



TRUST WHISTLEBLOWING POLICY

The CEO will review this policy on 2 yearly cycle or whenever amendments are received via Blackpool model policy

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Colleagues affected by this Policy:	All stakeholders
Person responsible for the Policy:	COO
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Next review:	

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1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Trust. **Normally, employees would be expected to raise any concerns initially with their Head Teacher / Line Manager.** However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy/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.
- 1.2 The Trust is committed to the highest possible standards of openness, professionalism 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 School's activities or those who work for the School, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis and anyone who raises a concern is protected by the Public Interest Disclosure Act 1998.
- 1.3 This policy document makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This includes employees who blow the whistle should not be detrimented in the workplace such as be subject to closer supervision, demotion, suspension, denial of training (this list is not exhaustive) and those who sanction such behaviour will be subject to action. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Trust or externally about a danger, risk or malpractice or wrongdoing which affects others rather than overlooking a problem or "blowing the whistle" outside.

- 1.4 The policy applies to all employees 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 or Children's Services on their own premises or in other premises where services are delivered, for example Extended schools.
- 1.5 These procedures are in addition to the Trust's complaints procedures and other statutory reporting procedures applying to the Trust. The Academy/Trust is responsible for making service users aware of the existence of these procedures.
- 1.6 If you would like to speak to someone informally about a concern, prior to raising an issue under the Whistleblowing Policy you may contact the Employee Assistance Programme on 0800 028 0199 (or add prefix 0044 to call from outside the UK) or speak with Nicola Chester, Chief Operating Officer (n.chester@theseaviewtrust.org.uk) in confidence OR your nominated external Whistleblowing contact.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 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 by the Trust from possible reprisals or victimisation.
- 2.2 The Whistleblowing Policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within, the scope of other procedures. These include:
- Conduct, which is an offence or a breach of the law.
 - Failure to comply with a legal obligation
 - Disclosures related to miscarriages of justice;
 - Health and safety risks, including risks to the public as well as other employees;
 - Damage to the environment;
 - The unauthorised use of public funds;
 - Possible fraud and corruption;
 - Sexual or physical abuse of clients, or
 - Child Protection concerns

- Other unethical conduct.
- Deliberate covering up of information relating to the above

It should be noted that this Policy is intended to assist employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or management decisions taken by the school, nor should it be used to consider any matters, which have already been, or are currently being addressed under other procedures such as Complaints procedure, Disciplinary and Grievance and Equality Policies (breaches of an employee's own contract of employment should be raised as a Grievance).

2.3 Thus, any serious concerns that you have about any aspect of the Trust's provision or the conduct of colleagues/employees of the school or members of the Local Governing Committee/Trust Board or others acting on behalf of the Trust can be reported under the Whistleblowing 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; or
- Is against the Trust's/Academy's policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

2.4 This policy does not replace the Trust's Complaints Procedure.

3. SAFEGUARDS – HARASSMENT OR VICTIMISATION

3.1 The Trust is committed to good practice and high standards and wants to be supportive of employees.

3.2 The Trust recognises that the decision to report a concern can be a difficult one to make especially for staff who are new to the Academy/Trust. If what you are saying is true, or your suspicions are reasonable, you will have nothing to fear because you will be doing your duty to your employer and to those for whom you are providing a service. In fact, you may be making yourself vulnerable if you do not raise the alarm.

3.3 The Trust will not tolerate or allow any form of bullying, harassment, victimisation or discrimination (including informal pressures) and will take appropriate action to protect you when you raise a concern. If there are any intimidatory threats or instances of harassment/victimisation/discrimination against a 'whistle-blower' the Trust will take appropriate disciplinary action against the individual(s) concerned.

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

4. CONFIDENTIALITY

4.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal your identity if you so wish. However, if your concerns require any further action, you may at some future date have to act as a witness and/or provide evidence.

- 4.2 In some cases, confidentiality may not be possible. For instance, if you report abuse or a criminal offence, then the person you tell may have to take some action. If it does become necessary to reveal your identity, you will be consulted before this action is taken. If there is an unauthorised disclosure of your identity, disciplinary action may be taken against that individual.

5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust.
- 5.3 In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from attributable sources.
- 5.4 It should be noted that anonymous whistle-blowers will not be able to receive feedback and that actions taken to look into the disclosure could be limited.

6. UNTRUE ALLEGATIONS

- 6.1 If you make an allegation 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

- 7.1 As a first step, you should normally raise concerns with an immediate manager (if an employee) or the relevant Academy Headteacher. 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 the Headteacher is involved, you should approach the Chair of Governors in the first instance who may, depending on the circumstances, have to liaise with the CEO.
- 7.2 Concerns should be raised in writing. Staff who wish to make a written report are invited to use the attached Form P11 at Appendix 1 which enables you to identify:
- The background and history of the concern (giving relevant dates);
 - The reason why you are particularly concerned about the situation.
- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 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. Evidence does not need to be provided for your concerns to be raised and considered. Remember, if in doubt, raise it.

7.5 Advice/guidance on how to pursue matters of concern may be obtained from:

- Employee Relations Team - Human Resources
- The CEO/COO
- The Headteacher
- The Chair of Governors
- An independent person

7.6 You may wish to consider discussing your concern with a colleague or your Trade Union Representative, if appropriate first as you may find it easier to raise the matter through someone you trust.

7.7 You may invite your trade union, or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE ACADEMY/TRUST WILL RESPOND

8.1 The Academy/Trust will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- Be investigated by appropriate representatives, internal audit, or through the disciplinary process;
- Be investigated under another procedure i.e. Child Protection/Safeguarding
- Be referred to the Police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry (See Appendix 2);
- or a combination of these.

8.3 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 the Trust will have in mind, is the public interest.

8.4 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.

8.5 Within **ten** working days of a concern being raised, the Headteacher/Chair of Governors (CEO if Trust concern) will write to you in confidence:

- Acknowledging that the concern has been received;
- Indicating how we propose 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, and
- Telling you whether further investigation will take place and if not, why not.

Every effort will be made to ensure that your concerns are dealt with as speedily as possible and you are kept informed of progress made.

- 8.6 The amount of contact between the officers 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.
- 8.7 Where any meeting is arranged, off-site if you so wish, a trade union representative or a colleague can accompany you.
- 8.8 The Trust 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 the Trust will arrange for you to receive advice about the procedure.
- 8.9 The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

- 9.1 The COO of has overall responsibility for the maintenance and operation of this Policy. He/she will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the CEO, Members, Board of Trustees and School Governors.

10. HOW THE MATTER CAN BE TAKEN FURTHER

Disclosure to Regulatory Bodies

- 10.1 This procedure is intended to provide you with an avenue within the Trust to raise concerns. If you feel that your concern has not been dealt with satisfactorily and that it is right to take the matter outside the Trust, then you should seek advice from the internal contact point in the first instance. If you still feel that the matter has not been dealt with satisfactorily then there are a number of possible external contact points, further details of which are given in **Appendix 3**.
- 10.2 A disclosure to a regulatory body will be **protected** if you have a reasonable belief that malpractice has occurred, is occurring or is likely to occur and you honestly and reasonably believe that the information and any allegation within it are substantially true. If you do take the matter outside of the Trust, you should ensure that you do not disclose confidential information. Please check with your internal or external contact for clarification on these points.

APPENDIX 1 – P11 Form

_____ Academy/Setting

Report Made Under the Whistleblowing Procedure

The Trust is committed to the highest possible standards of openness, professionalism 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 Council's work, to come forward and voice those concerns.

Description of the Concern**Where possible include:**

- Dates of incidents
- Who was involved
- Why this is a concern
- Whether there are any other witnesses
- Whether you have tried to raise this with your manager
- What the result was

Continue on separate sheet if necessary.

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate but will be considered at the discretion of the Trust.

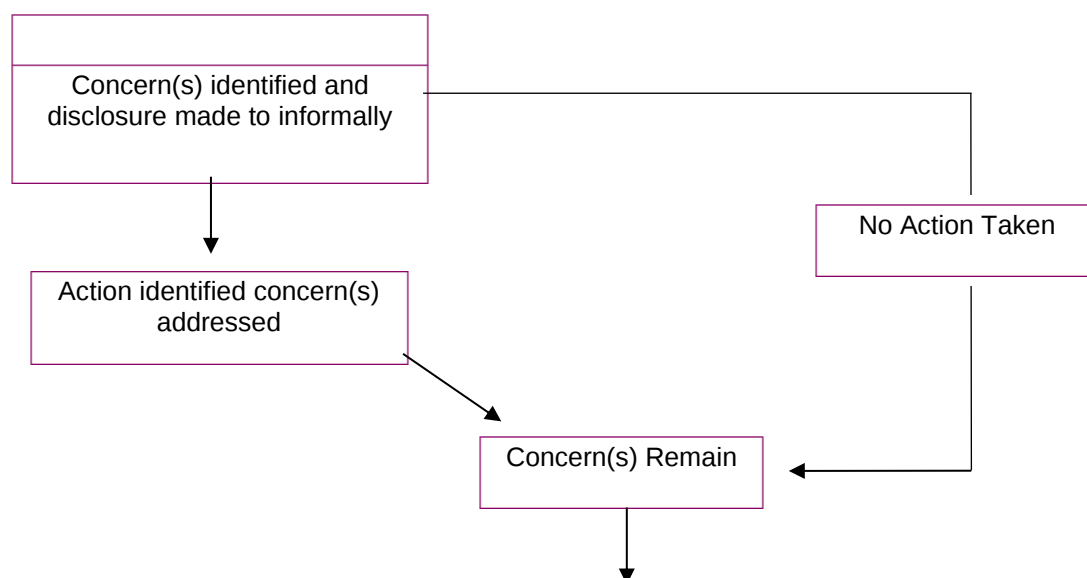
Name:**Date:****Address:****Contract No. Telephone**

To be completed by Designated Officer on Receipt of Report

Department:		Reference:	
Date of Report:		Designated Officer:	

ON COMPLETION THIS FORM SHOULD BE SENT TO THE HEAD TEACHER/CHAIR OF GOVERNORS IN A SEALED ENVELOPE MARKED PRIVATE AND CONFIDENTIAL.

APPENDIX 2 – STEPS IN MAKING A DISCLOSURE



- STEP 1: Seek advice from EAP, Trade Union Representative or Whistleblowing Contact
- STEP 2: Disclosure made formally in writing using pro-forma to Head Teacher/Chair of Governors
- STEP 3: Head Teacher/Chair or Governors acknowledges receipt of pro-forma in writing within ten working days
- STEP 4: Formal investigation begins *(if appropriate)*
- STEP 5: Outcome of investigation submitted in writing to the Head Teacher/Chair of Governors

Option 1	Option 2	Option 3
FEEDBACK TO THE PERSON MAKING DISCLOSURE WITHIN 5 WORKING DAYS OF THE OUTCOME OF THE INVESTIGATION BEING MADE TO THE HEAD TEACHER/CHAIR OF GOVERNORS	RECOMMENDED ACTION TO PREVENT RECURRENCE	FORMAL DISCIPLINARY PROCEDURE INVOKED <i>(if appropriate)</i>

APPENDIX 3 – EXTERNAL CONTACTS

Council Contacts	Role
Lorraine Hurst Assistance Chief Executive Governance/ Monitoring Officer, Number One, Bickerstaffe Square (01253) 477127	Monitoring Officer
Tracy Greenhalgh Head of Audit & Risk Services 4rd Floor, Number One, Bickerstaffe Square (01253) 478554 / 073420323174	Advice and Guidance
Tracy Lovick Senior Health & Safety Advisor Health and Safety , 4th Floor, Number One, Bickerstaffe Square. (01253) 477264 / 07909 001355	Advice and Guidance
Employee Relations Team Human Resources, 4th Floor, Number One, Bickerstaffe Square (01253) 477230 Email: employeerelations@blackpool.gov.uk	Advice and Guidance
Nicola Chester Chief Operating Officer, The Sea View Trust, Ewood Campus, Clod Lane, Haslingden BB4 6LR (01706) 214640	Advice and Guidance

Listed below are the types of external organisations that as an employee you could contact:

Her Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector') Ofsted Contact them about matters relating to the welfare of children provided with accommodation by boarding schools, colleges and residential special schools.	Children's Commissioner (matters relating to the rights, welfare and interests of children in England)
Public Sector Audit Appointments Ltd (PSAA) <i>(Proper conduct of public business, value for money, fraud and corruption in local government and health service bodies)</i>	The Environment Agency <i>(Acts or omissions which have an actual or potential effect on the environment)</i>
Her Majesty's Chief Inspector of Education, Children's Services and Skills <i>(Matters relating to the regulation and inspection of establishments and agencies for children's social care services)</i>	Health and Safety Executive <i>(Health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work)</i>
Certification Officer <i>(Fraud and other irregularities, relating to the financial affairs of trade unions and employers' associations)</i>	The Pensions Regulatory <i>(The protection of members' benefits under occupational and private pensions schemes)</i>
The Charity Commission for England and Wales	Local Government Ombudsman <i>(Council maladministration)</i>

<i>(Administration of charities and of funds given or held for charitable purposes)</i>	
Care Quality Commission <i>(The administration of adult social care services)</i>	The Controller and Auditor General <i>(About the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services)</i>
Commissioners for Her Majesty's Revenue and Customs <i>(About the administration of UK taxes; the administration of N.I. and tax credits systems; Custom and border-related functions and criminal investigations)</i>	The Information Commissioner <i>(Compliance with the requirement of legislation relating to data protection and to freedom of information)</i>

For full details of the above organisations contact information including email address, telephone numbers and addresses are available at the following hyperlink:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf