

# **QED Academy Trust Whistle-Blowing Policy**

<b>Policy reviewed and ratified by QED Academy Trust Board</b>	11 <sup>th</sup> July 2022
<b>Date of next review:</b>	11 <sup>th</sup> July 2025

This policy will be subject to ongoing review and maybe amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.

<b>Section</b>	<b>Contents</b>	
<b>1</b>	<b>Introduction</b>	
<b>2</b>	<b>Aims and Scope of the policy</b>	
<b>3</b>	<b>Qualifying Disclosures</b>	
<b>4</b>	<b>Safeguards</b>	
	<b>4.1</b>	<b>Support to Employees</b>
	<b>4.2</b>	<b>Harassment or Victimization</b>
	<b>4.3</b>	<b>Confidentiality</b>
	<b>4.4</b>	<b>Anonymous Allegations</b>
	<b>4.5</b>	<b>Untrue Allegations</b>
	<b>4.6</b>	<b>Unfounded Allegations</b>
<b>5</b>	<b>How to Raise a Concern</b>	
<b>6</b>	<b>The Role of Senior Managers</b>	
<b>7</b>	<b>Raising Concerns Outside of the Trust</b>	
<b>8</b>	<b>Monitoring and Review</b>	

## **1. Introduction**

- 1.1 As employees are often the first to realize that there may be something wrong within the Trust, it is important that they feel able to express their concerns without fear of harassment or victimization. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognizes this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 1.2 The Trust Board are committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or "blowing the whistle" outside in an inappropriate way.

## **2. Aims and Scope of the Policy**

To set out the Trust's policy and procedure for dealing with concerns raised by employees.

2.1 This policy aims to:

- Provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- Provide for matters to be dealt with quickly and appropriately, and ensure that concerns are taken seriously;
- Reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
- Allow employees to take the matter further if they are dissatisfied with the Trust Board or Local Governing Body's response.

2.2 This policy describes how any Trust employee can raise any concerns they may have about working practices, and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

2.3 Concerns which fall within the scope of the whistle-blowing procedure may be about something that is unlawful or is against the Trust's policies, or falls below established standards or practice, or amounts to improper conduct.

2.4 Before initiating the procedure, employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- 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, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

- 2.5 All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, trustees, local governors or volunteers.
- 2.6 Concerns raised by employees about their own conditions of service should be addressed via the Trust's Grievance Procedure.

### **3. Qualifying Disclosures**

If the employee makes a disclosure of information which they reasonably believe is in the public interest and that one or more of the following is either happening, has happened or is likely to happen in the future, this will be a "qualifying disclosure" and the employee will be offered protection as a whistle-blower. The disclosure must relate to the following:

- A criminal offence has been committed, is being committed or is likely to be committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information indicating any matter falling within any one of the above has been, is being or is likely to be deliberately concealed.

3.1 In a Schools Trust, this can include:

- A misuse of school or Trust funds and/or financial malpractice
- Safeguarding concerns with respect to children or any action that negatively affects the welfare of children (see Appendix 1)
- Public examination fraud/SATs maladministration or an unauthorised disclosure of confidential information
- Any conduct likely to damage the schools' or Trust's reputation.

### **4. Safeguards**

Employees may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling it is none of their business or that it is only a suspicion. They may feel that raising the matter would be disloyal to colleagues, managers or to the school. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. They may also fear harassment or victimisation.

4.1 Support to those raising concerns

The Trust is committed to good practice and high standards and will be supportive of employees raising genuine concerns. The Trust recognises that the decision to report a

concern can be a difficult one to make. Where the employee raises a genuine concern under this policy, they should have nothing to fear as they will be considered as discharging their duty to the Trust. An investigation into concerns raised under this policy will not influence or be influenced by any formal procedures (e.g. disciplinary or redundancy) that the employee may already be subject to. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

#### 4.2 Harassment or Victimization

4.2.1 The Trust Board will not tolerate harassment or victimization of anyone reporting a concern, and will take action to protect employees when they raise a concern in good faith.

4.2.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy that those procedures will be halted as a result of that employee raising a concern under the whistle-blowing policy.

#### 4.3 Confidentiality

4.3.1 The Trust Board will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Trust Board to address the concern and in some circumstances, the Trust Board may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

#### 4.4 Anonymous Allegations

4.4.1 Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Trust Board. In exercising the discretion, the factors to be taken into account would include:

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

#### 4.5 Untrue Allegations

4.5.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

#### 4.6 Unfounded Allegations

4.6.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will

be informed that the Trust Board deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

## **5. How to Raise a Concern**

- 5.1 As a first step, an employee should normally raise concerns with their immediate line-manager or their line-manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate line-manager or their line-manager's superior is involved, they should approach the Headteacher or Chair of the Local Governing Body. Employees can by-pass the direct management line and the Local Governing Body if they feel the overall management and Local Governing Body of the school are engaged in an improper course of action then they should report to the Chief Executive Officer (CEO) of the Trust or Chair of the Trust Board. If the concern relates to the CEO or Chair of the Trust in this case please refer to section 7 below.
- 5.2 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure.
- 5.3 The earlier an employee expresses the concern, the easier it is to take action.
- 5.4 Although an employee is not expected to prove the truth of an allegation, they 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 the trade union to raise a matter on the employee's behalf.

## **6. The Role of Senior Managers**

- 6.1 A senior manager may be informed by an employee about concern(s) and that they are "blowing the whistle" within the procedure in person, or in writing or over the phone.
- 6.2 The senior manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.
- 6.3 Stage One:
- 6.3.1 At the initial meeting the senior manager should establish that:
- There is genuine cause and sufficient grounds for the concern, and
  - The concern has been appropriately raised via the whistle-blowing policy.
- 6.3.2 The senior manager should ask the employee, to put their concern(s) in writing, if they have not already done so. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- The background and history of the concerns;
- Names, dates and places (where possible);
- The reasons why the employee is particularly concerned about the situation.

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

- What steps they intend to take to address the concern;
- How they will communicate with the employee during and at the end of the process;
- That a written response will be sent out within ten working days;
- That their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- That the Trust Board/ Local Governing Body will do all that it can to protect the employee from discrimination and/or victimization;
- That the matter will be taken seriously and investigated immediately;
- That if the employee's concern, raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

6.3.5 The senior manager should explain to the employee, as a matter of fact, that:

- If clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them;
- The investigation may confirm their allegations to be unfounded in which case the Trust Board/Local Governing Body will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available.

#### 6.4 Stage Two:

6.4.1 Following the initial meeting with the employee, the senior manager should consult with the Headteacher/CEO or Chair of the Local Governing Body/Trust Board 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.

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

managers should take the following factors into account:

- The seriousness of the issue(s) raised;
- The credibility of the concern(s);
- 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 the external auditor;
- Form the subject of an independent inquiry.

6.4.4 Senior Managers should have a working knowledge and understanding of other Trust policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the Trust's personnel advisers.

## 6.5 Stage Three

6.5.1 Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- 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; and/or
- Telling the employee whether any initial enquiries have been made; and
- Telling the employee whether further investigations will take place, and if not why not; and/or
- Letting the employee know when they will receive further details if the situation is not yet resolved; and
- Providing the employee with details of who to contact should they be dissatisfied with this response (see 7.1 below).

## 7. **Raising Concerns outside the Trust**

7.1 The primary aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. However, the Trust recognises that in some circumstances the employee may not feel able to disclose a matter internally or that it may be more appropriate for them to report their concerns to an external body because, for example:

- The matter is of an extremely sensitive or serious nature, or
- The employee believes management to be involved, or
- The employee believes the Trust or school will cover it up, or



- The employee believes the Trust or school will treat them unfairly if they complain, or
- Where the employee has raised the matter previously, but the concern has not been dealt with.

Employees are strongly encouraged to seek advice before reporting a concern to anyone external. Advice can be sought from their Trade Union or Citizens Advice.

The Trust or school should stress to the employee that if they choose to take a concern outside the Trust or school, it is the employee's responsibility to ensure that confidential information, in whatever format, is not disclosed to a third party.

Where a disclosure to an external body is justified and/or necessary, in those circumstances the employee can properly report matters to the following:

- The Local Authority Director of Children's Services
- The Chief Education Officer or equivalent
- The Local Authority Designated Officer (LADO)
- Prescribed Person or Body for example:
  - Protect (formerly Public Concern at Work), an independent charity that provides confidential advice on whistleblowing issues: 020 3117 2520 or visit their website at [www.pcaw.co.uk](http://www.pcaw.co.uk)
  - Ofsted (whistleblowing helpline): 0300 123 3155 or [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)
  - Education & Skills Funding Agency (ESFA): 0370 267 0001 or ESFA
  - Complaints Procedure Children's Commissioner for England: 020 7783 8330 or [info.request@childrenscommissioner.gov.uk](mailto:info.request@childrenscommissioner.gov.uk)  
<https://www.schoolshrcooperative.co.uk/>
  - NSPCC: 0800 028 0285 or NSPCC Whistleblowing Advice Line.

As a last resort, and provided it is appropriate in all the circumstances, the employee may choose to raise their concern externally to someone other than the prescribed persons/bodies, for example:

- Union or professional association
- The Police
- A Member of Parliament (MP).

It will very rarely, if ever, be appropriate to alert the media. This also carries a risk of disclosing confidential information to unauthorised third parties. If the employee approaches the media, they can expect in most cases to lose their whistleblowing law rights and protection.

*\*Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

## **8. Monitoring and Review**

8.1 The Headteacher at each school will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Trust Board as necessary.

This Policy will be reviewed by the Trust Board on a 3-yearly cycle and must be signed by the Chair and Chief Finance Officer of the Trust.