



Meller Educational Trust
Aspiration, Compassion
& Excellence



THE **BUSHEY**
ACADEMY
Proud to belong



Francis
Combe
Academy

Whistleblowing Policy*

Meller Educational Trust

*Please note, this policy replaces The Bushey Academy P12 Whistleblowing Policy

Approved by:	Trust Board	Date: 14 March 2018
---------------------	-------------	----------------------------

Last reviewed on:	14 March 2018
--------------------------	---------------

Next review due by:	March 2020
----------------------------	------------

Contents

1. Principles.....	3
2. Aim.....	3
3. Scope.....	3
4. Legal position.....	4
5. What is whistleblowing?.....	4
6. Why do we need a Whistleblowing Policy?.....	4
7. Your obligations.....	4
8. The Trust’s Commitment.....	5
9. Confidentiality.....	5
10. Anonymous allegations.....	5
11. Raising unfounded malicious concerns.....	6
12. Independent advice.....	6
13. How to raise a concern.....	6
14. How the Trust will respond.....	6
15. How the matter can be taken further.....	7
16. Monitoring.....	7

1. Principles

This policy has been created with the aim of ensuring that the Meller Educational Trust (the 'Trust') and its academies are environments where everyone is safe, happy and treated with respect and in accordance with the values and ethos of the Trust. The Trust is committed to equality of opportunity for all members of society and to helping make a real and positive difference to the educational experience and outcomes of the young people who attend Trust Schools. Our Core Values will inform the operation of the Trust:

- Aspiration
- Compassion
- Excellence

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

2. Aim

The aim of this policy is to provide clear guidelines on the position of the Trust in relation to whistleblowing and to:

- Encourage you to feel confident in raising concerns and to question and act upon your concerns
- Establish a fair and impartial investigative procedure
- Provide avenues for you to raise these concerns and receive feedback on any action taken
- Allow you to take the matter further if you are dissatisfied with the response
- Reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with the procedure.

The Trust recognises that you may wish to seek advice and be represented by your trade union representative when raising a concern and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with their schools.

3. Scope

This policy applies to all individuals working for the Trust or its schools, at every level and grade, whether as employees, governors, contractors, suppliers, and casual or agency staff.

The Trust considers whistleblowing to be distinct from the Trust's grievance procedure which you should use if there is a complaint relating to personal circumstances in the workplace. Concerns about wrongdoing within the Trust such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body, the Trust Board or by fellow employees should be raised using this Whistleblowing Policy and procedure.

This policy is intended to cover serious concerns that fall outside the scope of other procedures and may be about any of the following, although this list is not intended to be exhaustive:

- Any unlawful act, whether criminal or a breach of civil law
- Fraud and corruption
- Unauthorised use of public funds
- A failure to comply with a legal obligation
- A health and safety risk relating to any individual
- A miscarriage of justice
- Damage to the environment
- Actions that are contrary to any of the Trust's or school's policies
- Actions or behaviour that falls below established standards of practice
- Abuse and welfare of students or staff
- Harassment or victimisation of students or staff
- Any actions or concerns regarding practice that could result in a financial loss to the Academy
- The deliberate concealment of information relating to any of the above matters
- Other unethical conduct

It should be emphasised that this policy and procedure is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the Trust or its schools nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Public Interest Disclosure Act 1998.

4. Legal position

This Policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns.

5. What is whistleblowing?

Whistleblowing is when an employee reports suspected wrongdoing at work and makes a disclosure in the public interest, under the protection of the Public Interest Disclosure Act 1998.

6. Why do we need a Whistleblowing Policy?

Academy trusts must have appropriate procedures in place for whistleblowing. The Academies Financial Handbook says in paragraph 2.7.1 that academy trusts must have appropriate procedures in place for whistle-blowing, including:

- Making sure all staff are aware who they can report concerns to
- The way in which such concerns will be managed

7. Your obligations

As an employee or a governor of the Trust, you are required to report genuine concerns of fraud, theft or unethical behaviour. This policy and procedure provides you with an avenue to do that.

All employees and governors are expected to adhere to this policy and procedure in line with their obligations under equality legislation. The Trust will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age,

gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

If you are concerned that a young person is at risk of harm, or you have a concern about a staff member, volunteer or contractor's suitability to work with children, the DfE's guidance document ***Keeping Children Safe in Education*** obliges you to report your concerns. You must use the Safeguarding/Child Protection Policy to report your concerns to the Designated Child Protection Officer in the first instance. If, however, you are concerned that:

- an individual's professional practice, or
- the leadership and/or management of the school, or
- the school's policies, procedures and/or ways of working

may be undermining the safety and wellbeing of young people, or leaving them vulnerable to risk, or you are worried about the way in which safeguarding allegations have been managed, you should express your concerns through this Whistleblowing Policy.

8. The Trust's Commitment

The Trust is committed to good practice and high standards and wants to support its employees. It 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, bullying or victimisation and will take action to protect you when you raise a concern in good faith. This protection also applies after the working relationship has ended. This does not mean that if you are already the subject of procedures such as disciplinary, capability, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing. Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact the Chair of the Trust Board.

9. Confidentiality

The Trust treats the details of all whistleblowers in confidence and will do its best not to divulge your identity. However, it must be appreciated that the investigation process may reveal the source of the information without the Trust revealing your identity directly, and a statement by you may be required as part of the evidence.

Any confidentiality clause contained within any other policy, agreement or contract should not prevent an employee from raising a genuine public interest concern under the Whistleblowing Policy.

10. Anonymous allegations

This policy and procedure encourages you to put your name to your concern whenever possible. Concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us. Anonymous allegations will be considered wherever possible at the discretion of the Trust.

The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised;

- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

11. Raising unfounded malicious concerns

If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, appropriate action may be taken against you.

12. Independent advice

Employees can obtain information and advice from the charity 'Public Concern at Work'. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows: Public Concern at Work, Suite 306, 16 Baldwins Gardens, London EC1N 7RJ; telephone number 020 7404 6609. www.pcaw.co.uk

Employees can also contact their trade union representative.

13. How to raise a concern

The earlier you expresses the concern the easier it is to take action. As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should contact the Chief Executive Officer or the Chair of the Trust Board in writing. You may invite your trade union or professional association to raise a matter on your behalf. You are not expected to provide proof but you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You should raise the matter in person, by telephone or in a written form to the relevant person. A record will be maintained of any concerns raised and the outcomes (but in a form that protects confidentiality) and will be reported as necessary to the Trust Board.

14. How the Trust will respond

The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- be investigated internally, (this is the most likely option)
- be referred to the Police
- be referred to the external auditor
- be referred to the DFE
- form the subject of an independent inquiry
- or any combination of the above

In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. Within **ten working days** of a concern being received, where appropriate, the Trust will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place and, if not, why not.

The amount of contact between the employees or trustees considering the issues and yourself will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union representative, a professional association representative, a friend or fellow member of staff who is not involved in the area of work to which the concern relates. This person will provide support only, and will not be allowed to become involved in the proceedings. The Trust will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will advise you about the procedure. The Trust acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations

15. How the matter can be taken further

This policy is intended to provide you with an avenue to raise concerns within the Trust. The Meller Educational Trust hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, the following are possible contact points:

- Relevant professional bodies or regulatory Organisations
- DFE (Department for Education)
- Awarding Bodies
- Internal Audit acting on behalf of the Responsible Officer (Contact no: xxxx)
- The Trust's Solicitors
- The Police
- Public Concern at Work (details above)

If you do take the matter outside the Trust, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged.

16. Monitoring

Within the Trust, a central record of all whistleblowing complaints, including dates, substantive issues, findings and outcomes is retained by the Chair of the Trust Board. The Chair will report as necessary to the Trust Board in a way that maintains the employee's confidentiality as far as possible.

Appendix 1: Whistleblowing Flowchart

