



Hamilton Academy Whistleblowing Policy



Committee:	Chief Executive Officer	
Reviewed:	September 2023	
Next review date:	September 2024	
Updated/Reviewed on:		Approved by Trust Board on:
		18.10.2023

Introduction

1. Our Trust is committed to the highest standards of quality, probity, openness and accountability. This Policy covers all categories of worker, including employees, workers, agency workers, consultants, contractors, casual staff and volunteers.
2. As part of that commitment, we encourage those who work with us or others with concerns about any aspect of our work to come forward and express those concerns. In most cases, concerns or complaints will be dealt with through normal procedures, such as mechanisms for resolving grievances, disciplinary matters, concerns relating to equal opportunities, or low level safeguarding concerns (see Managing Safeguarding Concerns & Allegations Against Staff Policy).
3. In most cases, you should be able to raise any workplace concerns with your line manager, Headteacher / Principal, CEO (if the concerns relate to your Headteacher / Principal).
4. However, in some cases, we recognise that individuals will need to come forward with a matter that is outside of normal procedures under the Public Interest Disclosure Act 1998.
5. This statement is intended to underline our commitment to the process and our support for those who come forward to express their concerns. This Policy and our School's Code of Conduct make it clear that they can do so without fear of reprisal or victimisation.

What is whistleblowing?

Whistleblowing is a term used when a worker passes on information concerning wrongdoing – making a disclosure or “blowing the whistle” - where the worker reasonably believes they are acting in the public interest by raising the matter. The wrongdoing will typically, although not necessarily, be something they have witnessed or believe to be happening at work, under the provisions of the Public Interest Disclosure Act 1998.

To be protected by law under the Public Interest Disclosure Act, a worker must reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal activity / offence
- bribery, fraud or other financial impropriety / malpractice
- endangering someone's health and safety
- damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing in the above categories.

Note: personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest. For more information see our Trust's Grievance Procedures. Similarly if you have worries about Safeguarding, our Managing Safeguarding Concerns & Allegations Against Staff Policy should be consulted.

Communication, Consultation and Information

1. Each Academy is responsible for ensuring all colleagues are aware of the Whistleblowing Policy and where to find it.
2. Through our Induction Procedure for all colleagues (including volunteers), we will make sure that you know how to recognise the problems, and that you understand the effects they may have on the organisation and the service we provide in relation to:
 - fraud, corruption and malpractice [refer to Anti Fraud & Anti Bribery Framework];
 - abuse or neglect of vulnerable people (including child protection / safeguarding children) [refer to academy Safeguarding Policy & Procedures];
 - failure to deliver proper standards of service [refer to Capability or Disciplinary Procedures];
 - damaging personal conflicts [refer to Grievance Procedure] ; and

- bullying, discrimination, harassment or victimisation in the work place.

(The list is for guidance only and is not intended to be comprehensive. Note: these are not necessarily whistleblowing matters, please see 1.7 above)

1. When we find a problem, we will always deal with it seriously. We will pursue fraud and serious abuse as vigorously as possible through our Disciplinary Procedure, or if necessary through courts; frauds are also always reported to the police. We hope that you will feel confident in coming forward, that we will share your sense of right and wrong, and act on what you tell us.

Confidential Reporting

1. We know that it is never easy to report a concern, particularly one that may relate to fraud or corruption. We urge you to come forward with any concerns at an early stage, and before problems have a chance to become serious.
2. If you prefer, we are happy for you to come forward with another colleague, a friend or trade union representative to report a concern.
3. We support concerned colleagues and that includes all trustees, Directors and committee members. We will protect everyone from reprisals or victimisation. If anyone comes forward with a concern they can be confident that this will not affect their position.
4. We will do our best to respect your confidentiality if you have requested this, although there may be circumstances that make it impossible to investigate fully without disclosing information that may indicate your concerns. You will be informed before such information, in particular your name, is shared.
5. Discouraging a colleague from expressing concerns, victimising someone who has done so, or raising a concern with malicious intent, may be treated in accordance with the Disciplinary Procedure.
6. At all times confidentiality must be respected by all parties. If the concerns raised are not proven then the individual against whom the allegation has been made is considered innocent and the matter must be dropped.

Who To Contact

1. If you feel that this is a whistleblowing matter (see 1.8) and want to raise a concern under the Whistleblowing Policy, please follow the process outlined in this policy. Please note that our Trust's CEO will ensure that our Trust Board is made aware of the number & nature of whistleblowing concerns raised through this process, whilst maintaining the confidentiality of the individuals who raised the concerns.
2. Trade Union members are advised to make contact with an employed official of their Union.
3. If our policy and procedures are working properly, you should not need to contact an external agency to express concerns. But there may be exceptional or urgent circumstances where it might be best to do this, and if you do so you will still be protected. It is not possible to give precise examples but, for instance, relevant situations might be:
 - if the problem involves our Trust's CEO or Head of Governance and Data Protection (contact the Chair of the Trust Board, patkins@espritmat.org);
 - in the case of a criminal offence (contact the police);
 - in the case of abuse of public funds, or other complaints about the regulation of our Trust (contact the ESFA which is responsible for regulating all Academy Trusts) <https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>)We hope that none of these will ever prove necessary.

4.4 You can also approach Protect (formerly known as Public Concern At Work) for confidential and independent advice. Further details are here: <https://protect-advice.org.uk/> Tel: 0203 117 2520

4.5 Regulation staff at the ESFA may also be able to advise on a confidential basis if you are not sure who to contact about a particular problem. As regulators, they may need to follow up on any potential problems identified.

Raising concerns under the Whistleblowing Policy

1. The process outlined below should be followed if you wish to exercise your rights under the Whistleblowing Policy.
2. Concerns should be reported to the Chief Finance Officer (CFO). They may be reported in writing (mvaughan@espritmat.org). Any concerns regarding the Head of Finance should be reported to our Trust's CEO, smoran@espritmat.org.
3. When reporting a concern, the person should make it clear that they wish to report a matter under the Whistleblowing Policy and also indicate:
 - their name and contact details*
 - the nature of their concern
 - why they believe it comes under the Whistleblowing Policy
 - who they believe is or may be involved in any wrongdoing
 - (if applicable) what action, if any, they wish to see taken to deal with the matter
 - any other people who they believe may support their concern
 - who has already been informed of the matter and the result
 - whether they are prepared to meet with the person to whom they are reporting their concerns, to discuss the concerns further
 - whether, if necessary they would be prepared to give evidence to any subsequent investigation.

**a person may, if they wish, report a concern without giving a name, however it may be difficult (or impossible) for this to be investigated further or for feedback on the outcome of their disclosure to be provided.*

1. When a matter is initially raised under the Whistleblowing Policy, it will be acknowledged. If you come to us with a concern, we will look into it thoroughly and as quickly as possible.
2. A preliminary assessment will take place to establish the basic facts of the situation prior to proceeding to a formal investigation, which may include meeting with the complainant. This will help to 'sense-check' that whistleblowing is the most appropriate Trust policy under which to deal with the matter in the circumstances and to establish whether, on the face of the evidence available, there is a case to investigate further. Relevant member(s) of our Trust's SLT may be included by the CFO in making the preliminary assessment. An update will be provided to the person raising the complaint once this preliminary assessment has taken place.
3. If proceeding to a full investigation, we must be aware of the well-being of all parties involved. Initially we will seek to gather evidence together to support or dispose of any allegation. However, we will also need to advise the person against whom the concerns have been raised and find out their side of the story.
4. We will try to let you know the timescale for our investigations, the results and about any action that is proposed. However, in doing this, we have to respect the confidentiality of other members of our Trust as well. If the investigation proves that there is a case to answer then our Trust's Disciplinary Procedure may be invoked, or, if necessary, referral will be made to the police.
5. The investigation will be led by someone appropriate in the circumstances, who may be an employee of our Trust or an external person. Details of the concerns raised and the investigation will not be shown or discussed beyond those who need to know. The only

- other people who may be informed are our Trust's CEO and the Chair of the Board. In certain circumstances the Chair may be obliged to initiate the investigation.
6. If you raise a concern, then you too should treat the matter as confidential, both during and after any investigation.
 7. As far as confidentiality allows, investigators will keep you informed of the progress of the investigation and advise of the outcome of the investigation i.e. whether or not aspects of the complaint were upheld / any recommendations, or that action was taken to ensure a colleague's behaviour was not repeated, but not what sanction was applied.
 8. If the whistleblower is not satisfied with the outcome of the internal investigation, our Trust recognises their right to pass the matter to an external body.

Child Protection / Safeguarding

1. All employees and volunteers in schools and academies must comply with the most recent version of 'Keeping children safe in education' (available on the DfE website), which includes taking action to protect a child who may be at risk of harm or in need of services, and to make appropriate referrals to children's social care. Any colleague should press for reconsideration if they believe a child is not being safeguarded.
2. This section should be read in conjunction with:
 - The Academy's child protection and safeguarding policy & procedures;
 - Our Trust's Managing Safeguarding Concerns & Allegations Against Staff Policy;
 - The relevant Local Multi Agency Partnership arrangements;
 - Keeping children safe in education (DfE); and
 - What to do if you're worried about a child (DfE 2015).

Concerns About a Child

1. In the first instance, you should discuss this with the Designated Safeguarding Lead in your Academy. Action may already have been taken and/or the designated staff may have sought advice from partner agencies such as children's social care or the police. If you are not satisfied with the outcome of this discussion, you should report your concerns to the Headteacher/Principal or the designated child protection governor.

If the child is in danger or at immediate risk of harm, anyone can make a referral to children's social care at their local authority. See your Academy's Child Protection & Safeguarding Policy for your local arrangements / contact details. You should inform your Designated Safeguarding Lead as soon as possible that a referral has been made.

Concerns about a colleague / adult in school

1. This relates to concerns that a member of staff, volunteer or other adult in school may have harmed a child/ren or behaved in a way that suggests they may be unsuitable to work with children. In line with our Trust's Managing Safeguarding Concerns & Allegations Against Staff Policy, if you have concerns about the behaviour of another adult in school you should report this to their Headteacher/Principal in the first instance, unless the concern relates to that individual.
2. Concerns about the Designated Safeguarding Lead should be reported to the Headteacher/Principal.
3. If the allegation or concern relates to the Headteacher/Principal - or there is reason to believe that the Headteacher/Principal is not taking the appropriate action, or you do not believe your concerns are being taken seriously - you should contact the CEO.

4. You may also decide to contact the relevant Local Authority Designated Officer (LADO). In exceptional circumstances, if a child has been or may be placed at immediate risk of harm, then the police should be contacted. Any professional with concerns about child protection or safeguarding can also contact the NSPCC whistleblowing helpline on 0800 028 0285.

Review

1. This policy will be reviewed every three years, or sooner if required, in consultation with our recognised trade unions.

Other useful links

Colleagues who are members of a Trade Union / other professional body will also be able to get advice and support in relation to whistleblowing from that organisation

Protect (<https://protect-advice.org.uk/> Tel: 0203 117 2520) is a charity that provides support to staff that are considering – or need advice on – whistleblowing

The NSPCC (0800 028 0285) can offer advice and support to professionals considering whistleblowing in relation to an organisation's child protection or safeguarding arrangements

In certain circumstances colleagues may also whistleblow to Ofsted, the Education Skills Funding Agency (ESFA) or Secretary of State for Education.