee/Chair of the Board, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body or Board or Company, as appropriate.
- 4.12 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
- 4.12.1 Where the Assessor is under a legal obligation to do so;
- 4.12.2 Where the information is already in the public domain; or
- 4.12.3 On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 4.13 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.
- 4.14 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 4.15 If the Representor has not had a response within the above time limit or such reasonable extension as the Trust requires, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.
- 4.16 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **5 Malicious accusations**

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Academy's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

## **6 Informing external agencies**

- 6.1 Within the Academy all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Academy fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.
- 6.2 Whistleblowing to an external agency without first going through the internal procedure is a breach of the duty of confidentiality of the employee concerned. The external agencies which may be used if disclosure is permitted under paragraph 6.1 are:

6.2.1 Department for Education /Education Funding Agency. (In these circumstances, the DfE/EFA will assess whether all school processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/EFA will refer the matter back to the Assessor);

6.2.2 Member of Parliament;

6.2.3 National Audit Office;

6.2.4 Health and Safety Executive;

6.2.5 Police.

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

## **7. Confidential employee enquiries**

Employees may, on a confidential basis seek prior guidance from their Headteacher or the Finance Director / Operations Manager if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Headteacher / Finance Director will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.

## **8. Monitoring, evaluation and review**

The Trust's Finance and General Purposes Committee will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust.