

Academies Trust

8th Floor, Angel Square,
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Whistleblowing Policy

Approved by Trust Board on 10 December 2020
Applicable from January 2021

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1.0 Introduction

1.1 The Trust is committed to the highest standards of quality, probity, openness and accountability. This Policy covers all categories of colleague, including employees, workers, agency workers and volunteers.

1.2 As part of that commitment, we encourage those who work with us or others with concerns about any aspect of our work to come forward and express those concerns. In most cases, concerns or complaints will be dealt with through normal procedures, such as mechanisms for resolving grievances, disciplinary matters, or concerns relating to equal opportunities.

1.3 However, in some cases, we recognise that individuals will need to come forward with a matter that is outside of normal procedures under the Public Interest Disclosure Act 1998.

1.4 This statement is intended to underline our commitment to the process and our support for those who come forward to express their concerns. This Policy and our Colleague Code of Conduct make it clear that they can do so without fear of reprisal or victimisation.

1.5 Whistleblowing is a term used when a worker passes on information concerning 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.

1.6 This policy covers “protected disclosures” made in the public interest that fall outside the scope of other Trust policies and procedures. It is not intended as recourse against financial or business decisions made by the Trust / academy, and in most cases personal grievances (for example bullying, harassment, discrimination) should be dealt with in accordance with the Grievance Procedures or Dignity at Work Policy.

1.7 Under the Public Interest Disclosure Act you’re protected by law if you report any of the following:

- 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 company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

1.8 This Policy will be applied with due consideration to the Trust’s Equality, Diversity & Inclusion Policy and our co-operative values.

2.0 Consultation and Information

2.1 Through our induction procedures for all colleagues (including volunteers and governors), we will make sure that you know how to recognise the problems, and that you understand the effects they may have on the organisation and the service we provide in relation to:-

- fraud, corruption and malpractice [refer to Anti Fraud & Anti Bribery Framework];
- abuse or neglect of vulnerable people (including child protection / safeguarding children) [refer to academy Safeguarding Policy & Procedures];
- failure to deliver proper standards of service [refer to Capability or Disciplinary Procedures];
- damaging personal conflicts [refer to Grievance Procedure and Dignity at Work Policy] ; and
- bullying, discrimination, harassment or victimisation in the work place [refer to Dignity at Work Policy].

(The list is for guidance only and is not intended to be comprehensive. Note: these are not necessarily whistleblowing matters, please see 1.7 above)

2.2 When we find a problem, we will always deal with it seriously. We will pursue fraud and serious abuse as vigorously as possible through our disciplinary procedures, or if necessary through courts; frauds are also always reported to the police. We hope that you will feel confident in coming forward, that we will share your sense of right and wrong, and act on what you tell us.

3.0 Confidential Reporting

3.1 We know that it is never easy to report a concern, particularly one that may relate to fraud or corruption. We urge you to come forward with any concerns at an early stage, and before problems have a chance to become serious.

3.2 If you prefer, we are happy for you to come forward with another colleague, a friend or other representative to report a concern.

3.3 We support concerned colleagues and that includes all trustees, Directors and committee members. We will protect everyone from reprisals or victimisation. If anyone comes forward with a concern they can be confident that this will not affect their position. This applies equally to anyone who comes forward with a genuine concern which turns out later not to have been justified.

3.4 We will do everything we can to respect your confidentiality if you have requested this.

3.5 Discouraging a colleague from expressing concerns, victimising someone who has done so, or raising a concern with malicious intent, may be treated in accordance with the Disciplinary Procedure.

3.6 At all times confidentiality must be respected by all parties. If the concerns raised are not proven then the individual against whom the allegation has been made is considered innocent and the matter must be dropped.

4.0 Who To Contact

4.1 In most cases, you should be able to raise any concerns with your line manager, Headteacher or Principal.

4.2 Trade Union members are advised to make contact with an employed official of their Union.

4.3 In respect of Whistleblowing please contact one of the following people and ask for a confidential discussion. All such contacts will be treated in confidence:

- your region's Chief Education Officer
- the Trust's Child Protection & Safeguarding Lead
- Chief Operations Officer
- Chief People Officer
- Trust CEO
- the Chair of the Trust Board, or another member of the Trust Board.

4.4 Each Academy is responsible for ensuring all colleagues are aware of the Whistleblowing Policy and where to find it on the Colleague Portal (& Trust Website), and who to contact (see Annex 1 for contact details).

4.5 If our policy and procedures are working properly, you should not need to contact an external agency to express concerns. But there may be exceptional or urgent circumstances where it might be best to do this, and if you do so you will still be protected. It is not possible to give precise examples but, for instance, relevant situations might be:-

- if the problem involved senior staff (contact a Chair or another Board member);
- in the case of a criminal offence (contact the police);
- in the case of abuse of public funds, or complaints about academies or the Trust more generally (contact the ESFA which is responsible for regulating all Academy Trusts <https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>); and
- in the case of any fraud (contact the Trust's external auditors).

We hope that none of these will ever prove necessary.

4.6 You can also approach Protect (formerly known as Public Concern At Work) for confidential and independent advice. Further details are here <https://protect-advice.org.uk/> Tel: 0203 117 2520

4.7 Regulation staff at the ESFA may also be able to advise on a confidential basis if you are not sure who to contact about a particular problem. As regulators, they may need to follow up on any potential problems identified.

5.0 Dealing with Concerns

5.1 If the matter has been raised with your line management, Headteacher or Principal, they should, as soon as possible, refer the matter to your region's Chief Education Officer (see Annex 1). If you come to us with a concern, we will look into it thoroughly and as quickly as possible. We must be aware of the well-being of all parties involved. Initially we will seek to gather evidence together to support or dispose of any allegation. However, we will also need to advise the person against whom the concerns have been raised and find out their side of the story.

5.2 We will try to let you know the timescale for our investigations, the results and about any action that is proposed. However, in doing this, we have to respect the confidentiality of other members of the Trust as well. If the investigation proves that there is a case to answer then the Trust's disciplinary procedures may be invoked, or, if necessary referral will be made to the police.

5.3 The investigation will be led by someone senior and appropriate in the circumstances, who may be an employee of the Trust or an external person. Details of the concerns raised and the investigation should not be shown or discussed beyond those who need to know. The only other people who may be informed are the Trust's CEO and the Chair of the Board. In certain circumstances the Chair may be obliged to initiate the investigation.

5.4 If you raise concern, then you too should treat the matter as confidential, both during and after any investigation.

5.5 If the whistleblower is not satisfied with the outcome of the internal investigation, the Trust recognises their right to pass the matter to an external body.

6.0 Child Protection / Safeguarding

6.1 All employees and volunteers in schools and academies must comply with the most recent version of 'Keeping children safe in education' (available on the DfE website), 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 colleague should press for reconsideration if they believe a child is not being safeguarded.

6.2 This section should be read in conjunction with:

- The Academy's child protection and safeguarding policy & procedures;
- The Trust's Allegations of abuse against staff Policy;
- The relevant Local Multi Agency Partnership arrangements;
- Keeping children safe in education (DfE); and
- What to do if you're worried about a child (DfE 2015).

7.0 Concerns About a Child

7.1 In the first instance, you should discuss this with the Designated Safeguarding Lead in your 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 you are not satisfied with the outcome of this discussion, you should report your concerns to the Headteacher/Principal or the designated child protection governor.

7.2 If you still have concerns about the safety or welfare of the child, you should contact at least one of the following:

- The Trust's Child Protection & Safeguarding Lead
(Claire.dodd@coopacademies.co.uk)
- Their region's Chief Education Officer (see Annex 1)
- Another senior member of the Trust's central management team (see Annex 1); or
- The Chair of the Trust Board, or another a member of the Trust's Board

7.3 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. See your Academy's Child Protection & Safeguarding Policy for your local arrangements / contact details. You should inform your Designated Safeguarding Lead as soon as possible that a referral has been made.

8.0 Concerns about a colleague / adult in school

8.1 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 Trust's Allegations of abuse against staff Policy, if you have concerns about the behaviour of another adult in school you should report this to their Headteacher/Principal in the first instance, unless the concern relates to that individual.

8.2 Concerns about the Designated Safeguarding Lead should be reported to the Headteacher/Principal.

8.3 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 you do not

believe your concerns are being taken seriously - you should contact your region's Chief Education Officer in the first instance, or if they are not available, at least one of the following:

- The Trust's Child Protection & Safeguarding Lead, relevant HR Hub Manager, Trust's Chief People Officer, or Trust CEO (see Annex 1);
- A member of the Trust's Board;
- The relevant Local Authority Designated Officer (DO); or
- In exceptional circumstances, if a child has been or may be placed at immediate risk of harm, then the police should be contacted.

8.4 Any professional with concerns about child protection or safeguarding can also contact the NSPCC whistleblowing helpline on 0800 028 0285.

9.0 Review

9.1 This policy will be reviewed every three years, or sooner if required.

Annex 1 - Raising a concern under the Whistleblowing Policy

Whistleblowing is a term used when a worker passes on information concerning 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.

Under the Public Interest Disclosure Act you’re protected by law if you report any of the following:

- 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 company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest

Further details can be found in the Whistleblowing Policy, which can be found in the Colleague Portal and on the Trust’s website.

If possible, colleagues should in the first instance raise a concern with their line manager or Headteacher/Principal.

Alternatively, you may contact:

If you are based within an Academy, your Chair of Governors

Or

Your region’s Chief Education Officer:

West Yorkshire: Lynda.johnson@coopacademies.co.uk

Greater Manchester: ian.burchett@coopacademies.co.uk

Stoke/Staffs/Merseyside: nick.lowry@coopacademies.co.uk

Or

Chris Tomlinson, Trust CEO at chris.tomlinson@coopacademies.co.uk

Juliet Caunt, Chief People Officer at juliet.caunt@coopacademies.co.uk

Gary Lagar, Chief Operations Officer at gary.lagar@coopacademies.co.uk

Or

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

For safeguarding matters, you may contact the Trust's Child Protection & Safeguarding Lead, Claire Dodd, at Claire.dodd@coopacademies.co.uk or your Local Authority Designated Officer

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

Protect (<https://protect-advice.org.uk/> Tel: 0203 117 2520) is a charity that provides support to staff 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

In certain circumstances colleagues may also whistleblow to Ofsted or the Education Skills Funding Agency (ESFA).