

Whistleblowing Policy



T.E.A.M. Education Trust

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Version History

Version	Date	Detail	Author
1	05.20	Original Policy	
2	11.5.21	Policy Review undertaken by Flint Bishop Solicitors, no amendments suggested, submitted to Trustees for ratification	ABI

1. Introduction

Whistleblowing is the reporting of employees or ex-employees, of wrongdoing such as fraud, child safeguarding concerns, malpractice, mismanagement, and breach of health and safety law or any other illegal or unethical act by management, the governing body, the Trust or employees. T.E.A.M. Education Trust is committed to achieving the highest possible standards of service and ethical practices.

This policy does not remove the employee's rights to raise their concerns directly with the Police or other external body, if they become aware, or suspect illegal activity within the Trust. Employees are encouraged to also raise this with someone of an appropriate level within the Trust so that full co-operation can be offered to the external body. In the case of child safeguarding, this matter should be referred to the School's Designated Safeguarding Person.

T.E.A.M. Education Trust has prepared this policy to enable employees to raise their concerns about such malpractice at an early stage and in the correct way.

If something is troubling an employee and they wish for the Trust to look into this, they should use this policy. However, if the employee is aggrieved about their personal position, please refer to the T.E.A.M. Education Trust Grievance Policy. The Whistleblowing Procedure is primarily for concerns where the interests of others or the organisation itself are at risk.

2 Aims

This policy aims to:

Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.

Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust

Set clear procedures for how the trust will respond to such concerns

Let all staff know the protection available to them if they raise a whistle-blowing concern

Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

3. Legislation

The requirement to have clear whistleblowing procedures in place is set out in the Academies Financial Handbook.

This policy has been written in line with the above document and takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Protect (formerly Public Concern at Work).

This policy complies with our funding agreement and articles of association.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff within the Trust and the Trust reserves the right to amend its content at any time.

This Policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including the Principal, Heads of Department, members of the Senior Leadership Group, officers, Trustees, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.

4. Definition of Whistleblowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but aren't limited to):

- Criminal offences, such as fraud or corruption;
- Pupils' or staffs' health and safety being put in danger;
- Failure to comply with a legal obligation or statutory requirement;
- Child protection and/or safeguarding concerns;
- Breaches of financial management procedures;
- Negligence;
- Damage to the environment;
- Conduct likely to damage the Trust's/School's reputation;
- Unauthorised disclosure of confidential information;

- Attempts to cover up the above, or any other wrongdoing in the public interest.

A whistleblower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If the member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy.

5. Raising a Whistleblowing Concern

The Trust hopes that in many cases Staff will be able to raise any concerns with their Line Manager and/or Key Stage Leaders speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving the concern quickly and effectively. In some cases they may refer the matter to the Governing Body.

However, where the matter is more serious, or the Line Manager/Head of Department has not addressed the concern, or the member of staff would prefer not to raise it with them for any reason, then they should contact one of the following:

- The School Principal
- A Governor with responsibility for Whistleblowing matters
- CEO or member of the Executive Central Team
- Trustee of T.E.A.M. Education Trust

The School/Trust will arrange a meeting with the member of staff as soon as possible to discuss their concern. Staff may bring a colleague or Trade Union Representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School/Trust will take down a written summary of the concern raised and provide the member of the staff with a copy as soon as practicable after the meeting. The School/Trust will also aim to give the member of staff an indication of how we propose to deal with the matter.

Executive Team staff should report their concern to the CEO. If the concern is about the CEO/other executive leader, or it is believed they may be involved in the wrongdoing in some way, the Executive Team staff should report the concern to the Chair of Trust Board.

6. Confidentiality

The Trust hope that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know their identity, the School will discuss this with the member of staff first.

The Trust does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information. 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 contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If a member of staff is in any doubt they can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect
(Independent whistleblowing charity) Helpline: 020 3117 2520
E-mail: whistle@protect-advice.org.uk
Website: www.pcaaw.org.uk

7. Investigation and Outcome

Once a member of Staff has raised a concern, the School/Trust will carry out an initial assessment to determine the scope of any investigation. The School will inform the member of staff of the outcome of its assessment and give clear reassurance that their confidentiality will be fully maintained. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In some cases, the School may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

The School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the School concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the School will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined in this policy.

8. External Disclosures

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

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage a member of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of Trust Staff, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstances the law will protect you if you raise the matter with the third party. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

9. Protection and Support for Whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support Staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Principal immediately. If the matter is not remedied, the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Principal in the first instance.