



Whistleblowing Policy and Procedures

October 2024

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1. Introduction

Endeavour Learning Trust (ELT) is committed to open and honest communication and conducting itself with integrity. It expects all staff to maintain the highest possible standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situation occurring or to address them when they do occur. We will always treat whistleblowing as a serious matter. This whistleblowing policy sets out the framework for dealing with allegation of illegal and improper conduct.

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

This policy has been created with regard to the following guidance documents:

- ESFA's Academy Handbook
- GOV.UK (2015) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

Staff are often the first to realise that there may be something seriously wrong within ELT, however, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the Trust. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

ELT Members, Trustees & the Local Academy Councils (LACs) are committed to the highest possible standards of openness, probity, integrity and accountability. In line with that commitment we expect staff, and others that we deal with, who have serious concerns or allegations about any aspect of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy makes it clear that staff can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable staff to raise serious concerns within the Trust and/or its Academies rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all ELT staff and applies equally to those designated as casual, temporary, agency, authorised volunteers or work experience, Members, Trustees, LACs and those contractors working for the Trust on Trust premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Trust in their own premises.

These procedures are in addition to the ELT's complaints procedure, grievance policies and other statutory reporting procedures. Service Users should be made aware of the existence of these procedures. Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with data protection legislation

This policy does not form part of any staff contract of employment and it may be amended at any time.

2. Aims and Scope

This policy aims to:-

- Encourage staff to feel confident in raising serious concerns or suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated as appropriate and their confidentiality will be respected. ~~and to question and act upon concerns about practice~~
- Provide staff with guidance and avenues to raise concerns and receive feedback on any action taken
- Ensure staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith. This is even if they turn out to be mistaken.

Thus, any serious concerns that staff have about any aspect of service provision or the conduct of ELT staff, Members, Trustees or Councillors or others acting on behalf of ELT can be reported under the Whistleblowing Policy & Procedures. This may be about something that:

- Makes staff feel uncomfortable in terms of known standards, their experience or the standards they believe the Members, Trustees or Local Academy Councillors subscribe to
- Falls below established standards of practice
- Amounts to improper conduct

This policy should not be used for complaints relating to a member of staff's own personal circumstances, such as the way they have been treated at work. In those cases staff should use the ELT complaints or grievance procedures as appropriate. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. The policy does not form part of any employee's contract of employment and it may be amended at any time.

This policy applies to all individuals working at all levels of the Trust and its academies, including officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as **staff** in this policy).

3. Who is responsible for the policy?

The Trustees have overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. This includes making any reports as necessary to the DfE.

The day to day operation of the policy is delegated to the Chief Executive at the Trust level. The Headteacher has responsibility for the day-to-day operation of the policy within an Academy and must ensure that all managers and other staff who may deal with concerns under this policy receive regular and appropriate training.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

4. What is whistleblowing?

Whistleblowing is the disclosure of information, in the reasonable belief of the whistleblower, is in the public interest and which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity or offence
- miscarriages of justice
- danger to health and safety
- damage to the environment
- failure to comply with legal or professional obligation or regulatory requirements
- bribery
- financial fraud or mismanagement

- negligence
- breach of ELT internal policies and procedures at Trust and/or Academy level
- conduct likely to damage ELT's reputation at Trust and/or Academy level
- unauthorised disclosure of confidential information
- concerns about the harm or risk of harm to children
- the deliberate concealment of any of the above matters
- Other ethical concerns

A **whistleblower** is a person who raises a genuine concern relating to any of the above. If a member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of ELT's activities (a whistleblowing concern) they should report it under this policy.

If a member of staff is uncertain whether something is within the scope of this policy they should seek advice from the Chief Executive or Headteacher who is responsible for the policy.

5. Safeguards

5.1 Harassment or Victimisation

ELT Members, Trustees and LACs are committed to good practice and high standards and wants to be supportive of staff.

It is recognised that the decision to report a concern can be a difficult one to make. If what staff are saying is true, staff should have nothing to fear because staff will be doing their duty to their employer and those for whom staff are providing a service. However, it is understandable that whistleblowers are sometimes worried about possible repercussions. ELT aims to encourage openness and will support staff who raise genuine concerns in good faith 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 in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. ELT Members, Trustees and LACs will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when they raise a concern in good faith.

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

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the member of staff raising the allegation.

5.2 Safeguarding Children

All adults who come into contact with children and young people have a responsibility to safeguard and promote their welfare. Adults are also vulnerable to the potential for false, malicious or misplaced allegations being made either deliberately or innocently arising from normal and proper association and conduct. However, it is regrettably the case that some adults/professionals have been found to be perpetrators of child abuse and /or behaving in ways which have harmed children which indicate that they are unsuited to working with them.

An allegation is information which indicates that a person who works with a child has:

- behaved in a way that has harmed a child, or may have harmed a child; or
- possibly committed a criminal offence against or related to a child; or
- behaved in a way that indicates s/he is unsuitable to work with children

This may be in connection with his/her employment or voluntary activity, or where:

- concerns arise about the person's behaviour outside work e.g. with regard to his/her own children
- concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member.

If staff have any concerns about an adult's behaviour (regardless of being a paid staff by ELT or a volunteer) towards a child or children then they must discuss their concerns immediately with the appropriate member of staff.

Reference must be made to the ELT Whole School Policy for Safeguarding & Child Protection when an allegation is made against staff or volunteers to ensure set procedures are followed.

An allegation of inappropriate behaviour by an adult towards a child may lead to a criminal investigation, therefore staff must not do anything that may jeopardise a police investigation such as attempting to investigate the situation themselves or asking a child leading questions. Staff must report their concerns immediately to an appropriate senior staff within the Trust or Academy who will then take the appropriate action.

6. Confidentiality

ELT hopes that in many cases staff will be able to raise any concerns openly with their line manager, the SLT or Head. Staff may tell someone in person or put the matter in writing if they prefer. They may be able to agree a way of resolving their concern quickly and effectively.

All concerns will be treated in confidence and every effort will be made not to reveal the member of staff's identity if they so wish. If it is necessary for anyone investigating the concern to know their identity, ELT will discuss this with the member of staff. At the appropriate time, however, staff may need to come forward as a witness.

7. Anonymous allegations

The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if it cannot obtain further information from the member of staff raising the concern. 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 the responsible officer 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 at the end of this policy.

Concerns expressed anonymously are much less powerful but will be considered in the context of the following factors:-

- Seriousness of the issues raised
- Credibility of the concern
- Likelihood of confirming the allegation from attributable sources

If you have any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

8. Untrue allegations

If a member of staff makes an allegation in good faith but it is not substantiated by the investigation, no action will be taken against the member of staff. If, however, you make an allegation frivolously, vexatiously, maliciously or for personal gain, disciplinary action may be taken against the member of staff.

9. How to raise a concern (make an allegation)

It is preferable for concerns to be made by staff to their immediate manager to whom they report. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them.

The whistleblower may then make an allegation direct to any of the following:

- Member of the school's senior leadership team
- Chief Executive / Executive Headteacher / Headteacher / Head of School
- Chair of Trustees
- Local Academy Council (LAC) Chair.

For contact details of the Chair of Trustees or the LAC Chair please contact our Governance Professional, Catherine White at c.white@endeavourlearning.org

Whether a written or oral report is made it is important that relevant information is provided including:

- Name of the person making the allegation and a contact point.
- Background and history of the concern (giving relevant dates, names, positions etc.)
- Reason why you are particularly concerned about the situation

Although staff are not expected to prove beyond doubt the truth of an allegation, staff will need to demonstrate to the person contacted that there are reasonable grounds for your concern. The earlier you express the concern the easier it is to take action.

Staff may wish to consider discussing your concern with a colleague first and staff may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns.

10. Investigation and outcome

Once you have raised a concern, a responsible person (investigator) will be designated as applicable to co-ordinate the response to the concerns you have raised. The responsible person will respond to you in accordance with the procedures below.

The responsible person will arrange a meeting as soon as possible to raise your concern. You may bring an appropriate colleague to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

The responsible person will take down a written summary of your concern (a record of the allegation), an acknowledgement of the allegation and confirm any documentation provided by the Whistleblower. A record of this meeting will be shared with the whistleblower. The responsible person will also aim to provide an indication of how they propose to deal with the matter, including means of communication with the whistleblower in order to preserve confidentiality.

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

The responsible person will carry out an initial assessment to determine the scope of any investigation. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which ELT/Academy leadership 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. The Responsible Person will inform you of the outcome of its assessment. You may be required to attend additional meetings in order to provide further information.

Within **ten** working days of a concern being raised, the responsible person will write to you:-

- 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 staff support mechanisms (where appropriate), tell you whether further investigations will take place and if not, why not.

If the allegation relates to fraud, potential fraud or other financial irregularity the Chair and Chief Finance Officer will be informed with **five** days of receipt of the allegation and they will determine whether allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a potential criminal offence it will immediately be reported to the Chief Executive (or the Trust Chair if it is about the Chief Executive) and a decision will be made as whether to inform the Police. If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

Where appropriate, the matters raised may be:-

- Investigated by ELT's internal audit, or through the disciplinary process
- Referred to the Department for Education (DfE) Internal Audit Investigations Team (IAIT) where allegations of misuse of Education & Skills Funding Agency (EFSA) funds have been made
- Form the subject of an independent inquiry

Where any meeting is arranged, away from ELT premises if staff so wish, they can be accompanied by a Trade Union representative or a colleague.

The responsible person will take steps to minimise any difficulties which they may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings arrangements will be made for them to receive advice about the procedure.

It is accepted that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed of the outcome of any investigation. Sometimes the need for confidentiality may prevent the Trust giving them specific details of the investigation or any disciplinary action taken as a result. Any information the member of staff receives about the investigation should be treated as confidential.

While ELT cannot always guarantee the outcome that the member of staff may be seeking, however, it will try to deal with the concern fairly and in an appropriate way. By using this policy, staff can help ELT achieve this. If they are not happy with the way in which their concern has been handled, they can raise it with one of the Trustees.

11. The responsible person

In respect of concerns raised internally within the Academy, the Head will act as responsible person (or delegate their power to another individual as they deem fit), maintain a record of concerns raised and the outcome and will report as necessary to the Chief Executive.

In respect of concerns raised internally within the Trust but outside of an individual Academy, the Chief Executive will act as the responsible person (or delegate their power to another individual as they deem fit), maintain a record of concerns raised and the outcome and will report as necessary to the Trust Board.

Where a concern is raised about the Chief Executive or another Trustee, the Chair of Trustees will act as the responsible person (or delegate to another Trustee as appropriate).

Where a concern is raised about a Local Academy Councillor, the responsible person will be the Chair of the Local Academy Council (LAC Chair), or if the LAC Chair, then a Trustee will act as the responsible person.

If a concern is raised about the Chair of Trustees then the Vice Chair will be the responsible person.

12. Monitoring

A Register will record the following details:

- The name and status (e.g. staff) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Trust Board. The Chief Executive will report annually to the Board of Trustees on the operation of the procedure if whistleblowing allegations have been made during the period covered by the report. The report will be in a form which does not identify whistleblowers.

13. How the matter can be taken further

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

The Members, Trustees and Local Academy Councillors hope staff will be satisfied with any action taken.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. ELT strongly encourages staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy in section 14.

Whistleblowing concerns usually relate to the conduct of the Trust's staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect staff if they raise the matter with the third party directly. However, ELT encourages staff to report such concerns internally first. Staff should contact their line manager, the Senior Leadership Team or the Responsible Officer for guidance.

14. Retention of senior leadership and management records

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| Internal Audit Investigation Team | Head of Internal Audit Investigation Team 01928738179 Graeme.hayton@education.gsi.gov.uk |
| Protect (Independent whistleblowing charity) | Helpline: (020) 3117 2520 E-mail form: https://protect-advice.org.uk/contact-protect-advice-line/ Website: www.protect-advice.org.uk |
| Education, Skills and Funding Agency (ESFA) (Secretary of State) | Education and Skills Funding Agency (ESFA) enquiry form Customer Service Team Education and Skills Funding Agency Cheylesmore House Quinton Road Coventry CV1 2WT |

15. Policy review and Document Control

This policy is reviewed annually by the Trust Board and will consider any working experience, changes in employment law, case law and the circumstances of the Trust. An up to date copy will be accessible in the workplace and on the Trust's website.

This document has been approved for operation within all Trust establishments.

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| Operational Lead | Executive Team / Governance Professional |