



Whistleblowing Policy

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Inspiring Schools Partnership Multi Academy Trust

Whistleblowing Policy and Procedure

1. Introduction

1.1 Inspiring Schools Partnership is committed to conducting its business with honesty and integrity and expects all employees to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures.

1.2 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.

1.3 Employees are often the first to realise that there may be something seriously wrong within the school or Trust. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances, it may be thought to be an easier option to ignore the concern rather than report what may just be a suspicion of malpractice

1.4 This procedure is not a substitute for normal line management processes but an addition to them. Employees should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for employees or the complaints procedure.

1.5 This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of employees, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if an employee has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent employees from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

2. Aims of Policy

- Provide avenues and guidance for employees to raise concerns and report suspected wrongdoing and receive feedback on any action taken;
- Allow employees to take the matter further if they are dissatisfied with the Trust's response; and
- Reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.1 This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of employees at the College and the College reserves the right to amend its content at any time.

3. Who is covered by this policy

3.1 This Policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including Trustees, Governors, Executive Principal, Headteachers, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency employees (collectively referred to as "employees" in this policy) who are advised to familiarise themselves with its content.

4. Legal Framework

4.1 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'

5. What is Whistleblowing

5.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; * See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the Trust's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the College's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

5.2 A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) you should report it under this policy.

5.3 This policy should not be used for complaints relating to employees own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

5.4 If employees are uncertain whether something is within the scope of this policy they should seek advice from the Executive Principal/Headteacher and if the matter is in relation to an alleged wrongdoing by the Executive Principal or Headteacher then employees should seek the advice of the Designated Governor.

6. Raising a whistleblowing concern

6.1 The Trust hopes that in many cases employees will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases they may refer the matter to the Governing Body.

6.2 However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- **The Executive Principal/Headteacher**
- **The Governor with responsibility for Whistleblowing matters**

6.3 The Executive Principal/Headteacher will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concerns. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Executive Principal/Headteacher will record the name of the employee and the nature of the concern. The employee making the disclosure should indicate if they have any evidence to support their disclosure. Should they not have evidence, they should be clear about why they suspect wrongdoing has occurred. (It is not necessary for an employee making a disclosure to have evidence).

6.4 The Executive Principal/Headteacher should also establish whether the individual wishes his or her identity to remain confidential and the reasons for this, if possible. In some cases it will not be possible to maintain confidentiality and the Executive Principal/Headteacher should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

6.5 Employees may choose to bring a colleague or trade union representative to any meetings under this policy and must respect the confidentiality of the disclosure and any subsequent investigation.

6.6 The person hosting the meeting on behalf of the Trust will take notes and produce a written summary of the concerns raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. This person will also aim to give the 'whistleblower' an indication of how it proposes to deal with the matter.

7. Protection for Whistleblowers.

7.1 The Trust is fully committed to protecting whistleblowers and:

- expect any employee who suspects or is aware of wrongdoing to exercise their professional duty to make a disclosure;
- employees who make a disclosure will be fully supported and protected
- the Trust will treat all disclosures in a fair and consistent manner
- Victimisation or intimidation of a "whistleblower" will not be tolerated under any circumstances, further the Trust would consider this behaviour to be gross misconduct and will be investigated in accordance with the Trust's Disciplinary

Policy.

- Employees making a disclosure are entitled to seek support from their trade union.
- Subject to confidentiality and the provisions of Data protection, employees making a disclosure will receive feedback.

8. Confidentiality

8.1 The Trust hopes that employees will feel able to voice whistleblowing concerns openly under this policy. However, if an employee wants to raise his or her concern confidentially, the Trust will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating the employee's concern to know the 'whistleblowers' identity, the Trust will discuss this with the member of employees first.

8.2 The Trust does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if the organisation cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'whistleblowers' who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

8.3 If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the College's Disciplinary Procedure. If the Executive Principal/Headteacher knows or has a suspicion that an employee comes into this category then s/he will take advice from the Designated Governor and the HR Team who will help to determine what action should be taken.

8.4 If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

8.4.1 Public Concern at Work (Independent whistleblowing charity)

Protect Advice Line: 020 3117 2520 (* option 1)

Protect Advice line: whistle@protect-advice.org.uk

<https://www.pcaw.org.uk/contact-us/>

8.4.2 In addition you can find a full list of prescribed people to whom you can report malpractice other than your employer on the following website

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

9. Concerns against Trustees/Governors

9.1 If a concern against a Trustee/Governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Executive Principal with the Chair of Trustees/Governors who will

decide how it should be dealt with.

9.2 If the concern is against the Chair of Trustees/Governors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Executive Principal who will decide in consultation with a member of the Trust Board how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education for action.

10. External disclosures

10.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.

10.2 The law recognises that in some circumstances it may be appropriate for employees to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and their details can be found in paragraph . They also have a list of prescribed regulators for reporting certain types of concern.

10.3 Whistleblowing concerns usually relate to the conduct of an employee of the Trust, but may sometimes relate to the actions of a third party, such as a service provider. The law allows employees to raise a concern in good faith with a third party, where the employee reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, employees are encouraged to report such concerns internally first.

11. Investigation and outcome

11.1 Once an employee has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. (Appendix 2)

11.2 The Trust will inform the 'whistleblower' of the outcome of its assessment. The employee raising the concern may be required to attend additional meetings in order to provide further information.

11.3 In most cases a panel of three Trustees/Governors will investigate any issue. In rare cases the College may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

11.4 The Trust will aim to keep the employee informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent specific details of the investigation being given or any disciplinary action taken as a result. All parties are required to treat any information about the investigation as strictly confidential.

11.5 If the Trust concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary

action under the Inspiring Schools Partnership's Disciplinary Policy.

11.6 Whilst the Trust cannot always guarantee the outcome an employees may be seeking, we will try to deal with the concern fairly and in an appropriate way. If an employee is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

11.7 There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Executive Principal/Headteacher will have the right to refer any particular case to the Designated Governor for review.

11.8 Any employees raising a concern under the procedure will be kept informed of progress by the Executive Principal/Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the Trust's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

12 Support for 'whistleblowers'

12.1 It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support employees who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

12.2 Employees must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, victimisation, threats or other unfavourable treatment connected with raising a concern. If an employee believes that he or she has suffered any such treatment, he or she should inform the Executive Principal/Headteacher immediately. If the matter is not remedied, the employee should raise it formally using the Trust's Grievance Policy.

12.3 An employee must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

12.4 All employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Executive Principal in the first instance.

13. Safeguarding

13.1 If an employee suspects that there is a serious safeguarding issue that they feel the Executive Principal/Headteacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Executive Principal/Headteacher they should in the first instance contact the Designated Governor.

Appendix 1

Don't think "*what if I'm wrong*" – think "*what if I'm right*"

Reasons for whistleblowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Executive Principal/Headteacher or the Designated Safeguarding Lead if appropriate. You should put your concerns in writing, outlining the background, history and any evidence you have, giving names, dates and places where you can.
- If your concern is about your immediate manager, the Executive Principal/Headteacher, or you feel you need to take it to someone outside the College contact Helplines detailed in paragraph of this policy.
- Make sure you get a satisfactory response – don't let matters rest.
- Employees making a disclosure are not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

You should be given information on the nature and progress of any enquiries. The Trust has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self reporting

There may be occasions where an employee has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. employees have a responsibility to discuss such a situation with their line manager and/or members of the HR Team so professional and personal support can be offered. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR team department and/or your professional trade union.

Appendix 2

Assessing a Disclosure - Manager's guide

a. Following the disclosure meeting and in consultation with a member of the HR team and the Executive Principal/Headteacher, the manager needs to decide whether there is enough information available to come to a conclusion about the disclosure. The possible conclusions are:

- i. The disclosure meets the whistleblowing criteria and needs to be progressed to a formal investigation.
- ii. The disclosure is based on a misunderstanding of legitimate behaviours by other staff.
- iii. The disclosure constitutes a personal grievance rather than whistleblowing.
- iv. The disclosure is potentially malicious.

b. The conclusion reached must be based on:

- the evidence available;
- objective assessment;
- treating all individuals potentially involved equitably and fairly;
- based on the principles of natural justice.

c. The conclusion reached should take note of the views of the HR advice and advice and guidance from the Executive Principal. However, the conclusion is the one that the manager genuinely holds after taking account of all of the information available to them and having taken advice.

d. The conclusion, along with a summary of the disclosure and the information available must then be recorded on the 'CONFIDENTIAL – Whistleblowing Disclosure Assessment' proforma appended to this policy and procedure. The form must then be sent directly to the Executive Principal/Headteacher.

e. The Executive Principal will then formally advise you of the next steps.

f. If you suspect that a criminal offence has occurred, then there must be no further attempt to collect evidence or take witness statements. Such actions may undermine a police criminal investigation by tainting evidence. The Executive Principal must be advised immediately who will advise on the next steps.