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## Whistleblowing Policy

### Adopted by the Trust Board – December 2018

### This is a Trust policy applicable to all schools in the MAT

#### Introduction

This policy applies to all employees/workers of the Trust. Other individuals performing functions in relation to the Trust, such as agency workers and contractors, are encouraged to use it.

It is important to the Trust that any fraud, misconduct or wrongdoing by employees/workers is reported and properly dealt with. The Trust therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the Trust or the way in which the Trust is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

#### Aims

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above.

is being, has been, or is likely to be, committed. It is not necessary for the employee/worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee/worker has no responsibility for investigating the matter - it is the Trust's responsibility to ensure that an investigation takes place.

The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

An employee/worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The Trust encourages employees/workers to raise their concerns under this procedure in the first instance. If an employee/worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR Manager.

#### Principles:

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees/workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee/worker who raised the issue.
- No employee/worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee/worker will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of an employee/worker for raising a qualified disclosure will be a disciplinary offence.

- If misconduct is discovered as a result of any investigation under this procedure the Trust's Disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a senior member of staff.
- This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Trust's Grievance procedure.

### **Consultation/formulation of policy**

This policy has been drawn up following consultation with the Trust school Headteacher, all employees and relevant recognised Trade Unions. It meets the requirements of all relevant legislation.

### **Related Statutory Requirements/non-statutory guidance which inform policy**

Employment Rights Act 1996

Public Interest Disclosure Act 1998

Data Protection Act 2018

General Data Protection Regulation (2016/679 EU)

### **Link to other school/MAT policies, documents and required practice**

Disciplinary Policy

Data Protection Policy

Grievance Policy

### **Data Protection**

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

### **Procedure Practice/Guidelines**

1. In the first instance, and unless the employee/worker reasonably believes his/her line manager to be involved in the wrongdoing, or if for any other reason the employee/worker does not wish to approach his/her line manager, any concerns should be raised with the employee's/worker's line manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should proceed straight to stage 3.
2. The line manager will, after consultation with the Headteacher/HR Manager, arrange an investigation into the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the employee/worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The employee/worker's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the Headteacher, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the Headteacher/HR Manager to commence the disciplinary procedure. On conclusion of any investigation, the employee/worker will be told the outcome of the investigation and what the Headteacher has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

3. If the employee/worker is concerned that his/her line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations, he/she should inform the Headteacher who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make his/her own report to the Trust as in stage 2 above. If for any other reason the worker does not wish to approach his/her line manager he/she should also in the first instance contact the Headteacher. Any approach to the Headteacher will be treated with the strictest confidence.
4. If the employee/worker is concerned that the Headteacher is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations, he/she should write to the Clerk to the Governors who will acknowledge receipt of the letter and forward it to the Chair of Governors. The Chair of Governors will arrange for an investigation to be carried out and make his/her own report to the Trust Board.
5. If on conclusion of stages 1, 2, 3 and 4 the employee/worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include to:
  - HM Revenue & Customs;
  - the Financial Conduct Authority (formerly the Financial Services Authority);
  - the Health and Safety Executive;
  - the Environment Agency;
  - the Independent Office for Police Conduct; and
  - the Serious Fraud Office.

You are at liberty to raise any concern externally with any of the external agencies set out in Appendix A.

**Review:** Judith Vucic  
**Date:** Autumn Term 2019  
**Person/People:**  
**Group responsible:**

## APPENDIX A – LIST OF EXTERNAL BODIES

### **Public Concern at Work**

CAN Mezzanine  
7-14 Great Dover Street  
London, SE1 4YR  
Tel: 020 7404 6609

### **Local Government Ombudsman**

PO Box 4771  
Coventry, CV4 0EH  
Tel: 0300 061 0614

### **Thames Valley Police**

Windsor Road  
Slough  
Berkshire, SL1 2HH  
Tel: 101 (for all non-emergency enquiries)

### **Crimestoppers**

Tel: 0800 555 111  
Earley  
Reading, RG10 0FT

### **The Health & Safety Executive**

Priestley House  
Priestley Road  
Basingstoke  
Hants RG24 9NW  
Fax: 01256 404 100

### **The Environment Agency**

National Customer Contact Centre  
PO Box 544  
Rotherham, S60 1BY  
Tel General Enquiries: 03708 506 506

### **Department for Education**

**Tel: 0370 000 2288**  
Store Street  
Manchester, M1 2WD

### **HM Revenue and Customs**

Tel: 0300 200 3300  
Sapphire Plaza  
Watlington Street  
Reading, RG1 4TD

**Financial Conduct Authority**

Tel: 0207 066 1000  
12 Endeavour Square  
London, E20 1JN

**Serious Fraud Office**

Tel: 0207 239 7272  
2-4 Cockspur Street  
London, SW1Y 5BS

**Independent Office for Police Conduct**

Tel: 0300 020 0096  
90 High Holburn  
London, WC1V 6BH

**APPENDIX B – LIST OF RECOGNISED TRADE UNIONS****G.M.B. (Southern Region)**

Cooper House  
205 Hook Road  
Chessington  
Surrey, KT9 1EA  
Tel: 020 8397 8881 Fax: 020 8397 1588 Email: [infoso@gmb.org.uk](mailto:infoso@gmb.org.uk)  
Regional Secretary: Paul Maloney

**Unite the union**

Atlantic House  
Imperial Way  
Reading, RG2 0TD  
Tel: 0118 975 0777 Fax: 0118 975 0790  
Officers: Bob Middleton

**UNISON**

(South East Region)  
Reading Office  
56 Queens Road  
Reading, RG1 4AZ  
Tel: 0800 0 857 857  
E: [southeast@unison.co.uk](mailto:southeast@unison.co.uk)  
Officer: Tony Rawlings

**NASUWT**

South East Regional Centre  
Milestone House  
Portsmouth Road  
Send  
Surrey, GU23 7JZ  
Tel: 01483 226 130 Fax: 01483 226 139 Email: [rc-southeast@mail.nasuwt.org.uk](mailto:rc-southeast@mail.nasuwt.org.uk)

**National Education Union**

NEU Advice Line: 0345 811 81111  
Hamilton House  
Mabledon Place  
London, WC1H 9BD

**ATL**

Slough Branch Contact: Paul Scales  
Complete Contact form via Website: <http://www.atl.org.uk/branches/slough/homepage.asp>

**NAHT**

1 Heath Square  
Boltro Road  
Haywards Heath  
West Sussex, RH16 1BL  
Tel: 0300 30 30 333 Email: [info@naht.org.uk](mailto:info@naht.org.uk)

**ASCL**

130 Regent Road

Leicester

SE1 7PG

Tel: 0116 299 1122 Fax: 0116 299 1123 Email: [info@ascl.org.uk](mailto:info@ascl.org.uk)