

WHISTLEBLOWING POLICY & PROCEDURE

Approved by: The Trust Board

Date: 19 October 2015

Review Date: To be reviewed annually and updated as required following changes in legislation

Owner: Human Resources Manager, Cumbria Education Trust

1. Purpose

- 1.1 To set out the Cumbria Education Trust's (the Trust) policy and procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work (see paragraph 3). Allegations of child abuse against teachers and other staff and volunteers are to be dealt with in accordance with Keeping Children Safe in Education statutory guidance for Academies and Colleges July 2015 (as amended).

2. Background

- 2.1 As employees are often the first to realise that there may be something wrong within the academy, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.2 The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or alerting anyone external to the Trust.
- 2.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

3. Aims and Scope of the Policy

3.1 This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
- allow employees to take the matter further if they are dissatisfied with the Trust Board/Local Advisory Board (LAB) response.

3.2 This policy describes how any Trust employee can raise any concerns he/she may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. grievance, disciplinary, harassment and child protection procedures.

- 3.3 A whistleblower is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
- (a) criminal activity;
 - (b) miscarriages of justice;
 - (c) danger to health and safety;
 - (d) damage to the environment;
 - (e) failure to comply with any legal or professional obligation or regulatory requirements;
 - (f) bribery;
 - (g) financial fraud or mismanagement;
 - (h) negligence;
 - (i) breach of our internal policies and procedures;
 - (j) conduct likely to damage our reputation;
 - (k) unauthorised disclosure of confidential information;
 - (l) public examination fraud;
 - (m) the deliberate concealment of any of the above matters.
- 3.4 Before initiating the procedure employees should consider the following:
- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
 - employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
 - whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- 3.5 This policy should not be used for complaints about an employee's personal circumstances, such as the way they has been treated at work. In these cases an employee should use the Grievance Procedure (or Bullying and Harrasment Policy as appropriate); if the matter relates to salary, the salary review procedures documented in the Trust's Pay Policy.

4. Safeguards

4.1 Harassment or Victimisation

- 4.1.1 The Trust recognises that the decision to report a concern can be a difficult one to make, 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 they have a genuine concern.
- 4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing Policy.

4.2 Confidentiality

- 4.2.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trust and individual academies will make every effort to protect an employee's identity if confidentiality is requested.
- 4.2.2 As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is

disclosed;

4.3 Anonymous Allegations

4.3.1 Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Trust. In exercising the 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.

4.4 Untrue Allegations

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

4.5 Unfounded Allegations

4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust Board/LAB deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to Employees

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

5. How to raise a Concern

5.1 As a first step, an employee should normally raise concerns with their line manager or their line manager's superior (in 6.1 this is referred to as Senior Manager). This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their line manager or a member of the line manager's superior is involved, they should approach the Headteacher. Employees can by-pass the academy, LAB and Trust Board if they feel the overall management is engaged in an improper course of action. In this case please refer to section 7 below.

5.2 Concerns should normally be raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person as detailed above. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the Whistleblowing Procedure.

5.3 The earlier an employee expresses the concern, the easier it is to take action.

5.4 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

5.5 In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

5.6 At each meeting under this policy the employee may bring a colleague or trade union

representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

The role of a senior manager

- 6.1 A senior manager may be informed by an employee about concern(s) and that they are "blowing the whistle" within the procedure in person, or in writing or over the phone.
- 6.2 At this stage the senior manager should inform the Headteacher and the Trust's HR Manager or provider. The senior manager should then respond by arranging to meet with the employee, or agreeing with the employee who is the most appropriate person for them to meet with, to discuss the concern(s) as soon as possible.
- 6.3 Stage One:
 - 6.3.1 At the initial meeting the senior manager should establish that:
 - there is genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistleblowing Policy.
 - 6.3.2 The senior manager should ask the employee, to put their concern(s) in writing, if he/she has not already done so. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the Whistleblowing Procedure and provide:
 - the background and history of the concerns; and
 - names, dates and places (where possible); and
 - the reasons why the employee is particularly concerned about the situation.
 - 6.3.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
 - 6.3.4 The senior manager should follow the policy. In particular the senior manager should cover the following items with the employee, in line with the procedure:-
 - what steps they intend to take to address the concern;
 - how they will communicate with the employee during and at the end of the process; and
 - that a written response will be sent out within ten working days.
 - that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
 - that the Trust will do all that it can to protect the employee from discrimination and/or victimisation;
 - that the matter will be taken seriously and investigated immediately; and
 - that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.
 - if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
 - the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded and that they will be expected not to raise the concern again, unless new evidence becomes available.
- 6.4 Stage Two:

- 6.4.1 Following the initial meeting with the employee, the senior manager should consult with the Headteacher to determine whether an investigation is appropriate and, if so, what form it should take. Where the senior manager is the Headteacher they will consult with the Executive Headteacher. A record should be made of the decisions and/or agreed actions.
- 6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:
- the seriousness of the issue(s) raised;
 - the credibility of the concern(s); and
 - the likelihood of confirming the allegation(s) from attributable sources.
- 6.4.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:
- be investigated internally;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- 6.4.4 Senior managers should have a working knowledge and understanding of other academy policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the Trust's HR Manager or provider.

6.5 Stage Three

- 6.5.1 Within ten working days of a concern being received, the manager receiving the concern must write to the employee:
- acknowledging that the concern has been received;
 - indicating how they propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response; and/or
 - telling the employee whether any initial enquiries have been made; and
 - telling the employee whether further investigations will take place, and if not why not; and/or
 - letting the employee know when they will receive further details if the situation is not yet resolved; and
 - providing the employee with details of whom to contact should they be dissatisfied with this response (see 7.1 below)

7. **Raising Concerns outside the Trust**

- 7.1 The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Trust Board's response, the manager should ensure that he/she is made aware with whom he/she may raise the matter externally:
- ['Public Concern at Work'](#), Tel. No. 0207 404 6609*;
 - recognised trade union;
 - a senior LA officer;

- the external Auditor;
- relevant professional bodies or regulatory organisations;
- a solicitor;

7.2 The manager should stress to the employee that if he/she chooses to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

**Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

8. Monitoring and Review

8.1 The Executive Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure.