

The **co-operative** academies trust

Whistle-Blowing Policy

Approved by Trust Board: January 2015
Issue 2, November 2016 (updated to reflect updated DfE guidance)

Whistle-Blowing Policy

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Whistle-Blowing Policy

1.0 Introduction

Whistleblowing is a term used when a worker passes on information concerning a wrongdoing – making a disclosure or “blowing the whistle”. The wrongdoing will typically, although not necessarily, be something they have witnessed or believe to be happening at work. The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly, and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the Trust and its academies.

This Policy also applies to the Trust’s Board Members, Governors, management and all staff.

Employees are often the first to realise that something seriously wrong may be happening within the Trust or one of its academies. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to their employer or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

The Co-operative Academies Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the work of the Trust or one of its academies to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Trust or an academy, rather than overlooking a problem or publicly disclosing the matter.

All staff will be made aware of the provisions of this policy, and where to find a copy of it, when they join the Trust.

2.0 Aims and scope of this policy

This policy aims to:

- Provide avenues for you to raise concerns and receive feedback on any action taken;
- Allow you to take the matter further if you are dissatisfied with the response of the Trust / academy;

This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust / academy. Nor is it an alternative to well-established disciplinary or grievance procedures, which should be used to address concerns regarding individual employment matters. It may however overlap with other policies for dealing with complaints, with Board or management Codes of Conduct and with protocols for good working relationships within the Trust / academy.

Concerns raised under this Whistle-blowing Policy should be about something that is, in the reasonable belief of the employee, made in the public interest, and may be;

- Unlawful or a criminal offence; or
- A breach of a legal obligation; or
- Related to child protection / safeguarding children; or
- A miscarriage of justice; or
- Mistreatment or abuse of a client or a member of the public for whom the Trust / academy has a responsibility; or

- In disregard of legislation governing health and safety at work; or
- Seeking undue favour over a contractual matter or a job application; or
- Against the Trust / academy or Financial Regulations; or
- Amounts to improper conduct or unauthorised use of public funds; or
- Has led to or could lead to damage to the environment; or
- A deliberate cover up of information tending to show any of the above.

(The list above is for guidance only and is not intended to be comprehensive)

Members of staff are entitled to refuse to carry out instructions if they would result in any of the above, and disciplinary action will not result in these circumstances.

3.0 Safeguards

3.1 Harassment or Victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will take action to protect you when you raise a concern. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.

All parties should note that Whistleblowers are protected, by law, from suffering a detriment, bullying or harassment from another employee – as long as the disclosure is made in the public interest and made in good faith.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

3.2 Confidentiality

All concerns will be treated in confidence and the Trust will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

3.3 Anonymous allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concern anonymously, this may best be done through your trade union who would also have similar protection under the law.

3.4 Untrue allegations

If you make an allegation which is not confirmed by the investigation, no action will be taken against you unless it is considered that you have made malicious or vexatious allegations. In these circumstances, disciplinary action may be taken against you.

4.0 How to raise a concern

Staff should in the first instance raise a concern with their line manager, or another manager within their academy. However, if for some reason this first step is inappropriate – or the employee is not satisfied with the initial response and needs to escalate the matter - then the concern should be raised at a more senior level with the Headteacher/Principal, Chair of Governors or Director of the Trust. In some circumstances the concerns can be raised directly with the Trust's Board, or the Education Funding Agency (EFA). Each academy is responsible for ensuring all their staff are aware of the Whistleblowing Policy, and of who to contact (see Annex 1). Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record.

The earlier you express the 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 your concern.

You may of course wish to seek advice from your trade union representative on how best to raise your concern.

Staff should be aware that someone who approaches the media before they have gone through internal procedures, as set out in this policy, is unlikely to be protected under whistleblowing law.

5.0 How the Trust will respond

The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues), by an independent investigating officer appointed by the Trust, or referred to another agency.

If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

In any event within ten working days of a concern being received, the Trust will write to you at your home address:

- Acknowledging that the concern has been received
- Indicating how it 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
- Telling you the name of the person or agency who has been appointed by the Trust to investigate the matter
- Naming an independent person to support you during any investigation e.g. your trade union official.

This named person will make contact with you immediately, explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation and the

investigating officer informed of any further issues you think are necessary. You should raise with this support officer any concerns you have about the conduct of the investigation. This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.

If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed.

The amount of contact between the investigating officer and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a work colleague.

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

6.0 How the matter can be taken further

This policy is intended to provide you with a way to raise concerns within the Trust and / or one of its academies. The Trust hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with your trade union official, who in return will liaise with the Trust on your behalf.

7.0 Whistleblowing and child protection / safeguarding

All staff and volunteers in schools and academies must comply with ‘Keeping children safe in education’ 2016, 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 member of staff should press for re-consideration if they believe a child is not being safeguarded.

This section should be read in conjunction with

- The Academy’s child protection policy & procedures
- CAT ‘managing allegations against staff’ policy
- The relevant Local Safeguarding Children Board procedures
- Keeping children safe in education (DfE 2016)
- What to do if you’re worried about a child (DfE 2015)

Concerns about a child

In the first instance, the person with the concern should discuss this with the Designated Safeguarding Lead in their 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 the individual is not satisfied with the outcome of this discussion, they should report their concerns to the Headteacher/Principal or the designated child protection governor.

If the individual still has concerns about the safety or welfare of the child, they should contact at least one of the following:

- A senior member of the Trust’s central management team – for example, the Education Director, or the Director of the Trust
- A member of the Trust’s Board
- The CAT independent safeguarding consultant (carolyn.eyre@btinternet.com)

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:

Leeds: <http://www.leeds.gov.uk/residents/Pages/report-a-child-protection-concern.aspx>

Manchester: http://www.manchester.gov.uk/info/100010/social_services/3122/child_protection_procedures

Stoke: <http://www.stoke.gov.uk/ccm/navigation/social-care/children-s-social-care/>

The Designated Safeguarding Lead should be informed as soon as possible that a referral has been made.

Concerns about a colleague / adult in school

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 the CAT 'managing allegations against staff' policy, anyone who has concerns about the behavior of another adult in school should report this to the Designated Safeguarding Lead and Headteacher/Principal in the first instance, unless the concern relates to one of those individuals.

Concerns about the Designated Safeguarding Lead should be reported to the Headteacher/Principal. 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 the individual does not believe their concerns are being taken seriously - they should contact at least one of the following:

- CAT Head of HR, Education Director, or Director of the Trust (see Annex 1)
- A member of the Trust Board
- The relevant Local Authority Designated Officer (DO)
- If the incident or concern is so serious as to warrant a police investigation, or a child has been 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.

8.0 Monitoring, Evaluation and Review

The Director of the Trust has overall responsibility for the maintenance and operation of this policy. Within his/her duty to ensure that the Trust acts lawfully, he/she will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

The Trust Board will review this policy in conjunction with the recognised trade unions at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.

9.0 Useful links

Public Concern at Work (www.pcaw.co.uk or 020 7404 6609) is a charity that provides support to employees 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

Staff members may also whistleblow to Ofsted. They can be contacted at enquiries@ofsted.gov.uk or on 0300 123 4666 from 8am to 6pm.

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

The **co-operative** academies trust

Raising a concern under the Whistleblowing Policy at **Name of Academy**

Whistleblowing is a term used when a worker passes on information concerning a wrongdoing – making a disclosure or “blowing the whistle”. 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.

Further details can be found in the Whistleblowing Policy, which can be found on the Trust’s website: <http://co-operative.academy/about/policies>

Staff should in the first instance raise a concern with their line manager, or another manager within their academy [add details as appropriate, e.g. the designated safeguarding lead]. However, if for some reason this first step is inappropriate then the concern should be raised at a more senior level with **insert name the Headteacher/Principal**.

Alternatively, you may contact:

Name, Chair of Governors at **add detail**

Name, Education Director at **add detail**

Frank Norris, Director of Trust at frank.norris@coop.co.uk

Juliet Caunt, Head of HR at juliet.caunt@coop.co.uk

Russell Gill, Chair of the Trust Board at russell.gill@coop.co.uk

For safeguarding matters, you may contact the Trust’s independent safeguarding consultant Carolyn Eyre at carolyn.eyre@btinternet.com or contact the Local Authority Designated Office at **add detail**

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

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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 staff members may also whistleblow to Ofsted or the Education Funding Agency