

WHISTLEBLOWING POLICY

Date of Last Review: January 2019

Date of Next Review: January 2022

Responsibility: Mr R. Carling

Advisory Body Signature: *R Carling*



PREAMBLE

The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistleblowing" to mean the confidential raising of problems or concerns within an organisation by a member of staff. This is not "leaking" information but refers to matters of impropriety, eg a breach of law, Trust or School procedures or ethics. Nor is whistleblowing the raising of a grievance within the Trust or School (which would be dealt with under the staff grievance procedures).

INTRODUCTION

The Trustees of E21C seek to run all aspects of Trust business and activity with full regard for high standards of conduct and integrity. If members of Trust staff, parents, Governors or the Trust/School community at large become aware of activities which give cause for concern, they may pursue them under this Whistleblowing Policy. This Policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the Trust's disciplinary procedures if necessary. The Trust is committed to tackling fraud and other forms of malpractice and treats these issues seriously. The Trust recognises that some concerns may be extremely sensitive and has, therefore, developed a system which allows for the confidential raising of concerns within the Trust environment, but also has recourse to an external party outside the management structure of the Trust as an option.

WHEN MIGHT THE WHISTLEBLOWING POLICY APPLY?

Whistleblowing is the reporting of suspected wrongdoing or danger in relation to our activities. This includes any criminal activity (including bribery and fraud), miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations. Matters specific to the trust include concerns about harm or risk of harm to students.

Individuals are encouraged to come forward with genuine concerns knowing they will be taken seriously. A whistleblower should ask a few questions before taking action under this policy:

- Is the issue, or do you believe the issue to be, illegal?
- Is the issue, or do you believe the issue to be, against codes of practice or policies issued by the Trust, the Department for Education (DfE) or Education and Skills Funding Agency (ESFA) or a professional body?
- Does the issue contradict what the employee has been taught, or should have been taught?
- Is the issue about an individual's behaviour or is the issue about general working practices?
- Has the whistleblower witnessed the incident?
- Is it in the public interest (and not just your own) to raise this concern?

Where the alleged activity or behaviour cannot be dealt with under the scope of other policies or procedures then consideration should be given to using this Whistleblowing Policy, eg:

- sexual or physical abuse of students or others
- manipulation of accounting records and finances
- inappropriate use of Trust assets or funds
- decision-making for personal gain
- any criminal activity
- damage to the environment of the Trust
- dangerous practices
- abuse of position
- fraud and deceit or corrupt practices
- other unethical conduct

Anonymous allegations will only be considered if the issues raised are:

- Very serious
- The credibility of the allegation is considered to be high
- The likelihood of confirming the allegation is high

PROCEDURE

The Trust encourages the whistleblower to raise the matter internally in the first instance with his/her line manager (or the Head Teacher if the line manager is the one under suspicion). This may allow them to right the wrong and/or give an explanation for the behaviour or activity.

Alternatively, the whistleblower may request a private and confidential meeting in the first instance with the person who is causing concern or, if that is not appropriate with the Trust's Chief Financial Officer (CFO) or the Chief Executive Officer (CEO) if the CFO is the one under suspicion).

He/she may be accompanied by a representative of his/her choice if they so wish (e.g. Union representative or colleague) who must respect the confidentiality of any discussions held at such meeting and of any subsequent investigation. All matters will be treated in strict confidence and the identity of the whistleblower will be protected whenever possible. However, it may be necessary to disclose the identity of the whistleblower in particular to the person carrying out the investigation. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible.

HOW WILL THE MATTER BE PROGRESSED?

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of the Trust's staff, the Trust's external auditors, legal or Human Resources advisors, the Police or the Department for Education or the Education and Skills Funding Agency. Records will be kept of work undertaken and actions taken throughout the investigation.

The investigating officer(s) will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as to the Police.

Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the Trust's Disciplinary Procedures may be applied.

Where a case is proven on the balance of probability the matter will be reported to Trustees, and where appropriate the DfE or ESFA and Police.

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of Trustees if the whistleblower has not already done so. If that fails to resolve matters, then the whistleblower should seek advice from the charity Protect (formerly Public Concern at Work) on **0203 117 2520** and find other helpful information at www.pcaw.org.uk.

For any concerns taken outside the School, this policy will not apply and any whistleblower raising issues on a wider basis, eg with the press, without following the procedure in this policy may not benefit from the protection given by law to whistleblowers.

HOW ARE WHISTLEBLOWERS PROTECTED?

Wherever possible, the Trust seeks to respect the confidentiality and to protect the identity of the whistleblower and will as far as possible protect him/her from reprisals.

The Trust will not tolerate any attempt to harass or victimise the whistleblower, or attempts to prevent concerns being raised, and will take any necessary disciplinary or corrective action appropriate to the circumstances up to and including dismissal. (The Public Interest Disclosure Act 1998 aims to give statutory protection against victimisation and dismissal to employees who "blow the whistle" on their employer's fraudulent, criminal or dangerous activities. It came into effect in July 1999).

If a "whistleblower" is dismissed because of raising genuine concerns, he/she is entitled to unlimited compensation from an Employment Tribunal. Dismissal for such a reason will be automatically unfair.

The Trust encourages all staff members who have genuine concerns to raise them. However, individuals who maliciously raise concerns which they know to be false will be dealt with under the disciplinary procedures.

CONCLUSION

Existing good practice within the Trust in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the Trust operates, ensure that cases of suspected fraud, impropriety or dangerous practice rarely occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the Trust. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the Trust's disciplinary procedures, which should cover all of the potential areas of concern.

This policy should be read in conjunction with the Trust's Fraud Policy.