

Whistleblowing Policy



Approved: 28 March 2018 – Board of Trustees

Review date: March 2021

Responsible Officer: HR Director

Vision and Ethos



The vision statement of the Trust demonstrates its Christian ethos and faith foundation.

The Trust believes in the transformational power of education for each individual and that this is enhanced through collaborative working between the academies.

We believe:

- that a Christian ethos underpins and informs all that we do
- that the focus of the Trust is to promote collaboration between schools within a strategic locality in order to secure mutual improvement
- that through managed collaboration between academies there will be increased and improved opportunities for the development of all staff, students/children, parents and community
- in the development of a broad and balanced curriculum that supports young people's personal development and preparation for life
- that the family of academies within the Trust, working together, will secure continuity and progression for all
- that there should be high expectation for all children/students and young people whatever their circumstances or starting point and addressing disadvantage
- that, through its structures and work, the Trust can create and support effective Governance for all members
- that, through the Trust's work across its academies, expertise and capacity will be developed so that they can be supported with their development needs and economies of scale achieved

Contents

Para	
1	Policy Statement
2	Scope and Principles
3	Definitions
4	Safeguards
5	How to Raise a Concern
6	The Role of Senior Leaders
7	Raising Concerns Outside the Trust
8	Monitoring and Review
Appendix	Trade Union and Prescribed External Bodies (Whistleblowing)

Where the word 'Trust' is used in this document it refers to Archway Learning Trust.

Where the term 'Governing Body' is used it refers to the Local Governing Body of an individual academy within the Trust.

Where appropriate the Local Governing Bodies of individual academies will publish details of the procedures and practices to implement Trust policies.

Related Policies and Procedures

- Bullying and Harassment Policy
- Code of Conduct
- Data Protection and FOI Policy
- Disciplinary Policy
- Equality and Diversity Policy
- Finance Policy
- Grievance Policy
- Health, Safety and Security Policy
- ICT Acceptable Use Policy
- Statement for Dealing with Allegations of Abuse Against Staff and Volunteers
- Pay Policy

1. Policy Statement

- 1.1. Archway Learning Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, the Trust will ensure a transparent, clear, robust approach to dealing with whistleblowing, enabling employees, officers, consultants, contractors, volunteers, casual workers and agency workers to raise serious concerns which relate to suspected wrongdoing or dangers at work without fear of reprisals and with confidence that they will be dealt with swiftly and appropriately.
- 1.2. Training in relation to whistleblowing will be provided to all staff to ensure that they know how to raise whistleblowing concerns and the procedure that will be used to deal with them.

2. Scope and Principles

- 2.1. This policy sets out the Trust's approach and procedure for dealing with concerns raised by individuals which relate to suspected wrongdoing or dangers at work. Allegations of abuse against teachers and other staff and volunteers will be dealt with in accordance with DfE *Keeping Children Safe in Education* statutory guidance for schools and colleges and the Trust's Statement for Dealing with Allegations of Abuse Against Staff and Volunteers.
- 2.2. Whilst the aim of this policy is to provide an internal mechanism for effectively dealing with concerns relating to wrongdoing or dangers, it is recognised that there may be exceptional circumstances in which it would be appropriate for an individual to refer the matter to a relevant outside agency. **However, individuals are strongly advised to seek advice from either their Trade Union or a body such as Public Concern at Work prior to taking this action to ensure that this is appropriate and should be aware that to do so, may invalidate the protection afforded to them by The Public Interest Disclosure Act 1998.**
- 2.3. This policy aims to:
 - provide avenues for individuals to raise concerns which fulfil the definition of whistleblowing (see paragraph 3.2) internally as a matter of course, and receive feedback on any action taken;
 - provide for such matters to be dealt with quickly and appropriately; and ensure that whistleblowing concerns are taken seriously and treated consistently and fairly;
 - reassure individuals that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern;
 - allow individuals to take the matter further if they are dissatisfied with the Trust's response.
- 2.4. Before initiating the procedure individuals should consider the following:
 - the responsibility for expressing concerns about unacceptable practice or behaviour rests with all individuals;
 - 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, individuals should act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

- 2.5. This policy should not be used for complaints about an employee's personal circumstances, such as the way he/she has been treated at work. In these cases an employee should use the school's relevant procedures which may include those contained in the Grievance Policy, Bullying and Harassment Policy, Equality and Diversity Policy and/or Pay Policy.
- 2.6. As individuals working directly with the Trust are often the first to realise that there may be something wrong within the organisation, 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 1998 recognises this fact and is designed to protect individuals, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.7. This policy does not form part of any employee's contract of employment and it may be amended at any time following appropriate consultation with staff and recognised trade unions.

3. Definitions

- 3.1. A **whistleblower** is a person who raises a genuine concern relating to the matters below. If individuals have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) he/she should report it under this policy.
- 3.2. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work and the disclosure must be in the public interest rather than for personal gain. This may include:
 - A criminal offence
 - The breach of a legal obligation
 - A miscarriage of justice
 - A danger to the health and safety of any individual
 - Damage to the environment
 - Deliberate attempt to conceal any of the above.

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 individuals when they have a genuine concern that they have acted on in an honest and reasonable manner.
- 4.1.2. If an individual is already the subject of internal procedures such as disciplinary or redundancy, those procedures will not be halted as a result of that individual raising a concern under the Whistleblowing Policy, save for exceptional circumstances.

4.2. Confidentiality

- 4.2.1. This policy is intended to enable individuals to feel able to voice whistleblowing concerns openly under this policy. The Trust will make every effort to protect a whistleblower's

identity and will never disclose the individual's identity without first discussing the situation with them.

4.3. Anonymous Allegations

4.3.1. Individuals are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trust. In exercising such discretion, the factors to be taken into account will 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 individual makes an allegation where he/she has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that individual. If, however, the Trust concludes that an individual has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that individual if they are an employee or steps taken to sever the working relationship between the Trust and the individual if they are an officer, consultant, contractor, volunteer, casual worker or agency worker.

4.5. Unfounded Allegations

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

4.6. Support to Individuals

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 individual(s) raising the concerns and any individual(s) subject to investigation.

5. How to Raise a Concern

5.1. As a first step, an individual should normally raise concerns with their immediate manager or their manager's superior (or main Trust contact if the individual is not an employee). This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an individual believes that their immediate manager or their manager's superior is involved, s/he should contact their trade union representative for advice and/or approach a Senior Leader, the Principal, the Chief Executive Officer (CEO) or Chair of Governors/Board of Trustees. An individual (including the CEO, Principal and members of the Senior Leadership Team) can bypass the direct management line and the governance structure of the Trust if s/he feels the overall management and governance of the Trust is engaged in an improper course of action. In this case please refer to section 7 below.

5.2. Concerns are better raised in writing. The individual should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why

s/he is particularly concerned about the situation. If an individual does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the individual makes it clear that s/he is raising the issue via the whistleblowing procedure.

- 5.3. The earlier an individual expresses the concern, the easier it is to take action.
- 5.4. Although an individual is not expected to prove the truth of an allegation, s/he 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 their trade union to raise a matter on their behalf.
- 5.6. At each meeting under this policy the individual may bring a workplace colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

6. The Role of Senior Leaders

- 6.1. A senior leader may be informed by an individual about concern(s) and that s/he is “blowing the whistle” under the procedure in person; or in writing or over the phone.
- 6.2. The senior leader should respond immediately by arranging to meet with the individual to discuss the concern(s) as soon as possible.

6.3. Stage One

- 6.3.1. At the initial meeting the senior leader 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 leader should ask the individual to put their concern(s) in writing, if s/he has not already done so. If the individual is unable to do this, the senior leader will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The senior leader should make notes of the discussions with the individual.

The individual’s letter and/or senior leader’s notes should make it clear that the individual is raising the issue via the whistleblowing procedure and provide:

- the background and history of the concerns; and
- relevant names, dates and places (where possible); and
- the reasons why the individual is particularly concerned about the situation.

- 6.3.3. The individual should be asked to date and sign their letter and/or the notes of any discussion. The senior leader should positively encourage the individual 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 leader should follow the policy as set out above and in particular explain to the individual:

- who he/she will need to speak to in order to determine the next steps (e.g. Principal);
- what steps s/he intends to take to address the concern;
- how s/he will communicate with the individual during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the individual specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that the individual will receive a written response as soon as is reasonably practicable;
- that their identity will be protected as far as possible, but should the investigation into the concern require the individual to be named as the source of the information, that this will be discussed with the individual before their name is disclosed;
- that the Trust will do all that it can to protect the individual from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the individual's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- that if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- that the investigation may confirm their allegations to be unfounded, in which case the Trust will deem the matter to be concluded unless new evidence becomes available.

6.4. Stage Two

6.4.1. Following the initial meeting with the individual, the senior leader should consult with the Principal, Chief Executive Officer or Chair of Governors/Board of Trustees to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions. Records will be treated as confidential and will be kept no longer than necessary in accordance with data protection legislation.

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 leaders 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 an external auditor;
- form the subject of an independent inquiry.

6.4.4. Senior leaders should have a working knowledge and understanding of other Trust policies and procedures, e.g. grievance, disciplinary, bullying and harassment, child protection procedures, to ensure that concerns raised by individuals are addressed via the appropriate procedure/process. Advice is available from the HR Team. In circumstances that the HR Team is the subject of the concern/s, advice may be sought from the Chief Operating Officer (COO) and/or CEO and access to an external advisor can be provided.

6.5. Stage Three

6.5.1. Within five working days of a concern being received, the senior leader receiving the concern (at paragraph 5.1 above) must write to the individual:

- 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 substantive response; and/or
- telling the individual whether any initial enquiries have been made; and
- telling the individual whether further investigations will take place, and if not why not; and/or
- letting the individual know when s/he will receive further details if the situation is not yet resolved.

7. Raising Concerns Outside the Trust

7.1. The aim of this policy is to provide an internal mechanism for reporting, investigation of and remedying any wrongdoing in the workplace. In most cases the individual should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the individual to report his/her concerns to an external body such as a regulator. Individuals are strongly encouraged to seek advice before reporting a concern to anyone external to the Trust.

7.2. If an individual is not satisfied with the Trust's response, the senior leader should ensure that s/he is made aware with whom s/he may raise the matter externally. Details of prescribed persons and bodies are provided in the Appendix.

7.3. The senior leader should stress to the individual that if s/he chooses to take a concern outside the Trust, it is the individual'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.

8. Monitoring and Review

8.1. The CEO and Principals will be responsible for monitoring the implementation and effectiveness of this policy and procedure. The policy and procedure will be reviewed by the Trust every three years or earlier if necessary.

Appendix

Trade Union and Prescribed External Bodies (Whistleblowing)

The details below identify recognised trade union contacts and prescribed external persons and bodies to whom a whistleblowing disclosure can be made. In most cases the individual should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate for the individual to report his/her concerns to an external body such as a regulator. Individuals are strongly encouraged to seek advice, such as from their trade union representative, before reporting a concern externally to the Trust.

External Body	Contact Details	Nature of Whistleblowing Concern
Recognised Trade Unions	<p>UNISON Nottingham City UNISON Ground Floor, Loxley House Station Street Nottingham NG2 3NG Tel 0115 8762441 Email unison@nottinghamcity.gov.uk Web: www.nottinghamcityunison.org.uk</p> <p>GMB 22 Stephenson Way Euston London NW1 2HD Tel: 020 7391 6700 Fax: 020 7781 2670 E: info@gmb.org.uk Website: www.gmb.org.uk</p> <p>UNITE Unit 3 Victoria Court Kent Street Nottingham NG1 3LZ Tel: 0115 947 6784 Fax: 0115 979 9271 Website: www.unitetheunion.org</p> <p>NEU (NUT Section) Nottingham City NUT 21 Hucknall Road Carrington Nottingham NG5 1AE Tel: NUT Advice Line 020 3006 6266 E: nutadviceline@nut.org.uk Website: www.nottinghamcitynut.org.uk</p>	<p>Trade Unions will be able to offer their members advice and support in relation to whistleblowing concerns.</p>

	<p>NEU (ATL Section)</p> <p>Ralph Surman 44, Norbett Road Arnold Nottingham Nottinghamshire NG5 8EB Tel: 07836 279662 E: ralph.surman@neu.org.uk</p> <p>NASUWT Colliers Way Phoenix Park Nottingham NG8 6AT Tel: 0115 976 7180 E: rc-eastmids@mail.nasuwt.org.uk Website: www.nasuwt.org.uk</p> <p>ASCL 130 Regent Road Leicester LE1 7PG T: 0116 2991122 F: 0116 2991123 General enquiries: info@ascl.org.uk</p> <p>NAHT 1 Heath Square Boltro Road Haywards Heath West Sussex RH16 1BL Tel: 0300 30 30 333 E: info@naht.org.uk Website: www.naht.org.uk</p>	
Ofsted	<p>The Chief Inspector Ofsted Piccadilly Gate Store Street Manchester M1 2WD</p> <p>Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk</p>	Contact them about education specific matters and those relating to the welfare of children.
Office of Qualifications and	<p>Casework Manager Ofqual Spring Place</p>	Contact them about matters in relation to which the Office of Qualifications

Examinations Regulation (Ofqual)	Coventry Business Park Herald Avenue Coventry CV5 6UB Tel: 0300 303 3344 Email: Public.Enquiries@ofqual.gov.uk Online form: www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/	and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.
Secretary of State for Education	Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe	Contact them about matters relating to our academies or the Trust.
The Environment Agency	National Customer Contact Centre PO Box 544 Rotherham S60 1BY Tel: 03708 506 506 Website: www.gov.uk/environment-agency	Contact them about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment.
The Food Standards Agency	Food Standards Agency Aviation House 125 Kingsway London WC2B 6NH Tel: 020 7276 8829 Email: helpline@foodstandards.gsi.gov.uk Website: www.food.gov.uk	Contact them about matters which affect the health of any member of the public in relation to consumption of food and matters which concern the protection of consumers.

<p>Nottingham City Council</p>	<p>Nottingham City Council, Loxley House, Station Street Nottingham, NG2 3NG</p> <p>Tel: 0115 915 5555</p> <p>Website: www.nottinghamcity.gov.uk</p>	<p>Contact them about:</p> <ul style="list-style-type: none"> • compliance with the requirements of food safety legislation; • matters which may affect the health or safety of any individual at work; • matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work.
<p>The Health and Safety Executive</p>	<p>The Health and Safety Executive</p> <p>Tel: 0300 003 1647</p> <p>Online form: www.hse.gov.uk/contact/raising-your-concern.htm</p>	<p>Contact them about:</p> <ul style="list-style-type: none"> • the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998; • the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.
<p>The Pensions Regulator</p>	<p>The Information Team Napier House Trafalgar Place Brighton BN1 4DW</p> <p>Tel: 0345 600 7060 Email: wb@tpr.gov.uk Website: www.thepensionsregulator.gov.uk</p>	<p>Contact them about matters relating to:</p> <ul style="list-style-type: none"> • the protection of members' benefits under work-based pension schemes; • the administration and governance of such schemes (this includes matters relating to automatic enrolment under the Pensions Act 2008).

National Crime Agency	National Crime Agency PO Box 58345 London NW1W 9JJ Tel: 0370 496 7622 Email: communication@nca.x.gsi.gov.uk	Contact them about matters relating to corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others.
The Director of the Serious Fraud Office	The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 Online form: www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption/	Contact them about matters relating to corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others.
Commissioners for Her Majesty's Revenue and Customs (HMRC)	HMRC Fraud Hotline Cardiff CF14 5ZN Tel: 0800 788 887 Website: www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion	Contact them about: <ul style="list-style-type: none"> • the administration of UK taxes; • the administration of national insurance and tax credits systems; • customs and border-related functions; • criminal investigations.
The Comptroller and Auditor General	The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP Tel: 020 7798 7999 Website: www.nao.org.uk/contact-us/whistleblowing-disclosures/	Contact them about the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.

Financial Reporting Council Limited	<p>Financial Reporting Council Limited and its conduct committee</p> <p>PIDA Officer Financial Reporting Council 8th Floor 125 London Wall London EC2Y 5AS</p> <p>Tel: 0207 492 2479 Email: whistleblowing@frc.org.uk Website: www.frc.org.uk</p>	<p>Contact them about:</p> <ul style="list-style-type: none"> • matters related to the independent oversight of the accountancy, auditing and actuarial professions; • the monitoring of statutory audit functions in respect of major audits; • compliance with the requirements of legislation relating to accounting and reporting; • the investigation of the conduct of auditors, accountants and actuaries in public interest cases.
Children's Commissioner	<p>The Office of the Children's Commissioner Sanctuary Buildings 20 Great Smith Street London SW1P 3BT</p> <p>Tel: 020 7783 8330</p> <p>Email: info.request@childrenscommissioner.gsi.gov.uk Website: www.childrenscommissioner.gov.uk</p>	<p>Contact them about matters relating to the rights, welfare and interests of children in England.</p>
The Charity Commission for England and Wales	<p>The Charity Commission for England and Wales</p> <p>Tel: 0300 066 9197 Email: whistleblowing@charitycommission.gsi.gov.uk Website: www.gov.uk/charity-commission</p>	<p>Contact them about the proper administration of charities in England and Wales and of funds given or held for charitable purposes in England and Wales.</p>

The Information Commissioner	The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF Tel: 0303 123 1113 Email: casework@ico.org.uk Website: www.ico.org.uk	Contact them about compliance with the requirement of legislation relating to data protection and to freedom of information.
-------------------------------------	--	--