



Whistleblowing Policy & Procedures

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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 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 you 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 you to feel confident in raising serious concerns or suspected wrongdoing 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. This is even if you turn out to be mistaken.

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.

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 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 you should use the ELT complaints or grievance procedures as appropriate.

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.

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
- conduct likely to damage ELT's reputation
- 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.

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 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. 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 you when you 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 you.

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 you 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 you must discuss your 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 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 an appropriate senior staff within the Trust or Academy who will then take the appropriate action.

6. Confidentiality

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

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

7. Anonymous allegations

This policy encourages you to put your name to your allegation whenever possible. Proper investigation may be more difficult or impossible if ELT cannot obtain further information from the staff raising the concern.

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 Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

8. Untrue allegations

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

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

It is preferable for concerns to be made to a staff 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/ Head
- Chair of Trustees
- Chair of LAC.

For contact details of the Chair of Trustees or the Chair of the LAC, 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 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. The earlier you express the concern the easier it is to take action.

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.

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 you so wish, you can be accompanied by a Trade Union representative or a colleague.

The responsible person 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. Sometimes the need for confidentiality may prevent the Trust giving you specific details of the investigation or any disciplinary action taken as a result. Any information you receive about the investigation should be treated as confidential.

While ELT cannot always guarantee the outcome that you may be seeking, however, it will try to deal with the concern fairly and in an appropriate way. By using this policy, you can help ELT achieve this. If you are not happy with the way in which your concern has been handled, you 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 LAC member, the responsible person will be the Chair of the LAC, or if the Chair of the LAC, 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, you should not find it necessary to alert anyone externally.

The Members, Trustees and LACs hope you 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.

14. Retention of senior leadership and management records

Internal Audit Investigation Team	<p>Head of Internal Audit Investigation Team</p> <p>01928738179</p> <p>Graeme.hayton@education.gsi.gov.uk</p>
<p>Public Concern at Work</p> <p>(Independent whistleblowing charity)</p>	<p>Helpline: (020) 7404 6609</p> <p>E-mail: whistle@pcaw.co.uk</p> <p>Website: www.pcaw.co.uk</p>
<p>Education, Skills and Funding Agency (ESFA)</p> <p>(Secretary of State)</p>	<p>Education and Skills Funding Agency (ESFA) enquiry form</p> <p>Customer Service Team</p> <p>Education and Skills Funding Agency</p> <p>Cheylesmore House</p> <p>Quinton Road</p> <p>Coventry CV1 2WT</p>

15. Policy review

This policy is reviewed biennially (every two years) by the Trust Board and 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.