



Policy Title: Whistleblowing Policy

Statutory

Drafted by:	W Whelan CEO
Date of approval by Trust Board:	21.1.19
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Responsible for Day to Day Management:	CEO
Responsible for Review:	CEO

UNITED ENDEAVOUR TRUST EQUALITY CHECKED

This policy/procedure seeks to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relationships between groups
- Meet requirements under the Equality Duty
- Set Equality objectives which are specific and measurable



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1. INTRODUCTION

- 1.1. Staff members are often the first to realise that there may be something seriously wrong with their Academy or Trust. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy or Trust. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrong doing at work.
- 1.2. The staff, governors, directors and members of Academies within United Endeavour Trust are committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage staff with genuine concerns about any of the Academy, Trust or governing body's work to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals. The whistleblowing policy is intended to encourage and enable staff to raise such concerns **within** the Academy or Trust or where appropriate the LA or prescribed bodies rather than overlooking the problem or blowing the whistle outside.
- 1.3. This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act 1998.
- 1.4. The procedure allows staff to raise concerns about the management of the Academy or Trust with the governing body or Chair of the Trust and to raise concerns about the governance of the Academy or Trust with the appropriate body.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1. This policy aims to:
 - Provide avenues for you to raise genuine concerns and receive feedback on any action taken;
 - Allow you to take the matter further if you are dissatisfied with the Academy or governing body or Trust response;
 - Reassure you that steps will be taken to protect you from reprisals or victimisation for whistleblowing in good faith.
- 2.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures.

That concern may be about something that:

- Is unlawful;
- Is against the Governing Body's Standing Orders or policies;
- Falls below established standards of practice;
- Amounts to improper conduct;

- Is a Health and Safety risk, including risks to the public as well as students or other colleagues;
- Is damaging the environment;
- Contradicts the Academy or Trust's Codes of Conduct.

Further examples are provided at Appendix 1.

- 2.3. The procedure will be communicated to all staff as well as agency workers and supply teachers and staff working in Academy or Trust on a temporary basis.

3. SAFEGUARDS

3.1 Harassment or Victimisation

3.1.1. The Academy or Trust and/or governing body recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Academy or Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly as a result of raising a concern, you should refer to the Trust's Harassment and Bullying Policy.

3.1.2. This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

3.2 Confidentiality

3.2.1. The Academy or Trust and/or governing body will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

3.3 Anonymous Allegations

3.3.1. You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of the Academy or Trust and/or governing body.

3.3.2. In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

- The seriousness of the issues raised;
- The credibility of the allegation; and
- The likelihood of confirming the allegation from attributable sources.

3.4 Malicious or Vexatious Allegations

3.4.1. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you in accordance with the Trust's Disciplinary Procedure.

4. HOW TO RAISE A CONCERN

4.1. As a first step, the whistle blower should normally raise concerns with your immediate line manager within the Academy or Trust. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the activity about which you are concerned. For example, if you believe that your line manager is involved, you should approach the Principal. If you feel the Principal may be involved, the Chief Executive Officer (CEO) should be approached. If you feel the CEO may be involved, the Chair of the Trust should be approached. Opportunity should be given for those individuals in a position of responsibility to correct the matter and provide an explanation for this activity or behaviour.

4.2. Advice and guidance on how matters of concern may be pursued can be obtained from the following individuals designated to deal with such matters.

- Principal
- Responsible Officer – CEO
- Chair of UET/Chair of the Governing Body

4.4. Concerns are better raised in writing. You are advised to set out background and history of your concerns, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or arrange to meet an appropriate officer who will agree a written statement with you. If you are a member of a trade union you may find it helpful to take advice from them about putting your concerns in writing.

4.5. You may ask your trade union representative to raise the matter on your behalf.

4.6. The earlier you express your concern, the easier it is for the Academy or governing body or Trust to take action.

4.7. Alternatively, if the *whistle blower* considers the matter too serious or sensitive to raise within the internal environment of the Academy or Trust, the matter should be directed in the first instance to the Chair of Governors or Chair of the Trust or alternatively to the LA's Head of Audit.

4.8. The LA has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the *whistle blower*. The LA will ensure relevant officers of the Department for Education are informed as appropriate.

- 4.9. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

5. HOW THE ACADEMY OR TRUST OR GOVERNING BODY WILL RESPOND

- 5.1. The action taken by the Academy or Trust or governing body will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to an external Auditor;
- Form the subject of an independent enquiry.

- 5.2. In order to protect individuals, the Academy or governing body or Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

- 5.3. Some concerns may be resolved by agreed action without the need for an investigation.

- 5.4. Within ten working days of a concern being received, the Academy, or governing body, or Trust will write to you:

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matter;
- Giving an estimate of how long it will take to deal with the matter;
- Telling you whether any initial enquiries have been made; and
- Telling you whether further investigations will take place, and if not, why not.

- 5.5. The amount of contact between the Academy or Trust and/or governors considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

- 5.6. When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a work colleague who is not involved in the area of work to which the concern relates and also who could not be called as witness.

- 5.7. The Academy or governing body or Trust will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Academy or governing body or Trust will advise you about the procedure.

5.8. The Academy, governing body and Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.

5.9. Any person who is subject of an allegation should, at the appropriate times, be given details of the allegation in order to respond. They will have the right to trade union representation.

6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1. This policy is intended to provide you with an avenue to raise concerns within the Academy or Trust or with the governing body. The Academy, Trust and governing body hope you will be satisfied. If you are not, and you feel it is right to take the matter outside the Academy or Trust, the following are possible contact points:

- The Local Authority – Internal Audit;
- The Department for Education
- Awarding Bodies
- Ofsted
- Relevant professional bodies or regulatory organisations;
- Your solicitor;
- The Police;
- Other bodies prescribed under the Public Interest Disclosure Act 1998 e.g.:
- The Audit Commission for England and Wales
- Data Protection Registrar
- Serious Fraud Office
- Environment Agency
- Health and Safety Executive

6.2. If you do take the matter outside the Academy or Trust you need to ensure that you do not disclose confidential or privileged information. Where confidential or privileged information is inappropriately disclosed you may be subject to disciplinary action. Employees considering such action should make themselves aware of Part IVA of the Employment Rights Act 1996 as inserted by the Public Interest Disclosure Act 1998.

7. THE RESPONSIBLE OFFICER

7.1. Within the Academy or Trust the Responsible Officer has overall responsibility for the maintenance and operation of this policy. The Responsible Officer maintains a record of genuine concerns raised and the outcomes are reported as necessary to the Governing Body or Trust Board, in a form that endeavours to maintain your confidentiality as far as possible .

8. REVIEW AND MONITORING

- 8.1. This policy will be reviewed and monitored on an annual basis. The Governing Body and Trust should have particular regard to the identification of the number of racist incidents and racial harassment.

APPENDIX ONE

EXAMPLES OF CONCERNS

This list illustrates the kind of issues the Academy or Trust would consider as malpractice or wrongdoing that could be raised under this whistleblowing policy. Reference should also be made to the Disciplinary Rules for the Academy or Trusts. However, neither list is exhaustive.

- Poor or unprofessional practice by a member of staff, governor or an agency which results in the service user not getting the same quality of service which is available to others;
- Improper/unacceptable behaviour towards a service user which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- Any unlawful activities, whether criminal or in breach of civil law;
- Fraud, theft or corruption;
- Concerns regarding possible breaches of Health and Safety Regulations;
- Harassment, discrimination, victimisation or bullying of employees and/or service users;
- Leaking confidential information in respect of Governing Body or Academy or Trust activities and/or records;
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time;
- Inappropriate contact with members of the public within Academy or Trust facilities, or whilst carrying out governing body duties and/or Academy or Trust duties or outside working time;
- Taking gifts or inducements;
- Inappropriate use of external funding or Academy or Trust budgets;
- Maladministration as defined by the Local Government Ombudsman;
- Breach of any Statutory Code of Practice;
- Breach or failure to implement or comply with any Governing Body policy;
- Misuse of Academy or Trust assets, including computer hardware and software, buildings, stores, vehicles.

APPENDIX TWO

The prescribed persons list – matters related to education

Education

Department for Education

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Contact form

https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

Telephone 0370 000 2288

Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector")

about matters relating to the regulation and inspection of establishment and agencies for children's social care services.

Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

Office of Qualifications and Examinations Regulation

about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Casework Manager
Ofqual
Spring Place
Coventry Business Park
Herald Avenue
Coventry CV5 6UB
Tel: 0300 303 3346
Email: info@ofqual.gov.uk
Online reform form: www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/

General support

Public Concern at Work

Telephone

Whistleblowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

Fax

020 7403 8823

Email

UK advice line: whistle@pcaw.org.uk

Media enquiries: press@pcaw.org.uk

UK services: services@pcaw.org.uk

Address

CAN Mezzanine

7 - 14 Great Dover Street

London SE1 4YR

EQUALITY IMPACT ASSESSMENT POLICY CHECKLIST

Equality Impact Assessment of UET Policy						
Title of Policy	Whistleblowing Policy					
PART 1	Positive Impact – reducing inequalities					
<p><i>Statutory duty/equality legislation: Equality Impact Assessment undertaken or is satisfied.</i> <i>D = Disability, GA = Gender reassignment, P = Pregnancy & Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i></p>	<p>How is the policy likely to have a <u>significant positive impact</u> on equality by reducing inequalities that already exist?</p> <p>Could the policy have a <u>significant negative impact</u> on equality in relation to each of the following groups or characteristics?</p> <ol style="list-style-type: none"> 1. Policy is applicable to all members of staff and temporary staff regardless of foregoing characteristics 2. Controls and probity are maintained and should ensure adherence to financial standards 3. Disciplinary procedures in place support this aspect 4. Minimal impact but allows staff to raise concerns outside of grievance procedures 					
Characteristics Indicate areas of likely impact ☒	Promote equal opportunities	Get rid of discrimination	Get rid of harassment	Promote good community relations	Promote positive attitudes	Promote/ protect human rights
D	✓	✓	✓		✓	✓
GA	✓	✓	✓		✓	✓
P	✓	✓	✓		✓	✓
R	✓	✓	✓		✓	✓
R/B	✓	✓	✓		✓	✓
S	✓	✓	✓		✓	✓
SO	✓	✓	✓		✓	✓
A	✓	✓	✓		✓	✓
M/CP	✓	✓	✓		✓	✓
Equality Impact Assessment of UET Policy	Records					
Name of person responsible for policy	Wendy Whelan					
Date of EIA of Policy	17.12.18					

A = Age, M/CP = Marriage and Civil Partnerships –applies in respect of employment framework policies

Equality Impact Assessment of UET Policy	Evidence
PART 2	
<p>Statutory duty/equality legislation: Equality Impact Assessment undertaken or is satisfied.</p> <p><i>D = Disability, GA = Gender reassignment, P = Pregnancy & Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i></p>	<p>What is the evidence for your answers above? (list any quantitative and qualitative)</p> <p>Whistleblowing complaints are documented and files kept for the relevant period.</p> <p>Reporting to Governors is routine.</p>

Equality Impact Assessment of UET Policy	Conclusion
PART 3	
Summary of findings	<p>The policy should have minimal impact due to thorough standards which are documented and monitored routinely; as a result it is likely that occurrences of the nature envisaged under the whistleblowing policy will rarely occur. The policy is open to all staff (permanent and temporary) regardless of characteristics.</p> <p>Reports are routinely provided to Governors and monitoring also undertaken by outside agencies, governors oversight ensure opportunity for whistleblowing is not prevented and that standards of probity are maintained in financial and other areas of Academy or Trust activity.</p>

Equality Impact Assessment of UET Policy	Next steps		
PART 4			
Category	Actions	Target Date	Person responsible
Next Steps – Action Plan	Ratification of policy and communications		Wendy Whelan CEO
Practical changes required to reduce adverse impact	1. None		
Monitoring and evaluation and Review (publish revised policy)	1. Annual Checkpoint Review		Wendy Whelan CEO