



Confidential Reporting (Whistleblowers') Policy and Procedures

November 2018

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Next review period: November 2021

Sentamu Academy Learning Trust

CONFIDENTIAL REPORTING (WHISTLEBLOWERS') POLICY AND PROCEDURES

1. Responsibilities

The Sentamu Academy Learning Trust Board of Directors has primary responsibility for the management and administration of the Trust. It is responsible for maintaining fair, consistent and objective procedures for matters relating to Whistleblowing. The implementation of the Whistleblowing Policy, have been delegated to the Local Governing Committee, the Principal and/or senior managers who shall comply with all policies and procedures issued by the Board of Directors and take into consideration any subsequent advice and recommendations given to them by the Directors.

2. Definitions

In this procedure the following words and expressions shall have the following meanings:

"Directors" or "Trust Board" means the Board of Directors of the Trust as constituted from time to time, or where appropriate any sub-committee of the Board of Directors.

"Governors" means the local governing body of each Academy referred to as the Local Governing Committee (LGC) as constituted, or where appropriate, any sub-committee of the Local Governing Committee. Each Local Governing Committee has specific delegated powers for the management of the business of each Academy as agreed by the Directors.

"CEO" means the Chief Executive Officer of the Trust;

"Trust" means the Sentamu Academy Learning Trust;

"Executive Principal" means the Executive Principal of the Trust and may also be referred to as the "Principal" in this procedure;

"Principal" means the head of the Academy and may also be known as the Headteacher.

"Vice Principal" can also be referred to as a Deputy Headteacher.

3. Introduction

- 3.1. This policy has been produced to ensure that the Trust and each of its Academies comply with the Public Interest Disclosure Act 1998.
- 3.2. Employees are often the first to realise that there may be something seriously wrong within the Trust or the academy in which they work. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust itself. They may also fear harassment or victimisation. In these circumstances they may feel that it might be easier to ignore the concern rather than to report what may just be a suspicion of malpractice.
- 3.3. The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others with whom we deal, who have concerns about any aspect of the Trust's work, to come forward and voice those concerns. Generally cases will proceed on a confidential basis, although this may not be possible if legal proceedings result from the disclosure.

- 3.4. This Confidential Reporting (Whistleblowers') Policy makes it clear that employees can state their concerns without fear of victimisation, subsequent discrimination or disadvantage. Its aim is to encourage and enable employees to raise concerns within the Trust rather than to overlook a problem or take it outside.
- 3.5. Nothing in this policy must remove the obligation of staff with respect to child protection issues.

4. **Scope**

The policy applies to all workers and those contractors working for SALT or any of its Academies, for example: agency staff. It also covers suppliers and those providing services under a contract with the academy in their own premises and volunteers.

5. **Aims of the policy**

The policy aims to:

- encourage individuals to feel confident in raising concerns and to question, and act upon concerns about, practice;
- provide avenues for individuals to raise those concerns and receive feedback on any action taken;
- ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure employees that they will be protected from possible dismissal/detriment or victimisation if they have a reasonable belief that they have made any disclosure in good faith.
- Ensure that those who are in receipt of a disclosure know what is expected of them

CONFIDENTIAL REPORTING (WHISTLEBLOWERS') PROCEDURE

PART 1

WHISTLEBLOWING IN RELATION TO OTHER PROCEDURES

- 1.1. The Confidential Reporting (Whistleblowers') Policy is not intended to cover complaints for which there are existing procedures, such as matters of individual discipline, staff grievances, complaints about poor standards of service, personal harassment, equal opportunities complaints. The Confidential Reporting (Whistleblowers') Policy is intended to cover other concerns, which a member of staff may have about the Trust or any of its academies, its employees or its practices. Such concerns could include:
- financial malpractice, financial impropriety, or fraud
 - failure to comply with the Trust/Academy's regulations and procedures
 - failure to observe safety obligations
 - endangering health and safety, including risks to the public as well as other employees and pupils
 - damaging the environment
 - criminal activity at the academy
 - deliberate miscarriage of justice
 - academic malpractice
 - abuse of authority for illegal or unethical purposes
 - wilful failure to declare a relevant interest in the Registers of Interests
 - sexual or physical abuse of clients
 - covering up any of the above.
- 1.2 Cases arising from the Confidential Reporting (Whistleblowers') Policy may be routed through appropriate academy/Trust procedures or investigated by a specially constituted panel or the Principal. Unless there is a good reason to the contrary, the academy/Trust will proceed on the basis that investigation of disclosure in parallel with other procedures will be avoided.
- 1.3 Concerns may include such actions as have already occurred, are occurring, or are likely to occur.

2 WHO CAN USE THE PROCEDURE

- 2.1 This procedure is open to all members of the academy/Trust and others, defined below:-
- Directors of the Trust
 - Local Governors of each academy
 - Current employees of the Trust including casuals and agency employees
 - Staff working for departments or units of the Trust who may not be formally employed by the Trust
 - Providers of goods and services for the Trust
- 2.2 A discloser need not be personally or professionally affected by the malpractice, which is to be disclosed by him or her.

2.3 This policy does not replace the Trust's complaints procedure.

3 PROTECTION OF DISCLOSURE – SAFEGUARDS

3.1 If s/he complies in full with this procedure, the discloser will:-

- a) be protected as far as possible from their identity being revealed, although there may be occasions when the type of information revealed will be such that the identity of the discloser can be inferred by others;
- b) be protected from reprisal or unfair treatment attributable to the making of the disclosure;
- c) be kept informed at all stages of the procedure;
- d) have a choice of impartial individuals in the Trust/academy to contact for an initial assessment. Fairness is ensured in that none of these persons may make the initial assessment if they are themselves the subject of a public interest disclosure inquiry, or thought by the discloser not to be impartial; or have a later part to play in the procedure;
- e) be assured that any malpractice will be thoroughly but quickly investigated.

3.2 These protections apply even if it is concluded that there is no action from a disclosure. In accordance with the Act, the protections apply, provided that: the discloser makes the disclosure in good faith; and in the reasonable belief that the disclosure tends to show malpractice; and not maliciously or for personal gain. The Trust procedure does not offer protection in the case of a vexatious disclosure.

4. TYPE OF PROTECTION GIVEN TO SOMEONE NAMED IN A DISCLOSURE

4.1 The identity of a person who is subject of a public interest disclosure under this procedure will be protected as far as possible. If the case against him/her is heard under the Confidential Reporting (Whistleblowing) Procedure, his/her rights to respond to accusations or to remain silent and to have representation, will be the same as under the relevant disciplinary procedure. If a person chooses to remain silent, the Trust reserves the right to investigate the disclosure by any means at its disposal.

5 PROTECTION FOR OFFICERS DESIGNATED IN THE PROCEDURE

5.1 No officer designated in the procedure shall be held personally liable for any errors in, or consequences arising from, the commission of his/her duties under this procedure.

6 IF AN EMPLOYEE OF THE TRUST KNOWS OF WRONGDOING, IS MAKING A DISCLOSURE ABOUT IT OBLIGATORY?

6.1 The Public Interest Disclosure Act and in turn, the Trust's procedure is intended to facilitate disclosure. It affords protection to an individual who wishes to disclose information and therefore it is intended to permit the Trust or any of its academies to deal with malpractice as it arises. The spirit of the procedure is to protect individuals who wish to make a disclosure in the interest of the public and of the Trust. It does not

constitute an obligation to disclose information. This however does not apply to the child protection procedures.

7. WHAT HAPPENS IF A DISCLOSER CHANGES HIS OR HER MIND

7.1 Once the disclosure has been made it may be retracted at any time. The Trust reserves the right to proceed with the investigation by any other means at its disposal, and to take action in light of its findings, even if the discloser does not wish to proceed further.

8. WHAT TO DO IF A DISCLOSURE IS MADE TO YOU

8.1 Once a disclosure has been made you must follow part two of this policy and take the advice of the CEO, Executive Principal, Principal or Human Resources as appropriate. Financial matters must also be disclosed to the Chief Finance Officer (Director of Finance) and safeguarding matters to the Safeguarding lead of the Academy. Matters relating to the CEO should be referred to the Chair of the Directors.

8. CONFIDENTIALITY: OUTSIDE OF THE ACADEMY

8.1 Depending on the circumstances, the Trust might be obliged to make a report to the police or other appropriate public body. This will not affect the protection afforded to the discloser.

8.2 If an individual chooses to disclose externally, this procedure will afford protection if he or she:

- a) reasonably believes that the information tends to show malpractice; and
- b) acts in good faith; and
- c) is not making the disclosure for personal gain; and
- d) reasonably believes that the information is substantially true; and
- e) makes the disclosure to an appropriate external statutory body, such as the Department for Education, the National Audit Officer (NAO) or the Health and Safety Executive.

8.3 The confidentiality of any discussions with a lawyer, for the purpose of legal advice in connections with a disclosure under this procedure, is protected under legal advice and client privilege.

8.4 The discloser should not reveal any part of his or her disclosure outside the Trust until all steps in this procedure have been exhausted, except: to a public body; or to a professionally qualified lawyer for the purpose of taking legal advice.

8.5 The discloser will be responsible for ensuring that any representative or lawyer, whom he or she has informed of the disclosure, observes the provisions of this procedure as well as those listed in Part 2 paragraph 9.1.

9. CONFIDENTIALITY: WITHIN THE TRUST

9.1 The Trust will treat the identity of a person making disclosures as confidential, (subject to 8.1), unless the discloser fails to comply at all times fully with this procedure; the Trust's

officers are legally obliged to reveal the identity, or the discloser's identity is introduced to the public domain by other means.

- 9.2 The chair of the local governing committee will keep records of the disclosure and all proceedings. S/he will if possible consult the discloser before granting at any time during or subsequent to the disclosure procedure access to the papers for any person not privy to the papers. Unless there is a legal obligation to reveal the papers, they will be revealed to other parties only in conformity with Trust/academy procedures and prevailing legislation.

10. ANONYMOUS ALLEGATIONS

- 10.1 Disclosers will be expected to put their name to any disclosures they make, on the understanding that great care will be taken to protect their identity as provided for in this procedure. Disclosures made anonymously will only be considered if the Board Directors or Local Governors (as appropriate) think it is warranted on the basis of:
- a) the gravity of the issues raised; and
 - b) the amount of evidence provided; and
 - c) the likelihood of confirming the allegation from alternative credible sources.

11. UNTRUE ALLEGATIONS — DISCIPLINARY OFFENCES

- 11.1 Under this procedure it will be a disciplinary offence to:
- a) make a disclosure found to be vexatious or malicious; or
 - b) obtain pecuniary benefit from a disclosure.
- 11.2 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the discloser.

12. THE PUBLIC INTEREST

- 12.1 The overriding principle, which the academy will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

PART TWO

IMPLEMENTATION OF THE WHISTLE BLOWING PROCEDURE

1. Purpose

- 1.1 This document is intended as a procedural statement. Issues of principles and guidance on when it is appropriate to use this procedure are found in Part One of this document, which should be read in conjunction with this procedural section.

2. Obtaining Advice and Guidance

- 2.1. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two, or more, of you who have had the same experience or concerns.

- 2.2 Advice and guidance on how to pursue matters of concern may be obtained from:-

- your line manager or Principal
- Human Resources
- chair of local governors
- your trade union
- Hull Citizen's Advice Bureau

3. How to make a disclosure under the procedure

- 3.1 Public Interest disclosures should be notified in the first instance to one, or if the discloser wishes, to more than one of the following receiving officers:

- 3.2 Your immediate manager or, if for some reason that is not possible, his/her manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that a Principal is involved you should approach the CEO.

- 3.3 Concerns may be raised verbally, or in writing, if you wish to make a written report you are invited to use the standard reporting form, which is attached at Appendix 1. In any event, the report should take the following format:

- the nature, background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.
- names of those alleged to be involved in the malpractice

- 3.4 The earlier you express the concern the easier it is to take action.

- 3.5 Although you are not expected to prove, beyond doubt, the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

- 3.6 Where the concern relates to the a member of the senior leadership team or CEO the CEO or Board of Directors respectively will deal with the issue on behalf of the Trust in place of the local governing body as detailed below.

4.0 How the academy will respond

- 4.1. The academy/receiving officer will respond to your concerns and the receipt of your report will be acknowledged, in writing, within 5 working days:
- acknowledging that the concern has been received;
 - indicating how it is proposed to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling you whether any initial enquiries have been made;
 - supplying you with information on available support, where appropriate, and
 - telling you whether further investigations will take place and if not, why not.
- 4.2. Following this, the amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the officers considering the matter will seek further information from you.
- 4.3. You should be aware that further enquiries may be made, possibly leading to a formal investigation, but this does not indicate that your concern has been either accepted or rejected. The Trust will take an objective and fair view, until clear evidence emerges.
- 4.4. Where appropriate, following initial enquiries, the matters raised may:
- be investigated by a [specially constituted panel of/an appointed investigating officer] local Governors, CEO, Executive Principal, Principal, , or through the disciplinary process;
 - be referred to the Police;
 - be referred to the Department for Education;
 - be referred to an independent outside agency, specially appointed to carry out investigations. Arrangements will be made as required, depending upon the nature and circumstances of the case.
 - form the subject of an independent inquiry by an appropriate body, depending upon the nature and circumstances of the case;

5.0 Others to be informed by the Receiving Officer

- 5.1 The receiving officer will be responsible for informing other officers, within 5 working days, or sooner if stated below, as follows:
- (a) In the case of legal or financial concerns, the CEO should be informed immediately.
- (b) In all cases, the [chair of local governors/chair of Trust Board], for monitoring purposes.
- 5.2 Some concerns may be resolved by agreeing action without the need for a detailed investigation. If urgent action is required, this will, wherever possible, be taken by the Principal

6.0 Representation and Advice at Meetings

- 6.1 During any meetings/interviews, which you attend in connection with the concerns you have raised, you have the right to be accompanied by a trade union representative or work colleague if you so wish. The attendance of any representative or witness who is an employee of the academy will require the prior approval of his/her supervisor for absence during his/her normal working hours.
- 6.2 The academy will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the academy will arrange for you to receive advice about the procedure.
- 6.3 The academy accepts that you need to be assured that the matter has been properly addressed. You will, therefore, be informed of the outcome of any investigation.

7.0 The Responsible Officer

- 7.1. The chair of Trust Board, , has overall responsibility for the maintenance and operation of this policy. The Principal of each Academy will maintain a record of concerns raised and the outcomes (but in a form which does not endanger individual confidentiality).

8. Assistance from External Agencies

- 8.1. If, for any reason, you do not feel comfortable speaking to someone in the academy, about your concerns, the **Hull and District Citizen's Advice Bureau (CAB)** may be able to assist you.

9. How the Matter can be taken Further

- 9.1. This procedure is intended to provide you with an avenue within the academy to raise concerns and we hope that you will be satisfied with any action taken.. If you are not satisfied with the action taken by the Principal or Local Governing Committee you may refer the matter to the Board of Directors of the Trust. If you are still not satisfied, or if you feel it is right to take the matter outside the Trust, the following are possible contact points:
- Hull Citizen's Advice Bureau
 - National Audit Office
 - your trade union
 - Police
 - relevant professional bodies, of which you may be a member,
 - relevant regulatory organisations, such as the Health and Safety Executive where, for example, the issue involves a health and safety matter.
- 9.2. Whistle blowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. If the matter is taken outside the Academy, individuals should ensure that they do not disclose confidential information.