



E11

# ESTEEM MULTI-ACADEMY TRUST WHISTLEBLOWING POLICY

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## 1. Introduction

1.1 The Esteem Multi-Academy Trust (referred to in this policy as the 'trust') is committed to operating ethically and achieving high standards of service across the trust. All employees are valued and Esteem recognises the importance that openness and accountability plays in maintaining such standards. Employees may often be the first to notice serious wrongdoing and the Trust expects this to be reported without fear of reprisal.

1.2 Whistleblowing is when an individual, usually an employee or worker, reports concerns about specific types of serious wrongdoing within an organisation. The concern(s) raised must be in the public interest (it must affect others and not just the individual) and the person who raises the concern(s), the 'whistle-blower', is protected by law against being treated unfairly or losing their job.

1.3 This policy is intended to enable employees of the Esteem Multi-Academy Trust to disclose information about malpractice internally and to provide employees with protection from subsequent victimisation, discrimination or disadvantage. This will assist in detecting and deterring malpractice and, by demonstrating the trust's accountability, maintain public confidence and the trust's good reputation.

1.4 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the trust's Grievance Procedure.

## **2. Purpose**

2.1 Employees are often the first to realise that there may be evidence of malpractice within the trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the academy or team they work within. They may also fear harassment or victimisation.

2.2 In line with the trust's commitment to high standards of openness, integrity and accountability, the trust expects employees who have a reasonable belief that malpractice is taking place within the organisation to come forward and voice those concerns internally. This may be an awareness of suspected irregularity, wrongdoing or a failure of standards. This policy provides the means for employees to make such disclosures.

2.3 An employee's concerns about malpractice may include a reasonable belief that one or more of the following has occurred or is likely to occur:

- Conduct which is an offence or a breach of law,
- Miscarriages of justice,
- Health and safety risks, including risks to the public as well as other employees,
- Damage to the environment,
- Bribery
- The unauthorised use of public funds,
- Fraud and corruption,
- Negligence
- Sexual or physical abuse of pupils,
- Other unethical conduct.

2.4 Whistleblowing may also be a breach of Esteem Multi-Academy Trust's internal policies and procedures including E12 Staff Professional Behaviours: Code of Conduct;

- conduct likely to damage the reputation or financial wellbeing of the Trust;
- unauthorised disclosure of confidential information;
- unethical behaviour;
- and the deliberate concealment of any of the above matters.

2.5 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

2.6 Under this policy employees should make disclosures about possible malpractice to one or more of the following people:

- The Headteacher/Senior Lead if the reporting employee works within an academy. Where an employee of an academy feels that reporting their concerns to the Headteacher or Senior Lead would be inappropriate they should report to the Chair of the Local Governing Body.
- The CEO if the reporting employee is a member of the Executive Team or is employed within the central support team of the trust. Where reporting to the CEO is inappropriate, the reporting employee should contact the Chair to the Trust Board.
- The Finance Director if concerns raised are related to financial management. If this would be inappropriate contact should be made with the Chair to the Trust Board.
- Concerns may be reported to the Chair of Trust Board.

2.6 It is recognised that most cases will have to proceed on a confidential basis.

2.7 It is in the interests of all parties that disclosures are dealt with properly, quickly and discreetly. The overriding consideration for the trust and the employee is that it would be in the public interest for any malpractice found to be corrected and, where appropriate, sanctions applied.

2.8 This policy provides employees with a procedure to make disclosures of irregularity or wrongdoing without fear of adverse treatment as a result. The trust will not tolerate any harassment or victimisation of employees making disclosures (including informal pressures) and will act to protect employees when they make a disclosure in good faith.

2.9 This policy addresses major concerns that fall outside the scope of other procedures and where the interests of others or if the academies are at risk. It has been developed within the following legislative and policy framework:

- It is in line with the Public Interest Disclosure Act 1998 (PIDA), which amends the Employment Rights Act 1996, which enables workers to raise issues of concern in an appropriate manner and without fear of reprisal.
- It is complementary to the trust's Code of Conduct which makes clear the standards of propriety and good practice expected of employees.

- It is complementary to the trust's Discipline, Grievance and Harassment Procedures. Together they form a framework which allows employees to be disciplined, to seek personal redress, to raise personal complaint and to disclose malpractice where appropriate.
- This policy is in addition to the trust's Complaints Policy and other reporting procedures, for example child protection procedures.

### **3. Scope**

3.1 This policy applies to all employees within the Esteem Multi-Academy Trust. It is also applicable to:

- contractors working for the trust on trust premises, for example, agency staff, builders, drivers.
- suppliers and those providing services under a contract with the trust in their own premises.

## **4. Procedure for Making A Disclosure**

### **4.1 Introduction**

4.1.1 This policy provides you with a procedure for making disclosures internally about suspected wrongdoing, irregularity or a failure of standards within the trust. Its aims are:

- To encourage you to feel confident in raising serious concerns and to question and act upon concerns about possible malpractice within the trust.
- To provide a means for you to disclose those concerns and receive feedback on any action taken.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them further if you are not satisfied.
- To reassure you that you will be protected from possible reprisals or victimisation and from subsequent discrimination or disadvantage.

4.1.2 Any serious concerns that you have about an aspect of service provision or the conduct of employees, Directors, Trustees, Governors of Local Governing Bodies or others acting on behalf of the trust can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the trust subscribes to.
- is against the trust's or academies' policies.
- falls below established standards of practice.
- amounts to improper conduct.

### **4.2 Confidentiality**

4.2.1 All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal your identity. However, you may need to come forward as a witness and you will be given every support from management at that time.

### **4.3 Anonymous Disclosures**

4.3.1 You should put your name to your disclosure whenever possible. Disclosures made anonymously will still be considered at the discretion of the trust. However, it is helpful to have your name in case further information is required.

4.3.2 In exercising its discretion, the trust will consider:

- the seriousness of the issues raised.
- the credibility of the disclosure.
- the likelihood of confirming what is alleged from attributable sources.

### **4.4 Untrue Disclosures**

4.4.1 If you make a disclosure in good faith that you reasonably believe is in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, your allegation is frivolous, malicious or for personal gain, you may be subject to disciplinary action.

### **4.5 Employee Action**

4.5.1 As a first step, you should normally raise your concerns with the most senior member of the leadership team at your place of work. For employees within an academy this would normally be the Headteacher. If you work as part the trust's central team this would be the CEO. If the matter is related to a financial management concern, then you are advised to raise this with the Finance Director. If you believe any of these people are involved, you should approach the Chair of Governors or Chair of Trust Board as appropriate. Any reporting of this nature depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

4.5.2 You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to act. You should provide:

- details of your concerns, including the nature, dates and location of any relevant incidents.
- reasons why you feel concerned about the situation.

4.5.3 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.

4.5.4 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. You may also discuss your concerns with your trade union representative.

4.5.5 You may invite your trade union or other representative to be present during any meetings or interviews in connection with the concerns you have raised.

4.5.6 The amount of contact between you and the person considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information

provided. If necessary, the person who you have reported your concerns to will seek further information from you.

#### **4.6 Action Taken by the Trust – Investigation and Outcome**

4.6.1 The trust will respond to your disclosure. Where appropriate, the matters raised may be:

- a) investigated by management or through the disciplinary process;
- b) reported to the Trust Board for further investigation
- c) referred to the Police
- d) the subject of an independent inquiry

4.6.2 To protect individuals and those accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The over-riding principle the trust will have in mind is the public interest. Disclosures for which there are other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

4.6.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any action investigation is conducted.

4.6.4 Within 10 working days of a concern being raised, you will receive a response:

- a) acknowledging that the concern has been received;
- b) telling you whether any initial enquiries have been made;
- c) indicating how the matter is going to be dealt with;
- d) giving an estimate of how long it will take to provide a final response;
- e) supplying you with information on staff support mechanisms;
- f) telling you why if there is to be no further investigation.

We will aim to conclude the investigation in a timely way, usually within 20 school days of receipt of your concern. However, a complicated matter may take longer to investigate and, if this is the case, you will be informed of the likely timescale.

4.6.5 Following the investigation, the person handling your concern will write to you confirming the outcome of the investigation with actions taken to investigate the complaint, the reasons for the decision and, if appropriate, any actions to be taken to resolve the complaint. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

4.6.6 The trust will take steps to minimise any difficulties you may experience because of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the trust will arrange for you to receive advice about the procedure.

4.6.7 If we conclude that a whistle-blower has made false allegations maliciously, or with a view to personal gain, the whistle-blower may be subject to disciplinary action.

## **4.7 How the Matter Can Be Taken Further**

4.7.1 This policy is intended to provide you with a route within the trust to make disclosures of malpractice. The trust hopes you will be satisfied with any action taken. If you are not, and you believe the information you have disclosed is substantially true, possible contact points include:

- Public Concern at Work
- Your trade union
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The Police

4.7.2 If you do take the matter outside the trust, you should ensure that you do not disclose confidential information. Please ensure that you check with the person dealing with your disclosure within the trust before divulging any information.

## **4.8 GDPR**

4.8.1 Data will be processed in line with the requirements and protections set out in the UK General Data Protection Regulation.