

# Eastern Learning Alliance Whistleblowing Policy

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<b>Consulted with</b>	NASUWT, UNISON, GMB, ASCL, NEU

# Eastern Learning Alliance

## Whistleblowing Policy

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### Document Control

<b>New Version Number</b>	<b>Key changes from previous version</b>	<b>Date of ratification by Trust Board</b>

## 1. Introduction and Purpose

The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust in an appropriate way rather than overlooking a problem or blowing the whistle outside.

Employees are often the first to realise that there may be something wrong within the Trust; it is important that they feel able to express their concerns without fear of harassment or victimisation. The Public Interest Disclosure Act recognises this fact and is designed to protect employees who make certain disclosures of information in 'the public interest' from detriment and/or dismissal. This policy builds on the provisions of the Act.

This policy aims to:

- provide avenues for employees to raise concerns internally and receive feedback on any action taken
- provide for matters to be dealt with quickly and appropriately and ensure that concerns are taken seriously
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith
- allow employees to take the matter further if they are dissatisfied with the Trust's response

## 2. Scope

This policy describes how you can raise any concerns about working practices and tells you whom you should inform about your concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. grievance, disciplinary, harassment, child protection and adult abuse procedures.

Concerns which fall within the scope of the whistleblowing procedure may be about something which:

- is unlawful
- is contrary to the Trust's policies
- falls below established standards or practice
- amounts to improper conduct

For example (this list is not exhaustive):

- A child protection or safeguarding issue
- Malpractice or ill treatment towards a member of staff
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Disregard for legislation, particularly in relation to Health and Safety
- Showing undue favour over a contractual matter or to a job applicant
- A breach of code of conduct or a policy

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees
- employees should use supervision sessions, team meetings and other opportunities to raise questions and seek clarification on issues which are of concern
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated
- All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, trustees, volunteers or outside agencies
- Concerns raised by employees about their own conditions of service should be addressed via the Trust's Grievance Procedure

### **3. Equal Opportunities**

We will provide equality of opportunity and will not tolerate discrimination because of a "protected characteristic"; these are Age, Race, Sex, Gender Reassignment, Disability, Sexual Orientation, Religion or Belief, Pregnancy or Maternity and Civil Partnership or Marriage. We will also not discriminate because of working patterns or trade union membership, nor will we tolerate harassment or bullying on these or any other grounds.

## **4. Safeguards**

### **4.1 Harassment or Victimisation**

The Trust recognises that the decision to report a concern can be difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith. The Trust will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure and will take action to protect employees when they have a genuine concern.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy procedures, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

#### **4.2 Confidentiality**

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trust will make every effort to protect an employee's identity if confidentiality is requested.

As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed.

#### **4.3 Anonymous Allegations**

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and are not so effective, but they will be considered at the discretion of the Trust. In exercising the 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

#### **4.4 Untrue Allegations**

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that individual.

#### **4.5 Unfounded Allegations**

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

#### **4.6 Support to Employees**

It is recognised that raising concerns can be difficult and stressful. Advice and support is available as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

### **5. How to raise a Concern**

As a first step, you should normally raise concerns with your immediate manager or if the concern relates to your line manager, you should approach their line manager. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if you believe that your immediate manager or their line manager is involved, you should approach the Head of Academy or CEO if it involves the Head of Academy. You can by-pass the direct management line and the Trust if you feel the overall management and Trust are engaged in an improper course of action. In this case refer to section 7 below.

Concerns are better raised in writing. You should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why you are concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person. It is important that, however the concern is raised, you make it clear that you are raising the issue via the Whistleblowing Procedure.

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

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

You may feel that it is appropriate to ask your Trade Union to raise the matter on your behalf.

## **6. The Role of Senior Leaders**

A senior leader may be informed by an employee about concern(s) and that they are "blowing the whistle" within the procedure either in person, in writing or over the phone.

The senior leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

### **6.1 Stage One:**

At the initial meeting the senior manager should establish that:

- there is genuine cause and sufficient grounds for the concern and
- the concern has been appropriately raised via the Whistleblowing policy

The senior leader should ask the employee, to put their concern(s) in writing, if they have not already done so. The senior leader should make notes of the discussions with the employee. The employee's letter and/or senior leader's notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- the background and history of the concerns; and

- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior leader should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The senior leader should follow the policy as set out above and in particular explain to the employee:

Who they will need to speak to in order to determine the next steps (e.g. Head of Academy)

- what steps they intend to take to address the concern;
- how they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that a written response will be sent out within ten working days.
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Trust will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately; and
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

The senior leader should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available.

## **6.2 Stage Two:**

Following the initial meeting with the employee, the senior manager should consult with the Head of Academy (or CEO in the case of the Head of Academy or non-school staff) to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- the seriousness of the issue(s) raised
- the credibility of the concern(s) and
- the likelihood of confirming the allegation(s) from attributable sources

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

Senior leaders will have a working knowledge and understanding of the Trust's policies and procedures, e.g. disciplinary, harassment, child protection procedures etc., to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

## **6.3 Stage Three**

Within ten working days of a concern being received, the leader receiving the concern must write to the employee to:

- acknowledge that the concern has been received
- indicate how they propose to deal with the matter
- give an estimate of how long it will take to provide a final response and/or
- tell the employee whether any initial enquiries have been made
- tell the employee whether further investigations will take place, and if not why not
- let the employee know when they will receive further details if the situation is not yet resolved

- provide the employee with details of whom to contact should they be dissatisfied with this response (see 7 below).

The Trust board will be kept informed of all allegations made and the outcomes reached.

## 7. Raising Concerns outside the Trust

The whistleblowing policy is intended to provide employees with a procedure for raising concerns and resolving these within the Trust. If an employee is not satisfied with the Trust's response, they should be made aware with whom they may raise the matter externally:

- 'Public Concern at Work' <http://www.pcaw.co.uk> tel no 0207 404 6609\*
- recognised trade union
- the Trust's external auditor (Ofsted, DfE/Regional Schools Commissioner)
- relevant professional bodies or regulatory organisations
- a solicitor

It should be stressed to the employee that if they choose to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

- \* *Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline

## 8. Monitoring and Review

Through the Head of Academy, the CEO will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Trust every two years.