



WHISTLEBLOWING POLICY & PROCEDURES

Endeavour Learning Trust

1. INTRODUCTION

Endeavour Learning Trust (ELT) is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

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 (2019) 'Academies financial handbook 2019'
- GOV.UK (2015) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

Employees 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 Council(s) (LACs) are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns 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 you can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the Academy or Trust rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all ELT employees 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 Endeavour Learning Trust Complaints Procedures 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 ELT's Data Collection Policy.

This policy has been discussed with the recognised Teacher Associations, Trade Unions and has their support.

2. AIMS AND SCOPE

This policy aims to:-

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:-

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public/pupils as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption - see Note below
- Sexual or physical abuse of pupils where referral under Child Protection Procedures not appropriate
- Other unethical conduct

Thus, any serious concerns that you 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 you feel uncomfortable in terms of known standards, your experience or the standards you believe the Members, Trustees or Councillors subscribe to
- Falls below established standards of practice
- Amounts to improper conduct

This policy does not replace the Endeavour Learning Trust Complaints Procedures.

NOTE: There is a requirement for the LACs to be notified immediately of all (suspected) financial or accounting irregularities. This requirement is not superseded by this Whistleblowing Policy and Procedures and ELT Members, Trustees and LACs will need to act accordingly if a financial issue is raised.

3. SAFEGUARDS

3.1 Harassment or Victimisation

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

It is recognised that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

ELT Members, Trustees and LACs will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

3.2 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 you have any concerns about an adult's behaviour (regardless of being a paid employee by ELT or a volunteer) towards a child or children then you must discuss your concerns immediately with a member of the Academy's Senior Leadership Team.

Reference must be made to the ELT Whole School Policy for Safeguarding & Child Protection when an allegation is made against a member of 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 you must not do anything that may jeopardise a police investigation such as attempting to investigate the situation yourself or asking a child leading questions. You must report your concerns immediately to a member of the Academy's Senior Leadership Team who will then take the appropriate action.

4. CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible.

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

6. UNTRUE ALLEGATIONS

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

7. HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with a designated senior member of staff (where appropriate) Executive Headteacher/Headteacher/Head of School/Chair of Trustees/Chair of LAC. 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 senior leadership of ELT/ Academy is involved you should approach the Internal Audit Investigations Team (IAIT). The Department of Education (DfE) has a commitment to safeguard public funds. The IAIT forms part of the DfE internal audit function established to provide advice and guidance on external fraud cases as well as investigating alleged misuse of funds in the establishment of Free Schools and Academies and provides an investigation service to investigate alleged misuse of Education & Skills Funding Agency (ESFA) funds. IAIT will

consider all allegations of financial irregularity against either organisation and investigate or take other action when it is appropriate.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:-

- Background and history of the concern (giving relevant dates)
- Reason why you are particularly concerned about the situation

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

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.

Obtain advice/guidance on how to pursue matters of concern from the Chief Operations Officer ELT, the Executive Headteacher or member of the Academy's LAC. If ultimately you feel you have to take the matter externally, possible contacts are listed at Section 10 of this policy.

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 invite your Trade Union, Teacher Association, representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE LOCAL ACADEMY COUNCIL WILL RESPOND

The LAC will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. If you confirm your wish to raise your concerns formally under the policy, a responsible person will be designated by the Academy management to co-ordinate the response to the concerns you have raised. The responsible person will respond to you in accordance with the procedures below.

Where appropriate, the matters raised may be:-

- Investigated by the Academy'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
- Referred to the police
- Form the subject of an independent inquiry

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.

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.

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.

The amount of contact between those 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, further information will be sought from you.

Where any meeting is arranged, away from ELT premises if you so wish, you can be accompanied by a Trade Union or Teacher Association representative or a friend.

The LAC 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 arrangements will be made for you to receive advice about the procedure.

It is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

The Chair of Trustees has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside the leadership of ELT/Academy. That person maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the DfE. In respect of concerns raised internally within the Academy the Headteacher/Head of School will maintain a record of concerns raised and the outcome and will report as necessary to the Chair of Trustees.

10. HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue outside of ELT to raise concerns. The Members, Trustees and LACs hope you will be satisfied with any action taken. If you are not,

and if you feel it is right to take the matter outside the Academy, the following are possible contact points:-

- As an ELT employee, you can submit complaints or make a disclosure to the Education and Skills Funding Agency (ESFA) directly by filling out a [contact form](#).
- IAIT by writing, telephone or e-mail. The contact details are IAIT Area 1A, Castle View House, East Lane, Runcorn, WA7 2GJ. The direct telephone number is 01928 73 8179. Emails can be addressed to the Head of Internal Audit Investigation Team at graeme.hayton@education.gsi.gov.uk.
- Protect (formerly Public Concern at Work) (Tel: 020 3117 2520), a registered charity whose services are free and strictly confidential
- Your Trade Union/Teacher Association
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police.

If you do take the matter outside ELT, you should ensure that you do not disclose confidential information. Check with the contact point about that issue.

POLICY REVIEW

This policy is reviewed annually by the Executive Headteacher and Chair of Trustees.

The next scheduled review date for this policy is January 2021.

Signed by:			
Mrs L Gwinnett	Executive Headteacher	Date	January 2020
Mrs H Dicker	Chair of Trustees		