



Heartlands Community Trust Whistleblowing Policy

Date of Last Review	July 2014	Author	
Date of next Review	November 2021	Owner	Leslie Boodram
Type of Policy	<input checked="" type="checkbox"/> Trust Policy <input type="checkbox"/> Tailored by School	Approval	<input type="checkbox"/> SLT <input type="checkbox"/> LGB <input checked="" type="checkbox"/> Board

1. Review and approval

- 1.1 Heartlands Community Trust (the “Trust”) is a multi-academy trust (MAT), and Directors have overall responsibility for the policy.
- 1.2 The Board of Directors have overall responsibility for the policy, and the Chief Executive Officer (CEO) is responsible for the operation of the policy within the Trust, as well as for the maintenance of a record of concerns raised in accordance with this policy and the outcomes.
- 1.3 This policy is reviewed every three (3) years by the School Leadership Team (SLT), and is then ratified by the Trust.

2. Introduction

- 2.1 The Trust is committed to conducting its business with honesty and integrity, and we expect all staff to maintain high standards in accordance with the Code of Conduct. 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 and to address them when they do occur.
- 2.2 All staff at one time or another, have concerns about what is happening at work. More often than not, these concerns are relatively minor and can be easily resolved. Openness, probity and accountability are vital components of public service. Employees who discover lapses in these areas must be encouraged to come forward and disclose their concerns to someone who can be trusted to take action. This process is known as 'Whistleblowing', and specifically is the disclosure of information which relates to suspected wrongdoing or dangers at work. These issues will be taken seriously and treated in a confidential manner.
- 2.3 The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss someone on the grounds that they undertook a 'protected disclosure' (i.e. a disclosure made in good faith with a reasonable belief that there has been malpractice or impropriety), and compensation in these circumstances is unlimited. In order for staff to be protected under this law they must take reasonable steps to raise the matter internally first before going outside the organization and reporting their concerns.
- 2.4 The policy applies to all employees, officers, governors, consultants, volunteers, work placement students, casual workers, agency workers and those contractors working for the Trust or on a school site/premises, it also covers suppliers and those providing services under a contract with the Trust in their own premises.

3. What is the Policy for?

3.1 The policy has been introduced to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for staff to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety

4. Examples of areas covered

4.1. A whistleblower is a person who raises a genuine concern relating to any of the areas listed below. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities and such a disclosure is in the public interest (a **whistleblowing concern**) you should report it under this policy.

4.2. Areas of concern:

- criminal activity
- lapses in child protection provision
- failure to comply with any legal obligation
- miscarriages of justice
- danger to health and safety, including risks to the public as well as other employees
- damage to the environment
- unauthorised use of public funds including action against Standing Orders or Financial Regulations
- possible fraud and corruption
- any other unethical conduct or improper conduct
- deliberate concealment of the above

4.3. The policy is not intended to replace the complaint or employee grievance or other established procedures.

4.4. **Safeguarding:** Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with *Keeping children safe in education* (DfE, September 2018). In particular:

- **Safeguarding / child protection policy:** If you have any concern about a pupil's welfare, action should be taken immediately. You should report the concern to the nominated Designated Safeguarding Lead and/or log the concern on MyConcern

- **Safeguarding member of staff:** You should raise any concerns about another staff member with the Head of School/Trust CEO, or if the concern is about the Head of School with the CEO (without first notifying the Head of School), or if the concern is about the CEO with the Chair of the Board of Directors (without first notifying the CEO) in accordance with the procedures in the Trust's Safeguarding and Child Protection Policy. In any instance, the Local Authority Designated Officer (LADO) will be notified, and they will take the lead which may involve informing the Police

4.5. You should follow this procedure to raise concerns about poor or unsafe practices at the Trust or potential failures by the Trust or staff to properly fulfil its safeguarding responsibilities.

5. Confidentiality

5.1. **Confidentiality:** 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. **Anonymous disclosures:** This policy encourages staff to put their name to any allegation, but anonymous allegations will be considered by the Trust. In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

6. How to raise a concern

6.1. Any concern should be raised at the earliest opportunity. It is preferable for concerns to be set out in writing. The more information that can be supplied, including dates, times, details and names, the greater the opportunity to establish the facts. Although staff will not be expected to prove beyond doubt the truth of the allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern. Malicious allegations may lead to disciplinary action being taken. Staff should normally raise concerns with their immediate manager. However dependent upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, for example, if you believe that senior management is involved, you should approach any of the following as appropriate:

- Head of School/Headteacher
- Chair of the Local Governing Body
- Chief Executive of the Trust
- Chair of the Trust

7. How the Trust will respond

- 7.1. Within five (5) working days, the person to whom the concern has been referred to will write to the member of staff:
 - 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
 - telling the member of staff whether any initial enquiries have been made
 - supplying information on staff support mechanisms, which may include confidential counselling
 - informing the member of staff whether further investigations will take place and if not, why not
- 7.2. The Trust will respond to concerns. Where appropriate the matters raised:
 - may be investigated by management
 - will be referred to the LADO (with regard to Safeguarding)
 - may be referred to our auditors
 - may be referred to the police
 - may result in other procedures being invoked where appropriate (such as the disciplinary procedure)
- 7.3. The amount of contact between the person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from the employee. Where any meeting is arranged, off-site if requested, the employee may be accompanied by a union/professional representative or a friend.
- 7.4. The Trust accepts that all staff need to be assured that the matters will be properly addressed. Subject to legal constraints, staff who have raised the concern will be informed of the outcomes of any investigation.
- 7.5. Any attempt to victimise a person who has reported a concern under this procedure will be dealt with under the Disciplinary Procedure.
- 7.6. All matters raised under the procedure together with the outcome will be reported to the Board on a confidential basis who will have ultimate oversight in ensuring that any recommendation has been implemented.

8. Relevant external reporting

- 8.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The law recognises that in some circumstances

it may be appropriate for you to report your concerns to a relevant outside body if you believe that the information you are disclosing is substantially true (and it falls within their remit) including:

- the Local Authority's Designated Officer
- children's social care
- the NSPCC
- the Health and Safety Executive
- the Environment Agency
- the Information Commissioner
- the Department for Education
- the Department for Business, Energy and Industrial Strategy
- the Police
- the Channel police practitioner

8.2. In most cases you should not find it necessary to alert anyone external but before you do, as well as considering the internal help and support available, you can seek external advice from:

- your trade union/professional body
- "Protect" (0207 404 6609)
- the NSPCC whistleblowing helpline which is available for staff who do not feel able to raise concerns regarding child protection failures internally (0800 028 0285 - 8:00am to 8:00pm Monday to Friday, or email help@nspcc.org.uk).
- at www.gov.uk/whistleblowing/how-to-blow-the-whistle

8.3. You should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and/or where your concern is disclosed in a malicious manner or for personal gain the protection given to you by this procedure may be lost. Additionally, the Trust may consider this to be gross misconduct and disciplinary action may be taken against you.

8.4. Remember, malpractice affects everyone and is unacceptable.

8.5. Blowing the whistle on it is one way of stamping it out for good.

8.6. If you have any queries about this procedure, you should contact the Chief Finance Officer.