

# Whistleblowing Policy

This policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally, and if necessary outside the management structure of the Trust.

## This policy was approved as follows:

<b>Approver:</b>	Board of Trustees	<b>Date:</b>	17.12.2018
<b>Adopted:</b>	Not applicable	<b>Date:</b>	Not applicable
<b>DSAT owner:</b>	Board of Trustees	<b>Version:</b>	2.0
<b>JCG review date:</b>	November 2018	<b>Review frequency:</b>	3 yearly
<b>Status:</b>	Final	<b>Next review date:</b>	December 2021

This policy applies to all employees regardless of whether they are permanent, fixed term, casual or agency or volunteers.

## Document History

Version	Version Date	Author	Summary of Changes
<b>V1.0 (draft)</b>	6.8.18	Director of Operations	Policy reviewed in full and new version created to reflect changes of the organisations governance structures and other DSAT policies and procedures.
<b>V1.0 (draft)</b>	6.8.18	Central team	Consultation with central team. Recommendations made.
<b>V1.1 (final draft)</b>	8.8.18	Director of Operations	Policy updated to reflect recommendations made.
<b>V1.2 (final draft)</b>	15.8.18	Director of Operations	Policy updated and in final draft form to be approved by Board – 20 <sup>th</sup> September 2018
<b>V1.3 (final draft)</b>	10.12.18	Director of Operations	Policy updated following internal consultation with Heads and senior leaders – including table of contents updates and inclusion of LADO details for Leicester City and Rutland.
<b>V2.0</b>	17.12.18	Head of Governance	Board approved

## Contents

1. Scope.....	1
2. Aims .....	1
3. Confidentiality.....	1
4. Making a disclosure .....	2
4.1 Who can make a disclosure? .....	2
4.2 How to make a disclosure: .....	3
4.3 Who should a whistleblower disclose to: .....	3
5. How the disclosure will be managed .....	3
6. Outcome of the Investigation .....	4
7. Monitoring .....	4
8. Review.....	5
Appendix 1 – Seven Principles of Public Life .....	6
Appendix 2 – Whistleblowing Reporting Form.....	7
Appendix 3 – Whistleblowing – contacts for emailing .....	8

## 1. Scope

The trust take seriously all whistleblowing disclosures raised and is committed to the highest standards of openness, honesty and accountability; upholding the Seven Principles of Public Life (*see appendix 1*). It is very important that all employees feel they are able to talk about *any* concerns they may have and where they have reasonable cause to believe there has been a detrimental effect on education provided to pupils and the working environment for staff.

This policy encourages and enables employees to raise promptly (disclose) any serious concerns they may have about the activities of employees, individuals involved in governance, or external organisations in relation to their dealings with the trust, without worrying about doing so.

Whistleblowing inside the work place is the term used to describe reporting (disclosure) by employees or ex-employees, of wrongdoing on the part of management, governance, or by fellow employees. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Trust Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers.

There are existing procedures in place to enable employees to raise a grievance relating to their own employment. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of those procedures. There are separate complaints policies/procedures for service users/pupils, and their relatives.

This Whistleblowing Policy does not replace other policies and procedures including the following:

- i. Child Protection/Safeguarding
- ii. Complaints
- iii. Disciplinary
- iv. Grievance
- v. Fraud
- vi. Staff Code of Conduct

## 2. Aims

This policy aims to:

- Enable employees to raise any concerns they may have and to receive feedback about the outcome of any resulting investigation. It is important to note that the employee will not receive information regarding the detail of the investigation or any actions taken;
- Allow employees to understand how and where to escalate their concerns if, following the completion of any internal processes, their concerns remain.
- Protect employees from reprisals or victimisation for 'whistleblowing' in good faith and sets out the expectation that it is everyone's responsibility to raise concerns and live by the Trust values: Integrity, Democracy, Improvement, Connectivity and Altruism.

## 3. Confidentiality

Where an employee has a concern it may be about something that is either already happening, has taken place, or is likely to happen in the future and is:

- A criminal offence or is potentially unlawful;
  - Contrary to safeguarding and child protection policies and procedures
  - A contradiction to what the employee has been taught, or should have been taught,
  - Believed to be, against policies and/or codes of practice issued by the Trust, the school, the DFE, EFA or a professional body,
  - A miscarriage of justice,
  - An act of fraud, corruption or bribery. *Refer to Fraud Policy for further information*
  - Decision making for personal gain,
  - Abuse of position to influence decisions,
  - Seems likely to cause damage or harm to a member of the public, the Trust and or School, employees or the pupils, including bullying or victimizing,
  - An act creating a risk to health and safety,
  - An act causing damage to the environment,
  - Is a breach of any other legal obligation,
- Or**
- Is a deliberate attempt by an individual or group of people to conceal any of the above.

Such disclosures should be made confidentially rather than anonymously. It is much more difficult to investigate anonymous disclosures and it will not be possible to provide feedback to an anonymous whistleblower. Anonymous disclosures will only be considered if the issues raised are:

- very serious
- the credibility of the allegation is considered to be high
- the likelihood of confirming the allegation is high

The trust will respect the whistleblowers confidentiality when investigating a disclosure and where it is made in good faith and falls into to one (or more) of the above categories, the whistleblower will be afforded protection under the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain. The trust does not tolerate any form of harassment or victimisation against an individual raising a concern.

A full list of disclosures qualifying for protection can be found in the Public Interest Disclosure Act 1998.

If an employee fails to raise a concern based upon the above categories this may result in disciplinary action being taken.

The trust will seek consent from the whistleblower before disclosing information that could identify them. If the whistleblower does not provide consent, it may be that the trust is unable able to investigate the allegation any further. If the allegation is sufficiently serious to require an investigation the trust may reveal the whistleblower's identity without consent.

## **4. Making a disclosure**

### **4.1 Who can make a disclosure?**

- Any individual who currently works for or who has previously worked for the trust.
- An individual who works for an organisation that provides a service to the trust such as agency workers or contractors.
- Volunteers, including individuals involved in governance

## 4.2 How to make a disclosure?

Disclosures can be raised orally or in writing, by completing the Whistleblowing Reporting Form (see appendix 2). It is important that the whistleblower provides as much detail as possible (including specific names, dates and places where known).

## 4.3 Who should a whistleblower disclose to?

All safeguarding concerns must be reported to a Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL). Concerns that a member of staff or adult working at school may pose a risk of harm to a child or young person must be disclosed to the DSL (Head teacher) who will contact firstly the Local Authority Designated Officer (LADO), then the Head of Safeguarding and Pupil Wellbeing.

- Employees or volunteers based in a school should make their disclosure to their Line Manager who will determine if they can take the disclosure forward or need to escalate it to a more senior level. In situations where the employees may feel unable to approach their Line Manager, they may contact the Head teacher.
- Where the concerns being raised relate to the Head teacher, employees may contact Cluster Leads who will then inform the CEO.
- Where the concerns being raised relate to the executive or central team, employees should contact the CEO.
- Where the concerns being raised relate to the CEO, employees should contact the Trust Board Chair.
- Employees centrally employed by the trust should make their disclosure to their line manager who will determine if they can take the disclosure forward or need to escalate it to a more senior level.
- Where an employee is concerned that an Advisory Board member or Cluster Governor is acting or proposing to act unreasonably or has failed to discharge its duties, this can be raised with the Head of Governance.
- Where an employee is concerned that the Board of Trustees is acting or proposing to act unreasonably or has failed to discharge its duties, this can be raised with the Head of Governance.
- Trade Union members may wish to contact their union representative for assistance or advice on raising an issue.

***Names and contact information for the above people can be found in appendix 3.***

Alternatively where concerns are of a serious nature and criminal activity is suspected, employees have a duty to raise issues directly with the Police or other relevant agency as they see fit.

## 5. How the disclosure will be managed?

The action taken will depend on the nature of the disclosure. For example, the matter may:

- Be investigated internally;
- Be investigated by the Central Executive Team;
- Be investigated by a third party;
- Be referred to an External Auditor;
- Be referred to the Police; or
- Form the subject of an independent inquiry.

To protect individuals and the trust, initial enquiries will be made to determine whether a formal investigation is appropriate and what form it should take. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of trust staff, legal or HR advisors, the police or the DfE.

Allegations which fall within the scope of specific procedures (e.g. child protection or unlawful discrimination issues) will normally be dealt with under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

The person with whom the disclosure was made will write to the whistleblower (within 10 working days of receiving the disclosure) to:

- Acknowledge the disclosure;
- Indicate how it is proposed to deal with the matter;
- Advise whether further investigations will take place and, if not, why not; and
- Confirm, where possible, an estimate of how long it will take to provide a final response.

If necessary, further information will be sought from the whistleblower regarding the disclosure. A whistleblower will have the right to be accompanied at any meetings by a Trade Union representative or work colleague.

The Investigating Manager will submit the initial investigation report to the Director of Operations to determine if and what other procedures might need to be invoked depending on the nature of the disclosure. Details pertaining to the disclosure will be recorded for monitoring purposes and retained in line with the Document and Retention Management policy.

## **6. Outcome of the Investigation**

If a formal investigation is warranted, the whistleblower will be informed about the outcome of any investigation but not the detail of the investigation or any action taken against another employee (e.g. disciplinary action).

The whistleblower has no right of appeal against the outcome of the investigation, however, if they are not satisfied with the outcome of the investigation and wish to take the matter outside the trust, they may contact:

- For safeguarding issues only:
  - Leicestershire County Council's Allegations Manager (LADO) Mark Goddard 0116 305 7597, Karen Browne (Tel: 0116 3057597);
  - Leicester City LADO / Allegations: Jude Atkinson / Lesley Booth 0116 454 2440
  - Rutland LADO / Allegations: Tracy Holliday: 01572 720 913
- Department of Education: Via the [schools complaints form](#)
- Regional Schools Commissioner via [emh.rsc@education.gov.uk](mailto:emh.rsc@education.gov.uk)
- Relevant professional bodies or regulatory organisations; (EFA, Ofsted, HM Revenue and Customs).
- The Police; via the non-emergency number – 101 or by contacting the local neighbourhood policing team.
- The whistleblowing charity, Public Concern at Work (Tel: 020 7404 6609);
- The Audit Commission (Tel: 0845 052 2646).

When taking the matter outside of the trust, the whistleblower must ensure that they do not disclose any confidential information about the trust or its employees and pupils which is not relevant to the issue.

If on investigation, it is considered that an individual has made malicious allegations without any real substance, then these too will be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

## **7. Monitoring**

The Finance, Audit and Risk Committee will receive reports from the Director of Operations on an annual basis setting out the circumstances and actions taken for all whistleblowing disclosures. The identity and confidentiality of the whistleblower will be protected in these reports and not disclosed.

The committee will consider the wider implications and lessons learnt for the Trust. These considerations will include whether policy and procedures could be improved to better protect the interests of the Trust in the future.

## **8. Review**

This policy will be reviewed annually by the Central Executive team to assess its effectiveness, and will be updated as necessary. Significant changes will be presented to the Board of Trustees for approval.



## Appendix 1

### The Seven Principles of Public Life

Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations.

#### 1. Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### 2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### 3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### 4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### 5. Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### 6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### 7. Leadership

Holders of public office should promote and support these principles by leadership and example.

## Whistleblowing Reporting Form

If you have any whistleblowing disclosure please print and complete this form. Disclosures are then raised as the policy states above. Disclosure should be made confidentially rather than anonymously as anonymous disclosures make it difficult to conduct a full and thorough investigation.

Name of person(s) you suspect:

Place of Work / Job title (if known):

Please provide details of your suspicions. You should include as much information as possible. For example, what was said in telephone or other conversations, dates, times, and places, as well as the names of any other parties involved. (Continue on a separate page if necessary and attach any evidence you may have – if appropriate)

Your Name:

Your telephone number or contact address:

Please return this form as indicated in the section “**Who should a whistleblower disclose to**”. Email addresses can be found in Appendix 3 of the Whistleblowing Policy.

## Appendix 3

### Contact Information for emailing completed Whistleblowing Reporting Form

David Williams	Chair of the Board of Trustees	<a href="mailto:dwilliams@discoveryschoolstrust.org.uk">dwilliams@discoveryschoolstrust.org.uk</a>
Paul Stone	CEO	<a href="mailto:pstone@discoveryschoolstrust.org.uk">pstone@discoveryschoolstrust.org.uk</a>
David Briggs	Cluster Lead for North and South schools	<a href="mailto:dbriggs@discoveryschoolstrust.org.uk">dbriggs@discoveryschoolstrust.org.uk</a>
Dawn White	Cluster Lead for Central schools	<a href="mailto:dwhite@discoveryschoolstrust.org.uk">dwhite@discoveryschoolstrust.org.uk</a>
Liz Braithwaite	Head of Safeguarding and Pupil Wellbeing	<a href="mailto:lbraithwaite@discoveryschoolstrust.org.uk">lbraithwaite@discoveryschoolstrust.org.uk</a>
Helen Stockill	Head of Governance	<a href="mailto:hstockill@discoveryschoolstrust.org.uk">hstockill@discoveryschoolstrust.org.uk</a>
Louise Barber	Director of Operations	<a href="mailto:lbarber@discoveryschoolstrust.org.uk">lbarber@discoveryschoolstrust.org.uk</a>