



**DISCOVERY**  
EDUCATIONAL TRUST

## Whistleblowing Policy

Title	Whistleblowing Policy
Author/Owner	Trust Board
Status	Final - Approved
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Security Classification	OFFICIAL

# WHISTLEBLOWING POLICY

**Relevant to: Maintained Schools, Academies and MATs**

**Status: Statutory**

Instruction: Please complete details on Page 2 and delete this front page

**Green type means that the school needs to consider this section and either insert their own wording or where applicable adopt the suggested wording**

*This is a model policy/procedure, which reflects legislation, any relevant statutory and non-statutory guidance and best practice. The responsibility for setting policy and procedure resides with the Governing Board/Trust and, as such, the relevant body must be satisfied that the content of the policy/procedure suits their requirements.*

**DATE** December 2020

**LAST EDITION:** May 2018

**REVIEW:** Annual

## Changes to previous edition

1.2, 2.2, 3	Minor wording changes to clarify procedures related to third party Whistleblowers (i.e. those who are not employees of the school)
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## 1. Introduction

It is important to the Discovery Educational Trust (DET) Trust Board (TB) that any suspected fraud, misconduct, malpractice or wrongdoing by workers or employees of DET and its Schools are reported and properly dealt with. The TB is committed to creating an open and supportive environment where individuals feel able to “speak up” about any genuine concerns regarding the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party.

This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside of the management structure of DET and its Schools to a prescribed body (see 2.1 below). All disclosures are handled consistently and fairly and appropriate action is taken by DET and/or Schools to resolve the issue in line with this policy.

This policy applies to all employees and Local Governors/Trustees of DET and its Schools. Volunteers and other individuals engaged to work at or provide services to DET and its Schools, including agency workers and contractors, are encouraged to use it where appropriate.

**1.1** The law provides protection for employees or workers, who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. A qualifying disclosure is one made in the public interest by an employee or worker, who has a reasonable belief that there has been or is likely to be:

- a breach of any legal obligation;
- a miscarriage of justice;
- a criminal offence;
- a danger to the Health and Safety of any individual;
- damage to the environment; or
- deliberate concealment of information about any of the above

Some examples of qualifying disclosures in a school context may include:

- Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds, decision making for personal gain, abuse of position to influence decisions);
- Breaches of acceptable professional and ethical standards;
- Breaches of the DET Health and Safety Policy entailing danger to staff or pupils; and/or
- Breaches of any of the DET/School policies or the Code of Conduct.

It is not necessary for the employee or worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

For the purposes of this policy the term “whistleblower” refers to the individual making the disclosure.

**1.2** The whistleblower must reasonably believe that he/she is making the disclosure in the public interest (i.e. it affects others, such as pupils in the School or members of the public). This means that personal grievances and complaints (e.g. a concern about his/her own contractual terms, treatment of his/her child) are not usually covered by this policy and should be dealt with:

- By employees through the Grievance Procedure
- By other parties through the Complaints Policy and Procedure.

## 2. Raising Concerns/Making a Disclosure

### 2.1 Initial Concern

The TB encourages the “whistleblower” to raise the matter internally in the first instance. Concerns should normally be raised with the Headteacher (HT), the Executive Headteacher (EHT) or the Chair of the TB.

If the whistleblower considers the matter too serious or sensitive to raise it internally, he/she may refer the matter to an external prescribed body. A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Public Interest Disclosure Act, who an individual may make a protected disclosure to. Any such disclosure to a prescribed body qualifies for protection under the Act. A list of prescribed bodies is available at the following link:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

In the event that the whistleblower feels a disclosure should be referred to an external prescribed body, some of the relevant bodies are also set out below:

Nature of Disclosure:	External Reporting/Prescribed Body:
<b>Fraud or financial malpractice (see 3.2 below)</b>	Multi-Academy Trusts: Education & Skills Funding Agency (ESFA) <a href="https://www.gov.uk/government/organisations/education-and-skills-funding-agency">https://www.gov.uk/government/organisations/education-and-skills-funding-agency</a>
<b>Child Protection/ Safeguarding issues</b>	Local Authority Designated Officer (LADO) <b><u>Essex County Council</u></b> Mechelle de Kock Carole Fuller Rebecca Scott Jacquie Wilkes 03330 139 797 <b><u>Southend Borough Council</u></b> <b>LADO and Child Protection &amp; Safeguarding Co-ordinator:</b> Allison Francis      01702 534539 <a href="mailto:Allisonfrancis@southend.gov.uk">Allisonfrancis@southend.gov.uk</a> Sharon Langston – Safeguarding Adviser 01702 534591 <a href="mailto:safeguardingforchildren@southend.gov.uk">safeguardingforchildren@southend.gov.uk</a> NSPCC Whistleblowing helpline: 0800 028 0285 Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>
<b>Data Protection issues</b>	Information Commissioner

	<a href="https://ico.org.uk/">https://ico.org.uk/</a>
<b>Health and Safety issues</b>	Health and Safety Executive <a href="http://www.hse.gov.uk/">http://www.hse.gov.uk/</a>

If a concern is raised verbally, it should be followed up in writing wherever possible.

The whistleblower has no responsibility for investigating the matter - it is the DET/School responsibility to ensure that an appropriate investigation takes place.

Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct by an employee, the whistleblower should act quickly to report it, but should not mention it to the subject of the complaint or other colleagues, as this could affect the investigatory process.

The timescales for handling disclosures differ depending on the nature of the disclosure made, but all disclosures (whether formal or informal) are acknowledged within two working days.

## 2.2 Investigation

The HT or EHT or Chair of the TB arranges an investigation into the matter, either by investigating the matter him/herself or by immediately passing the issue to an appropriate person (except where he/she is the subject of the disclosure, where an alternative suitable person is appointed). The investigation may involve the whistleblower and other individuals involved giving a written statement. Any investigation is carried out promptly and confidentially.

If a whistleblower wishes to remain anonymous, this should be raised with the person to whom the initial disclosure is made. In some cases, this may be possible, but in more serious cases where disciplinary action may have to be taken against others, this may be more difficult. DET and its Schools are committed to protecting the wellbeing of the whistleblower whilst this policy is followed.

The whistleblower's statement (where available) is taken into account, and he/she is asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistleblower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation.

Where a meeting is held, the whistleblower may be accompanied by a trade union representative or work colleague if he/she wishes and, where possible, the dates/times are agreed to facilitate this, or in the case of a third party, by an appropriate person (e.g. friend, family, colleague). Legal professionals are not normally allowed to attend such meetings.

## 2.3 Outcome of the Investigation

The person, who carried out the investigation, takes any necessary action, which may include reporting the matter to the EHT or the Chair of the TB or an appropriate prescribed body (if this has not already taken place).

On conclusion of any investigation, the whistleblower is advised of the outcome of the investigation (in as much detail as is deemed appropriate in the circumstances) and what action is to be taken or is proposed. If no action is to be taken, the reason for this is explained.

Where a concern is raised anonymously, DET and/or its Schools are not ordinarily able to provide feedback to the whistleblower and any action taken as a result of an anonymous disclosure may be limited. DET and its Schools take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistleblower wishes to seek feedback from DET and its Schools, an appropriate anonymised email address should be provided.

## **2.4 Further Action**

Where, having raised an initial concern, the whistleblower has a genuine belief that DET and its Schools have failed to take appropriate action or investigate the issue properly and he/she wishes to pursue the matter further, he/she may report his/her concern to the EHT and/or the Chair of the TB or to an appropriate prescribed body (if this has not already been reported).

The EHT or Chair of the TB may arrange for further investigation to be carried out, make any necessary further enquiries and/or make his/her own report. On the conclusion of any further investigation, he/she takes appropriate action, which may include reporting the matter to a prescribed body if this has not taken place at an earlier stage in the process.

## **3. Other Issues**

### **3.1 Concerns raised by Member of the Public**

Where complaints are received from members of the public, the DET formal Complaints Policy and Procedure is followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker, in which case the Disciplinary Procedure may need to be instigated.

### **3.2 Criminal Issues/Fraud**

In the event of the allegation being of a very serious nature, for example, relating to a fraud or other potential gross misconduct offence, there may be a need to involve DET's auditors and/or the police or other appropriate authorities. This should normally be agreed initially by the EHT or Chair of the TB, who should, in turn, and where appropriate, keep the Local Authority and ESFA informed in view of any possible implications concerning public monies.

Multi-AcademyTrusts:

DET must notify the Secretary of State, via the ESFA, of any instances of fraud, theft or irregularity where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year. Any unusual or systematic fraud, regardless of value, must also be reported.

## **4. Protecting Whistleblowers**

**4.1** Any whistleblower, who makes protected disclosures in line with this policy, has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure. This means continued employment and opportunities for promotion or training are not affected because the whistleblower has raised a legitimate concern.

**4.2** Whistleblowers should report any harassment or victimisation to the HT, EHT or Chair of the TB as soon as practicable. DET and its Schools take all reasonable steps to prevent/address such harassment or victimisation. Victimisation of a whistleblower for making a protected disclosure is considered a disciplinary matter and is dealt with under the Disciplinary Procedure.

**4.3** Whistleblowers may find the process of reporting an issue/wrongdoing difficult and uncomfortable. DET and its Schools take all reasonable steps to support the whistleblower, which may include access to an external counselling service. The whistleblower may also be referred to the charity Protect (previously known as Public Concern at Work) <https://protect-advice.org.uk/> for information and advice.

## **5. Malicious Allegations/Disclosures**

- 5.1** If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest; this is treated as a serious matter and may, potentially, lead to disciplinary action in line with the Disciplinary Procedure.
- 5.2** Where other individuals engaged by DET and its Schools make a malicious allegation, DET investigates the allegation thoroughly and takes appropriate action, which may include terminating the contract/arrangements with the individual.
- 5.3** If disciplinary action is required, the person who carried out the investigation reports the matter to a relevant Line Manager to start the Disciplinary Procedure.
- 5.4** If a third party has made a malicious allegation, the TB may take legal advice about steps open to it, where appropriate.

## **6. Data Protection**

- 6.1** When an individual makes a disclosure, DET and its Schools process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.