



# Whistleblowing Policy

**Ref: A05**

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### **Prospere Learning Trust**

is a Multi Academy Trust

Registered in England and Wales number 10872612

Registered Office: Firbank Road, Manchester, M23 2YS

The Prospere Learning Trust has several Trust-wide policies which are adopted by all schools/academies in the Trust to ensure an equitable and consistent delivery of provision.

The Trust Board has responsibility for the operational of all schools/academies and the outcomes of all students however responsibility is delegated to the Local Governing Body of each school via the Scheme of Delegation.

Within our policies reference to:

- Governing Body / Governors relates to the members of the Local Governing Body representing the Trust Board.
- School includes a reference to school, academy or free school unless otherwise stated.
- Headteacher includes a reference to Headteacher, Principal or Head of School of a school, academy, or free school.

## 1. Introduction:

- 1.1. This policy outlines the Trusts approach to employee disclosures about wrongdoing in the workplace, known as “whistleblowing”, in accordance with the Public Interest Disclosure Act 1998.
- 1.2. The Trust is committed to providing a working environment to protect the health, safety, and welfare of all its employees. The Trust is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrongdoing.
- 1.3. This policy seeks to protect individuals who make disclosures about any instance of malpractice or wrongdoing in the public interest.

## 2. Scope:

- 2.1. This policy applies to all staff within the Trust.
- 2.2. Whistleblowing refers to raising serious concerns regarding malpractice and wrongdoing which fall outside the scope of other procedures. These include:
  - a criminal offence, for example fraud
  - someone’s health and safety is in danger
  - risk or actual damage to the environment
  - a miscarriage of justice
  - the Trust is breaking the law
  - you believe someone is covering up wrongdoing
- 2.3. Whistle blowing is not appropriate for;
  - dealing with issues between an employee and the Trust, which relate to the employee's own employment or rights or employment conditions generally
  - dealing with general grievance issues, for example an employee’s grievance against their manager regarding how they have been line-managed or against general decisions made within their department
  - dealing with student complaints, which will be dealt with under separately published procedures
  - specific cases of child safety or safeguarding which will be dealt with under the school’s safeguarding policies and procedures.

## 3. Principles

- 3.1. All employees should ensure that their conduct is appropriate to the workplace and does not contribute to an environment in which wrongdoing or malpractice is either ignored, encouraged, or condoned. All staff should challenge such behaviour and bring it to the attention of the appropriate person within the management structure.
- 3.2. Employees are often the first to realise that there may be something seriously wrong happening within the school / Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school / 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.
- 3.3. This Policy makes it clear that you can do so without fear of victimisation, subsequent discrimination, or disadvantage and in the confident knowledge that any reported concerns will be treated seriously and in confidence and will be fully investigated.

3.4. It is intended to encourage and enable employees to raise serious concerns within the school/Trust rather than overlooking a problem or “blowing the whistle” outside.

3.5. The Trust is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, employees who have serious concerns about any aspect of the Trust’s work are expected to come forward and voice those concerns.

#### 4. Confidentiality

4.1. If you so wish, every possible effort will be made to protect an employee’s identify. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings. If a situation arises where a concern cannot be resolved without revealing your identity, this will be discussed with you prior to proceeding.

4.2. Within the Trust, all employees have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers’ confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

#### 5. Anonymous Allegations

5.1. All concerns will be considered/investigated. Where an allegation is made anonymously the level of the investigation will be determined taking into account;

- the nature of the allegation,
- the seriousness of the issues raised,
- the credibility of the concern,
- the likelihood of confirming the allegation from attributable sources,
- the best interests and protection of the Trust’s assets.

5.2. Concerns expressed anonymously are much less powerful and, in these circumstances, it is not possible to provide feedback or report any findings to the complainant.

#### 6. Untrue and Malicious Allegations

6.1. If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken.

6.2. However, if a member of staff makes an allegation which the investigation indicates may be false, frivolous, malicious, vexatious or for personal gain, this will be treated as a serious disciplinary offence and disciplinary action may be taken.

#### 7. How to Raise a Concern

7.1. Employees should raise their concerns with their immediate line manager if possible. However, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

7.2. Where the individual believes that their manager is involved in the matter of concern, they should then contact the Headteacher (or the Chair of the Trust if the concern raised is related to the Headteacher).

7.3. Concerns should normally be raised within the Trust in the first instance. If you believe the governors / trustees are also implicated, you should seek advice from your Trade Union or the charity Public Concern at Work.

7.4. Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates, and places where possible, and the cause of the concern.

7.5. If you do not feel able to put the concern in writing initially, concerns may be raised verbally but the person who hears the concern should make a written report to document the concern as soon as possible.

7.6. You will need to demonstrate to the person contacted that there are sufficient grounds for concern to enable the matter to be taken forward. You may invite your trade union representative to be present during any meetings in connection with the concerns raised.

## 8. How the Trust Will Respond

8.1. The person you approach to report your concerns will adhere to the Investigation Procedure set out in Appendix A.

## 9. Further Action

9.1. This policy is intended to provide you with a way within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken.

9.2. If you are not, and if you feel it is right to question the matter further, in the first instance you should address your concerns to the Headteacher. If this response is not satisfactory, you may wish to take the matter outside the Trust.

9.3. The following are possible contact points:

- Your trade union
- Your local Citizens Advice Bureau
- The Local Authority's Designated Officer (LADO)
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police
- A solicitor or legal adviser
- The Local Government Ombudsman
- The Health and Safety Executive
- The charity Public Concern at Work
- The charity NSPCC

## APPENDIX A: Investigation Procedure

### 1. Confidentiality:

Allegations will be handled confidentially and discreetly by all who are directly involved in the investigating process.

The person receiving the information will ensure that, in the most serious of concerns, at least the Headteacher and if necessary, the Governing Body / Trust Board receive adequate details of the employees using this policy, for the purpose of corporate recording and monitoring.

### 2. Assessment of Appropriate Action

Once you have informed your line manager or the appropriate senior manager of your concern, they will make initial enquiries on a confidential basis where possible. If urgent action is required, this will be taken before any investigation is conducted.

If your concern falls within another policy of the Trust (for example the Grievance Policy) or within specific procedures (for example Child Protection) they will normally be referred to the relevant Policy or procedures. Some concerns may be resolved by agreed action with you without the need for investigation.

If it is determined that the matter should be dealt with formally, advice will be sought from the Trust's HR advisor and an appropriate investigation manager identified. Investigation procedures into allegations of malpractice must be independent, skilled, and objective. The Investigating Officer appointed must therefore not have had any previous involvement with the case and will be sensitive to the wishes of the complainant wherever possible.

Where a complaint involves the Headteacher, then an Investigating Officer must be appointed who does not work at, or with the Trust.

Depending upon the circumstances, external agencies may also be involved in the investigation (e.g. The Local Authority's Designated Officer)

After initial enquiries to assess the seriousness of the matter, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process.
- be referred to the police.
- be referred to the external auditor.
- form the subject of an independent enquiry.

### 3. Investigation Process

During the investigation every effort will be made to protect the legitimate rights of all parties involved. In particular, the following principles shall be adhered to:

- Strict confidentiality must be maintained at all times. Any breach of confidentiality may lead to consideration of disciplinary action.

- Throughout the investigation process, the complainant, the alleged perpetrator, and any others interviewed are entitled to be accompanied by either a companion or professional association/trade union representative.

You will be informed of who will be handling the inquiry, how you can contact them and whether your further assistance may be required. Within ten working days of a concern being raised, the person looking into the concern will write to you:

- Acknowledging that the concern has been received.
- Indicating how the Trust Board proposes 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.
- Telling you whether further investigations will take place and if not, why not.
- Supplying you with information on support available to you.

The amount of contact between the person 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 Trust will seek further information from you.

The Trust will keep you informed of what is happening as far as is practical.

If any meeting is arranged, you can be accompanied by a trade union or professional association representative or a friend, and you have the right to request that this be away from your place of work.

The Trust will take steps to minimise any difficulties which you may experience because of raising a concern. 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.

Witnesses may be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the complainant, and particularly where witnesses are interviewed, it is important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

#### 4. Outcome

The Trust accepts that you need to be reassured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

The investigation will conclude with a report by the Investigating Officer to the Headteacher, Chair of the Trust or other relevant person. This will summarise the Investigating Officer's findings on the allegations and recommend further action which could include:

- A finding that the allegation was unfounded and therefore no action needs to be taken.
- A recommendation to take no further action on the complaint. This will be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue.

- A recommendation to take action in order to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include:
  - written management advice; and/or
  - an instruction to the member of staff to undertake appropriate guidance and/or training; and/or
  - appropriate changes in working arrangements which must not be to the disadvantage of the complainant.
- A recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.

The Headteacher/relevant person (Chair of the Trust in the case of a Headteacher) will write to the complainant and the alleged perpetrator detailing the findings of the investigation and the action to be taken. This letter will contain an undertaking that the complainant and any witnesses will not be victimised or suffer any detriment because of having made the complaint.

Where a Headteacher/relevant person determines to take no action irrespective of the recommendation made he/she shall give written reasons for this determination to the complainant (and the alleged perpetrator). Failure to give such information will be regarded as a breach of this procedure.

Where the Investigating Officer considers that a complaint is untrue and malicious, he/she will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary but should be a neutral act which does not of itself imply that any pre-emptive judgement has been reached.

## 5. Record Keeping

The Headteacher (or Chair of the Trust in the case of the Headteacher) should maintain a confidential central record for a period of five years (seven years for allegations of financial irregularities) and responses provided.

In respect of anonymous allegations, should a Headteacher or Chair of the Trust consider that further action would be inappropriate details of the allegation and reason for the decision must still be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the process of reporting back to members on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act.