DISCOVERY
EDUCATIONAL TRUST

Whistleblowing Policy

Title	Whistleblowing Policy
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Whistleblowing Policy

Relevant to: Maintained Schools, Academies and MATs

Status: Statutory

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.

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REVIEW: **Annual**

Changes to previous edition

Section 1	Added clarity about the capability of volunteers to whistleblow.
Section 1.1	Inclusion of sexual harassment as a protected disclosure.
Section 2.1 and throughout	ESFA references replaced with DfE references.
Section 2.4	Additional information should the whistleblower be dissatisfied with the outcome of the investigation/how the investigation has been conducted.
Section 4.2	Additional detail concerning the protection afforded whistleblowers.
Section 5.1	Additional definition of a 'malicious' allegation/disclosure.
Throughout	Removal of references to Executive Headteacher/EHT.

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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/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/its Schools to a prescribed body (see Section 2.1 below). All disclosures are handled consistently and fairly, and appropriate action is taken by DET/its Schools to resolve the issue in line with this Policy.

This Policy applies to all employees, Members, Trustees and Local Governors of DET/its Schools. Although volunteers and other individuals engaged to work at or provide services to DET/its Schools, including agency workers and contractors, are not always covered by the Public Interest Disclosure Act 1998, they are encouraged to raise concerns under this Policy.

1.1 The law (Public Interest Disclosure Act 1998) 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;
- sexual harassment; or
- deliberate concealment of information about any of the above.

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

- Fraudulent acts, for example, 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.
- Failure to take reasonable steps to prevent sexual harassment or failure to deal appropriately with concerns raised.

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 they are 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, for example, a concern about their own contractual terms, treatment of their child, are not usually covered by this Policy and should be dealt with:

- By employees, through the DET Grievance Procedure;
- By other parties, through the DET 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 Chief Executive Officer (CEO) or the Chair of the TB.

Members of the DET/School community are particularly reminded of their obligation to immediately report all safeguarding concerns as detailed in the DET Safeguarding and Child Protection Policy and as per local School procedures.

If the whistleblower considers the matter too serious or sensitive to raise it internally, they 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, which 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 that 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:**
Fraud or financial malpractice (see 3.2 below)	Multi-Academy Trusts: Report fraud or financial irregularity to Department for Education (DfE) – Gov-UK: Allegations.mailbox@education.gov.uk.
Child Protection/ **Safeguarding issues**	Local Authority Designated Officer (LADO) **Essex County Council** 03330 139 797 lado@essex.gov.uk

	Southend-on-Sea City Council **LADO and Child Protection & Safeguarding Co-ordinator:** 01702 534591 safeguardingforchildren@southend.gov.uk NSPCC Whistleblowing helpline: 0800 028 0285 Email: help@nspcc.org.uk
Data Protection issues	Information Commissioner https://ico.org.uk/
Health and Safety issues	Health and Safety Executive http://www.hse.gov.uk/

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 to other colleagues, as this could affect the investigation 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 CEO or Chair of the TB arranges an investigation into the matter, either by investigating the matter themselves, or by, immediately, passing the issue to an appropriate person (except where they are 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/its Schools are committed to protecting the wellbeing of the whistleblower whilst this Policy is followed.

The whistleblower's statement (where available) is considered, and they are 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 they wish, and, where possible, the dates/times are agreed to facilitate this,

or, in the case of a third party, by an appropriate person, for example, 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 CEO 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/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/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/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/its Schools have failed to take appropriate action, or investigate the issue properly, and they wish to pursue the matter further, they may report their concern to the CEO and/or the Chair of the TB or to an appropriate prescribed body (if this has not already been reported).

The CEO or Chair of the TB may arrange for further investigation to be carried out, make any necessary further enquiries and/or make their own report. On the conclusion of any further investigation, they take 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.

Should the whistleblower remain dissatisfied with the management of the concern, they are entitled to raise the matter with an appropriate prescribed body listed under Section 2.1, ensuring that they follow any relevant requirements for protected disclosures.

3. Other Issues

3.1 Concerns raised by Member of the Public

Where complaints are received from members of the public, the DET 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 DET Discipline and Dismissal 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 CEO or Chair of the TB, who should, in turn, and where appropriate, keep the Local Authority (LA) and the DfE informed in view of any possible implications concerning public monies. DET must notify the Secretary of State, via the DfE, 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 (refer Section 2.1 above).

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 they have 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 Any form of discrimination or victimisation against a whistleblower for raising a genuine concern is strictly prohibited and may also contravene the Equality Act 2010. Whistleblowers should report any harassment or victimisation to the HT, CEO or Chair of the TB as soon as practicable. DET/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 DET Discipline and Dismissal Procedure.

4.3 Whistleblowers may find the process of reporting an issue/wrongdoing difficult and uncomfortable. DET/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 DET Discipline and Dismissal Procedure.

For the purposes of this Policy, 'malicious' means knowingly making a false statement or acting in bad faith with the intent to harm another individual or DET/its Schools.

5.2 Where other individuals engaged by DET/its Schools make a malicious allegation, DET/its Schools investigate the allegation thoroughly and take 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 DET Discipline and Dismissal 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/its Schools process any personal data collected in accordance with the DET Data Protection Policy and General Data Protection Regulation (GDPR) and the Data Protection Act 2018. 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.