



**ALL SAINTS**  
Multi Academy Trust

# Whistleblowing Policy

Review Period	Two Yearly
Person Responsible for Policy	Trust HR & Payroll Manager
Governing Committee	Trust Board
Date of Trustees Approval	December 2018
Date for Review	December 2020

## **1 Introduction**

- 1.1 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with this commitment the Trust expects all members of the Trust community who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns.
- 1.2 A person who raises a concern is protected by the Public Interest Disclosure Act 1998 which is incorporated into the Employment Rights Act 1996 as long as they have reasonable belief that the complaint is made in the public interest. This legislation protects workers from victimisation, discrimination or disadvantage when they voice legitimate concerns and their actions are not unlawful or contravene other forms of legislation.

## **2 Purpose**

- 2.1 The purpose of this policy and procedure is to ensure that individuals know how to raise a concern, feel confident in raising concerns and where concerns are raised, reassures them that the concern will be dealt with in confidence and they will be protected from victimisation, discrimination or disadvantage.
- 2.2 This policy and procedure does not cover matters which are covered by other existing procedures e.g. Grievance Procedure, Disciplinary Procedure, Dignity at Work Procedure, Complaints Procedure etc.

## **3 Scope**

- 3.1 This policy and procedure applies to:
  - all employees who are employed by the Trust;
  - all members of the Trust Board and Local Governing Bodies;
  - other individuals involved in providing services to the Trust; and
  - partner organisations.
- 3.2 This Policy and Procedure covers serious concerns such as;
  - Conduct which is an offence or a breach of law
  - Failure to comply with a legal obligation
  - Child protection issues
  - Disclosure related to miscarriages of justice
  - Health and safety risks (including risks to the public as well as others of the Trust community) if reported and not acted upon
  - Damage to the environment
  - Unauthorised use of public funds
  - Possible fraud or corruption
  - Sexual, physical or other abuse of others
  - Other unethical conduct
  - Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong
  - Any attempt to prevent disclosure of the above

## **4 Principles**

- 4.1 No Individual will be subject to victimisation or other detriment by reporting concerns which they believe to be true.
- 4.2 Any concerns reported will be taken seriously and investigated.
- 4.3 Individuals are encouraged to raise concerns as soon as possible.
- 4.4 Disclosures made under this procedure will be treated seriously and sensitively, and where appropriate and possible, confidentially. Requests for anonymity, where made, will be considered, but there may be circumstances where anonymity cannot be granted, for example in relation to prosecutions or disciplinary investigations where the individual may be required to provide witness evidence.
- 4.5 Any person who is the subject of a whistleblowing allegation has legal rights which may be exercised and are independent of the Trust.
- 4.6 Any person raising a concern must have a reasonable belief that it is in the public interest, that there are reasonable grounds for the concern and will be expected to co-operate with any investigation.

Examples of public interest concerns are included at paragraph 3.2.

- 4.7 All employees have a duty of confidentiality to the Trust. Where employees make external disclosures of information to the press or other media, disciplinary action may be taken.
- 4.8 Employees may take legal action independent of the Trust. This includes the person who is the subject of the complaint, the complainant and the Trust.

## **WHISTLEBLOWING PROCEDURE**

### **5 Raising a concern**

- 5.1 For employees, the first step is to raise any concern with his or her line manager.
- 5.2 If the employee feels that the concerns involve the line manager they should speak to the Headteacher or Chief Executive Officer. If the concerns involve the Chief Executive Officer, Headteacher or a Governor, other than the Chair of the Local Governing Body, they should raise the concerns with the Chair of the Local Governing Body. If the concern involves the Chair of the Local Governing Body they should raise this with the Chair of the Trust Board. Any concerns regarding the Chair of the Trust board should be raised with the Vice-Chair of the Trust Board.
- 5.5 When raising a concern, individuals should provide as much information as possible including:
  - The background and history of the concern (including relevant dates, times, names, places, etc.)

- The nature of the concern (examples are given in 3.2)
- The reason why they are particularly concerned about the situation
- The names of any colleagues/employees who are considered to be either directly involved or who can help with further information
- Any other background information, for example lists of documents, etc.

5.6 Concerns should, ideally, be raised in writing.

5.7 All anonymous concerns will be treated seriously, however without contact details it may be difficult to clarify information, gain additional information or carry out an investigation.

## **6 How the Trust will respond**

6.1 The action taken by the Trust will depend on the nature of the concern raised and will normally be investigated internally by the Trust. However, in appropriate cases the concerns may be referred to the local authority, a regulatory body or the Police in criminal matters.

6.2 In order to protect the whistle blower, the Trust and those accused, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take, and who should conduct it.

6.3 Concerns which fall within the scope of other procedures will normally be referred for consideration under those procedures.

6.4 The overriding principle which the Trust will have in mind is the public interest.

6.5 Concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will be taken before any investigation is conducted.

6.6 Where the individual raising the concern has provided contact details the person receiving the concern will send an acknowledgement within 10 working days. If it is possible to say at this stage how the matter is to be dealt with, then more information may be provided, however since investigations often involve maintaining confidentiality, it may not be possible to disclose any further information.

6.7 If an investigation is to be undertaken an appropriate investigating officer will be appointed, which may be the person who received the concern. Where the individual has provided contact details, an investigation interview should be undertaken unless not required by the whistleblower. The investigating officer will meet with the individual to gather as much information as possible. Where the complainant is an employee, they will be entitled to representation by a trade union representative or colleague. The investigating officer will inform the individual what steps will be taken and potential timescales for the investigation to be completed. If the matter does not fall under the whistleblowing policy, they will be informed how the matter will be taken forward.

6.8 Employees who are the subject of a whistleblowing concern which is being investigated, may be contacted by the Investigating Officer and a formal investigation

will be carried out and the employee has a right to representation by a trade union representative or colleague. This is to ensure that the investigation is fair and open. The details of any concerns raised which are discovered to be untrue will not be kept on the employee's file.

- 6.9 The investigating officer will consider all the evidence and make a recommendation to the Local Governing Body. A report of all whistleblowing complaints and the outcomes of any investigations should be provided to the Trust Board.
- 6.10 The Trust accepts that those raising concerns need to be assured that the matter has been properly addressed, therefore subject to legal constraints, information will be provided on the outcome of any investigation, to the whistle blower, as long as contact details have been provided.
- 6.11 The Trust hopes that all cases will be dealt with satisfactorily. If an individual feels that it is right to take the matter further they may refer to the table provided at the end of this section, which provides details of a number of relevant organisations.

## **7 What to do if a concern is raised with you**

- 7.1 If you receive a concern under this procedure you need to act quickly and with the utmost discretion. All concerns must be evaluated objectively, reviewing the facts as they appear. If appropriate an investigating officer will be appointed.
- 7.2 In deciding how to progress the concern you should consider the following:
- The quality of the information provided and whether all relevant information has been provided or is available
  - Whether there is any corroborating evidence available, such as supporting documentation or testimony of another individual
  - Whether there are obvious motives that may have led to an accusation such as poor working relationships or the possibility of personal gain. There is also the possibility that a concern raised for the wrong reasons may also be true
  - An assessment of the seriousness of the concerns and the potential risks if they are correct or if they are not investigated
- 7.3 Where an allegation involves a member of staff the Investigating Officer should liaise with the Chief Executive Officer for advice and assistance with any investigations. Where an allegation involves the Chief Executive Officer, the Investigating Officer should contact the Trust's HR Advisor.
- 7.4 Depending on the seriousness of the concern and the amount of evidence available, management may wish to consider suspension of an employee in order that an investigation can be carried out unhindered or without further loss to Trust.

## **8 Making a disclosure outside the Trust**

- 8.1 The Trust would encourage an individual to raise a concern internally in order to deal with the matter and remove or reduce any risk. However, if an individual has raised a concern internally and feels that this has not been dealt with satisfactorily or

feels that the concern needs to be raised directly with an external body, such as a regulator, you are advised to seek advice before reporting a concern externally. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline to provide confidential advice, free of charge to anyone concerned about wrongdoing at work; telephone 020 7404 6609 or email [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

8.2 The following list provides details of external organisations that you may wish to contact. Alternatively, you may wish to refer to the list of prescribed people and bodies contained within the document ‘Blowing the Whistle to a prescribed Person’ which can be found at the following web address: -

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

The Information Commissioner	The Office of the Information Commissioner Wycliffe House, Water Lane Wilmslow, Cheshire SK9 5AF 0303 123 1113 <a href="mailto:casework@ico.gsi.gov.uk">casework@ico.gsi.gov.uk</a>
RSM (External Auditor of the Trust)	Bluebell House Brian Johnson Way Preston PR2 5PE 01772 799300
Merseyside Police	Merseyside Police HQ Canning Place Liverpool LI 8JX 101 (for calls from Merseyside) or 0151 709 6010 (from outside Merseyside)
The Environment Agency	National Customer Contact Centre PO Box 544 Rotherham S60 1BY 03708 506 506 <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>

Health and Safety Executive	Redgrave Court Merton Road Bootle L20 7HS 0845 300 9923
HM Customs and Excise	Customs Confidential Freepost SEA 939 PO Box 100 Gravesend, Kent DA12 2BR 0800 595 000
Public Concern at Work	Public Concern at Work 3 <sup>rd</sup> Floor Bank Chambers 6-10 Borough High Street London SE1 9QQ 020 7404 6609 <a href="mailto:whistle@pcaw.org.uk">whistle@pcaw.org.uk</a>
Liverpool Archdiocese	LACE Croxteth Drive Sefton Park Liverpool L17 1AA 0151 522 1000
Diocese of Liverpool	St James' House 20 St James' Road Liverpool L1 7BY 0151 709 9722

## **9 Untrue Allegations**

- 9.1 If an employee raises a concern in good faith which they believe is in the public interest, but is not confirmed by the investigation, then no action will be taken against them.
- 9.2 If an employee raises a concern that is not in the public interest, which, after investigation, turns out to be untrue, then the matter may be considered under the Trusts Disciplinary Procedure and disciplinary action may be taken.