



# Whistleblowing Policy

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<b>Approved By:</b>	<b>Finance &amp; Resources Committee (on behalf of the Trust Board)</b>
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## **1 Introduction**

- 1.1 The Trust Board is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct. 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.
- 1.2 This policy has been updated and implemented following consultation with the recognised trade unions. It has been formally adopted by the Trust Board.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2 Scope and purpose**

- 2.1 The aims of this policy are:
  - 2.1.1 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.
  - 2.1.2 To provide staff with guidance on how to raise concerns.
  - 2.1.3 To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 2.2 This policy applies to all employees of the Trust, governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).
- 2.3 However, this does not apply to child protection procedures which must always be disclosed.

## **3 What is whistleblowing?**

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are wrongdoing or dangers at work. This may include:
  - 3.1.1 criminal offence or activity;
  - 3.1.2 miscarriages of justice;
  - 3.1.3 the health and safety of an individual has been/is likely to be endangered;
  - 3.1.4 damage to the environment;
  - 3.1.5 failure to comply with any legal or professional obligation or regulatory requirements;

- 3.1.6 bribery;
  - 3.1.7 financial fraud or mismanagement;
  - 3.1.8 negligence;
  - 3.1.9 breach of our internal policies and procedures including our Code of Conduct;
  - 3.1.10 conduct likely to damage our reputation or financial wellbeing;
  - 3.1.11 unauthorised disclosure of confidential information;
  - 3.1.12 unethical behaviour
  - 3.1.13 the deliberate concealment of any of the above matters.
- 3.2 **Appendix 1** are examples of the kind of issues the Local Governing Body/Trust Board would consider as malpractice or wrong-doing that could be raised under this policy. This should not, however, be regarded as a complete list.
- 3.3 A whistleblower 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.
- 3.4 This Whistleblowing Policy is not intended to be used for complaints relating to a persons own personal circumstances, such as the way they have been treated at work. In these cases, other more appropriate procedures are available for example: -
- Grievance Procedure for Teaching and Support Staff  
Anti-Harassment and Bullying Policy  
Child Protection/Safeguarding Policy
- 3.5 If your concern is in relation to safeguarding and the welfare of pupils at the school, you should consider whether the matter is better raised under the school's Safeguarding policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the is policy may still apply.
- 3.6 If you are uncertain whether something is within the scope of this policy, you should seek independent advice from: -
- a) A member of the School and/or Trust's leadership team
  - b) Your trade union (see **Appendix 3**)
  - c) The Independent Charity Public Concern at Work whose lawyers are available to give free confidential advice at any point in the process. Their helpline is 020 7494 6609

## **4 Raising a whistleblowing concern**

- 4.1 We hope that you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer, using the attached Whistleblowing Form (**Appendix 5**). They may be able to agree a way of resolving your concern quickly and effectively.
- 4.2 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, or they are the subject of the complaint, then you can raise the matter with:
- 4.2.1 The Chief Executive Officer (CEO), Humber Education Trust.
  - 4.2.2 The Headteacher/Principal. This is the member of the senior team who is responsible managing whistleblowing complaints.
  - 4.2.3 The Chair of Governors
- 4.3 Contact details are set out at the end of this policy (see **Appendix 2**).
- 4.4 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.5 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

## **5 Confidentiality and data protection**

- 5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.
- 5.3 Where we receive anonymous complaints we will investigate the complaints as far as is reasonable taking into account:
- 5.3.1 the seriousness of the issue raised
  - 5.3.2 the credibility of the concern; and
  - 5.3.3 the likelihood of confirming the allegation from other sources

- 5.4 The Trust will treat personal data collected during this process in accordance with General Data Protection Regulation (GDPR) 2018 guidelines and HET's Data Protection Policy. It is a requirement that any persons involved with any meetings in relation to this procedure maintain strict confidentiality at all times. Work colleagues who accompany the employee at meetings should be particularly reminded not to discuss any element of the meeting inappropriately. Any breaches of the Data Protection Policy or confidentiality may be subject to disciplinary action.

## **5.5 Untrue Allegations — Disciplinary Offences**

- 5.6 Under this procedure it will be a disciplinary offence to: -

make a disclosure found to be vexatious or malicious; or  
obtain pecuniary benefit from a disclosure.

- 5.7 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the discloser.

## **6 External disclosures**

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

- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your 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. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively the list is available from the Department for Business, Energy & Industrial Strategy<sup>1</sup>.

- 6.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will protect you if you raise a concern with the third party directly where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

### **External contacts**

6.4 The schools hope this policy gives employees the reassurance they need to raise such matters internally. If, however, an employee feels unable to raise their concern internally HET would much rather an employee raises the matter with the appropriate agency than not at all. Provided an employee acted in good faith and they have evidence to back up their concern, an employee can contact any of the following: -

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<sup>1</sup> <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

External audit (the Audit Commission – 0844 798 3131 or 0117 975 3131)

Relevant regulatory organisations (such as the Department of Education, ESFA or Ofsted)

Their solicitor

The police

Other bodies prescribed under the Public Interest Disclosure Act. These include, but are not limited to the Information Commissioner's Office, the Serious Fraud Office, the Environment Agency, the Health and Safety Executive.

6.5 If an employee does refer their concern to an individual or organisation outside the school/Humber Education Trust, they will need to ensure that they do not disclose confidential information.

## **7 Investigation and outcome**

- 7.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. We may in some circumstances, appoint an external person or body to investigate the concern. The investigator(s) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to the Head Teacher/Principal and/or Governing Body/Trust Board for actioning.
- 7.3 We will aim to keep you informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 Where a concern is raised about an individual(s), once the concern has been investigated under the Policy, there may be a need for further investigation or action. This would take place within the framework of the Staff Disciplinary Procedures and Rules.

## **8 If you are not satisfied**

- 8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. Alternatively, you may contact the Chair of Governors or our external auditors. Contact details are set out at the end of this policy.

## **9 Protection and support for whistleblowers**

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 9.4 In order to support an employee who raises a concern under this Policy they can access HET's Wellbeing Support on a confidential basis. **(Appendix 4)**

## **10 Review of policy**

This policy is reviewed every 2 years or updated with any changes to legislation, in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## **11 Links with other policies**

- a) Staff Disciplinary Procedures and Rules
- b) Grievance Procedure for Teaching and Support Staff
- c) Staff Code of Conduct
- d) Staff Complaints Procedure
- e) School's Workforce Privacy Notice – GDPR



## **Appendix 1**

### **Examples of Concerns that may be Raised**

This list shows the kind of issues that may be raised under the Whistleblowing Policy. However, there may be other concerns that can be raised under the policy that are not shown here; if you are aware of such an issue, please report it.

- Poor or unprofessional practice by a member of staff or an agency that results in the service user not getting the same quality of service which is available to others.
- Children or young people being put at risk by 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.
- Allegations of a safeguarding nature not being taken seriously or appropriately handled.
- Improper/unacceptable behavior towards employees, volunteers, contracted workers or service users which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behavior or exploitative acts for material or sexual gain.
- Any unlawful activities, whether criminal or a breach of civil law.
- Fraud, theft or corruption.
- Concerns regarding possible breaches of Health and Safety regulations.
- Leaking confidential information in respect of governing body activities or records.
- Misuse of pupil, employee, volunteer or financial data (including attainment information and personal details).
- Doing undisclosed private work which may conflict with working for the school, or which is being carried out during working time.
- Inappropriate contact with members of the public within school facilities, or whilst carrying out school duties outside of working time.
- Taking gifts or inducements.
- Inappropriate use of external funding or the school budget.
- Maladministration as defined by the Department of Education, Local Government Ombudsman or appropriate examination boards.
- Breach of any statutory code of practice.
- Breach of, or failure, to implement, or comply with any governing body or Multi Academy Trust policy.
- Misuse of school assets including, but not limited to, computer hardware and software, buildings, stores, vehicles and/or equipment.

**Contacts****Appendix 2**

Whistleblowing Officer	RACHEL WILKES, CEO HET 01482 755674 rwilkes@het.academy
Chair of Trust Board	GRAEME BROOK 01482 755674 gbrook@het.academy
Trust's external auditors	FORRESTER BOYD ROBSON LIMITED 01482 889400 info@forrester-boyd.co.uk
Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 E-mail: <a href="mailto:whistle@protect-advice.org.uk">whistle@protect-advice.org.uk</a> Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>
Employee's Trade Union	See attached contacts

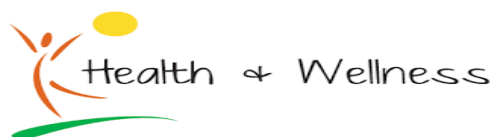
**Appendix 3**  
**Trade Union Contact List: September 2020**

**Teachers Unions**

Mike Whale ( <b>NEU</b> ) 39 Alfred Gelder Street Hull HU1 2AG	Mobile: 07528 780098  Email: <a href="mailto:mike.whale@neu.org.uk">mike.whale@neu.org.uk</a>
Ken McCall Joint Secretary Hull District NEU	<a href="mailto:ken.mccall@neu.org.uk">ken.mccall@neu.org.uk</a>
Kath Oliver ( <b>NASUWT</b> ) Hull NASUWT Local Secretary	Mobile: 07717 516642 <a href="mailto:secretary.hull@nasuwt.org.uk">secretary.hull@nasuwt.org.uk</a> Member Support Advice Service – 03330145550 (8.00 am to 6.30 pm)
Dinsdale Shaw (National Executive Member)	<a href="mailto:dinsdale.shaw@exec.nasuwt.org.uk">dinsdale.shaw@exec.nasuwt.org.uk</a>
<b>Association of School and College Leaders (ASCL)</b> 130 Regent Road, Leicester, LE1 7PG	<a href="mailto:employers@ascl.org.uk">employers@ascl.org.uk</a>  Mobile: 07748 597465
Grant Eals ( <b>NAHT</b> )	<a href="mailto:grant.eals@naht.org.uk">grant.eals@naht.org.uk</a> Mobile: 07395 797 161
Morris Charlton ( <b>VOICE</b> )	<a href="mailto:morris.charlton@yahoo.co.uk">morris.charlton@yahoo.co.uk</a>

**Support Staff Unions**

<b>UNITE the union</b>  Dave Monaghan – Regional Officer  John McIntyre	Office: 01482 420308 <a href="mailto:dave.monaghan@unitetheunion.org">dave.monaghan@unitetheunion.org</a>  01472 355421 <a href="mailto:John.McIntyre@unitetheunion.org">John.McIntyre@unitetheunion.org</a>
<b>GMB</b>  Charlotte Childs (Organiser)  Elizabeth Marshall (TTO Thursday & Friday)	01482 218018 <a href="mailto:branch@gmbhull1.org.uk">branch@gmbhull1.org.uk</a>  <a href="mailto:charlotte.childs@gmb.org.uk">charlotte.childs@gmb.org.uk</a>  <a href="mailto:elizabethmarshall75@gmail.com">elizabethmarshall75@gmail.com</a>
<b>UNISON</b> Hull City Branch 39 Alfred Gelder Street HULL, HU1 2AG  <b>Clive Piper (Case Manager Schools)</b>	Tel: 01482 318670  <a href="mailto:m.hunter@unisonhull.org.uk">m.hunter@unisonhull.org.uk</a> (admin)  <a href="mailto:c.piper@unisonhull.org.uk">c.piper@unisonhull.org.uk</a> 07756 074406



## APPENDIX 4

### Services Made Available to Employees - Useful contacts

#### HET's Services

If you do feel isolated and are suffering from stress and anxiety, then you are able to contact the following counselling providers direct: -

- **Space2B Heard** - quoting the school's name and Hull City Council - (we purchase this service via the Occupational Health Unit - Hull City Council) Telephone: - 01482 705023
- **Occupational Health Unit**  
OHU Emotional wellbeing telephone support service.  
Essentially all that staff have to do to access the service is make contact with OH either by phone 01482 613333 or email occupationalhealth@hullcc.gov.uk to request a call. An appointment is then made for an OH Advisor to contact the member of staff at an agreed time and time. Leaflet made available for staff.
- **Let's Talk** - NHS - Telephone: - 01482 247111
- **Education Support Partnership** - Telephone: - 08000 562 561

**Anxiety UK** - Charity providing support if you have been diagnosed with an anxiety condition.

Phone: 03444 775 774 (Monday to Friday, 9.30am to 10pm; Saturday to Sunday, 10am to 8pm) Website: [www.anxietyuk.org.uk](http://www.anxietyuk.org.uk)

**CALM** - CALM is the Campaign Against Living Miserably, for men aged 15 to 35.

Phone: 0800 58 58 58 (daily, 5pm to midnight)  
Website: [www.thecalmzone.net](http://www.thecalmzone.net)

**Mind** - Promotes the views and needs of people with mental health problems.

Phone: 0300 123 3393 (Monday to Friday, 9am to 6pm)  
Website: [www.mind.org.uk](http://www.mind.org.uk)

**No Panic** - Voluntary charity offering support for sufferers of panic attacks and obsessive compulsive disorder (OCD). Offers a course to help overcome your phobia or OCD. Phone: 0844 967 4848 (daily, 10am to 10pm). Calls cost 5p per minute plus your phone provider's Access Charge - Website: [www.nopanic.org.uk](http://www.nopanic.org.uk)

**Samaritans** - Confidential support for people experiencing feelings of distress or despair. Phone: 116 123 (free 24-hour helpline) Website: [www.samaritans.org.uk](http://www.samaritans.org.uk)

**Addiction** (drugs, alcohol, gambling) - Alcoholics Anonymous - Phone: 0800 917 7650 (24-hour helpline) Website: [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

**Bereavement** - Cruse Bereavement Care - Phone: 0808 808 1677 (Monday to Friday, 9am to 5pm) Website: [www.cruse.org.uk](http://www.cruse.org.uk)

**Relationships** – Relate The UK's largest provider of relationship support. Website: [www.relate.org.uk](http://www.relate.org.uk)



**Appendix 5**  
**Confidential Reporting**  
**(Whistleblowing Policy**  
**Humber Education Trust**

**Report Form**

## CONFIDENTIAL REPORT - Whistleblowing Policy

Report submitted to:		Date Submitted:	Report No. (Office Use Only)
Report from: (full name)		Address for correspondence:	
Job Title/Designation:		Post Code:	
Grade:	School:	Telephone Number:	

**NOTE:** Please start your report with the background and history of the issue, giving relevant dates and the reason you are concerned about the situation.

In accordance with the Confidential Reporting (Whistleblowers') Policy, which I have read, I wish to make the following disclosure:

**CONTINUE ON A SEPARATE SHEET IF NECESSARY**

**Please sign at the end of your report.**

## CONFIDENTIAL REPORT – Whistleblowing Policy

Continued:

**CONTINUE ON A SEPARATE SHEET IF NECESSARY**

**IMPORTANT**

Sign and date the form at the end of your report. Take a photocopy of the form for your own records. Now follow the procedure on page 3.

**To be signed by the officer receiving the report**

Received by (PRINT NAME):

Date Received:

Signature of recipient:

## **Confidential Reporting (Whistleblowers) Procedure**

**PLEASE READ THIS IN CONJUNCTION WITH THE ABOVE PROCEDURE**

### **PERSON MAKING THE REPORT**

1. Complete the report form giving full details and take a photocopy for your records.
2. Deliver, by hand if possible, the two copies of the report to your line manager, or if, for some reason, that is not possible, to your head teacher/CEO
3. The receiving officer will sign both copies and return one copy to you.
4. You are encouraged to put your name to your report, but anonymous reports may be forwarded by mail, marked "PRIVATE & CONFIDENTIAL".
5. The receiving officer will respond to your concerns and the matter may, following initial enquiries, need further investigation, or it may need referring to other agencies, depending on the circumstances. If any urgent action is required, this will, wherever possible, be taken by the chair of governor's/head teacher/CEO/Chair Trust Board before any investigation is undertaken.
6. You may be asked to attend meetings with management representatives, aimed at seeking further information and clarification. During any meetings, you have the right to be accompanied by a work colleague or trade union representative, providing there isn't a conflict of interest.
7. The procedure gives a list of people from whom you may obtain advice and guidance.
8. You will be informed of the outcome of any investigations, as soon as possible.

### **OFFICER RECEIVING THIS REPORT**

1. Within 5 working days of receiving the form, the receiving officer will:
  - Return a copy of the form back to the employee (discloser);
  - inform other personnel, if applicable.
2. Anonymous reports should be forwarded to the Chair of the Local Governing Body/Head teacher or the CEO/Chair Trust Board directly.