

drb Ignite Multi Academy Trust

Whistleblowing Policy

Rationale

The Whistleblowing Policy is to help staff in the drb Ignite Multi Academy Trust to raise concerns about possible malpractice(s) at an early stage and in the right way. The Trust would rather staff raise any matter when it is just a concern rather than wait for concrete proof.

If something troubles a member of staff which they think the Trust should know about or look into, they are advised to use this Policy. The Whistleblowing Policy is not for use in relation to personal grievances. The Trust's Grievance Procedure is designed for that purpose. This Whistleblowing Policy is primarily for concerns where the interests of others, or of the organisation, itself are at risk.

Situations covered by the Whistleblowing Policy are likely to include circumstances where staff believe that one or more of the following may be possible:

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
- A miscarriage of justice has been/is likely to occur
- The health or safety of any individual has been/is likely to be endangered
- The environment has been/is likely to be damaged
- Public funds are being used in an unauthorised manner
- The Trust's governance arrangements have not or are not being observed or are being breached by pupils, staff employed in or those working with the Trust
- Sexual or physical abuse of any employee or pupil is taking place (subject to the Safeguarding and Child Protection Policy and Procedures in the case of pupils)
- Discrimination is occurring against any member of staff or pupil on grounds of sex, race or disability
- There is evidence of activities not in line with a democratic, multi-cultural, multi-faith inclusive Britain
- Any other form of improper action or conduct is taking place
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

Policy aims

The Policy aims to:

- encourage employees in or working with the Trust, to feel confident in raising serious concerns and to question and act upon their concerns
- provide ways for employees in or working with the Trust to raise those concerns and get feedback on any action taken as a result
- ensure that employees in or working with the Trust are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action
- reassure employees in or working with the Trust that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate and policies procedures are available. For example:

- Grievances – (see Grievance Policy and Procedure)
- Harassment – (see Anti-Harassment Policy and Procedure)
- Complaints of misconduct against Trustees
- Safeguarding /Child protection (see Safeguarding and Child Protection Policy and Procedures)

Policy scope

All Trust staff whether permanent, temporary or seconded from another organisation should use this Policy. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this Policy.

Assurance of being taken seriously and protected

Staff raising a genuine concern through this Policy, will not be at risk of losing their employment or suffering any form of retribution as a result. Provided a staff member is acting in good faith, it does not matter if they are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Trust Board will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that staff may, nonetheless, want to raise a concern in confidence under this Policy.

Requests for confidentiality will be granted, and identity will not be disclosed without consent. If the situation arises where resolution of the concern is not possible without revealing identity, for example, because evidence is needed in court, discussions with the staff member raising the matter will be held collaboratively to decide on how to proceed.

Furthermore in line with GDPR requirements, all personal information will be processed to meet with the [GDPR Article 5\(39\) \(Principles relating to processing of personal data\)](#), and follow the [EDPS Guidelines on processing personal information within a whistleblowing procedure 2016](#) and DfE [Guidance on Whistleblowing Procedures for Schools \(2014\)](#).

Legal context and background

The Public Interest Disclosure Act 1998, referred to as the *Whistleblower's Act*, protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act covers protected disclosures under six categories namely:

- Crime
- Illegality
- Miscarriage of justice
- Damage to health and safety
- Damage to the environment
- *Cover-ups* about these issues.

To obtain protection, employees must first disclose the information to their employer.

Therefore, this Policy has been adopted to provide an avenue within the Trust to raise concerns safely. If a member of staff chooses to take a matter outside the Trust, s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave staff members vulnerable to disciplinary or other action if they disclose confidential information in circumstances not covered by the Act.

Staff unsure whether to use this Whistleblowing Policy for their particular concern or who require support at any stage are advised to contact:

- the Trust's Director of Privacy and Data Protection
- if applicable, a relevant trade union or teacher professional association
- the independent charity, *Public Concern at Work*, (Tele: 020 7404 6609) where lawyers can give confidential advice about how to raise a concern about serious malpractice at work.

Raising a concern

As soon as a member of staff becomes reasonably concerned, any matter should be raised initially with the member of staff's head teacher or line manager unless s/he is the potential transgressor. In such a case the matter should be raised with the Trust's CEO. If s/he is the reason for the concern, or suspected of being connected with it, contact should be made with the Trust Chair.

Concerns may be raised orally or in writing. Staff who wish to make a written report should submit the following information as clearly as possible:

- the background and history of the concern (giving all relevant dates)
- the reason why they are particularly concerned about the situation

The Trust response

Once the Trust has been informed it can assess what action should be taken. This may involve an internal inquiry or a more formal investigation. The member of staff will be told:

- who will be handling the matter
- how they can be contacted
- whether further assistance may be needed.

If the member of staff requests it, the Trust or head teacher of the school involved will write to the member of staff summarising the concern and setting out how it will be handled. At this stage, it is essential that the member of staff declares any personal interest.

The member of staff may be asked for their view on how best the situation can be resolved. Should the concern fall within another policy of the Trust, for example the Grievance Policy, the member of staff will be informed at this point.

While the purpose of this Policy is to enable an investigation of possible malpractice and take appropriate steps to deal with it, the member of staff will be given as much feedback as is possible about the situation. Any response may be limited by other confidentiality.

Concerns or allegations which fall within the scope of specific procedures, for example child protection, will normally be referred for consideration under that relevant procedure. Some concerns may be resolved by agreed action without the need for investigation. If immediate, urgent action is required, this will be taken before any investigation is conducted.

As appropriate, the matter raised may:

- be investigated by a member of the Trust's Executive Team, representatives of the Board of Trustees or through the Trust's formal Disciplinary Policy and Procedures.
- be referred to the police.
- be referred to the Trust's external auditor
- form the subject of an independent inquiry.

Within two weeks of a concern being raised, the representative looking into the concern will contact the member of staff raising the concern:

- acknowledging that the concern has been received
- indicating how the Trust proposes to deal with the matter
- giving an estimate of how long it will take to provide a full response
- stating whether any initial enquiries have been made
- supplying information about support available to the member of staff
- stating whether further investigations will take place and if not, why not.

Subject to any legal constraints, the member of staff will normally be informed of the final outcome of any investigation.

Steps to ensure effective safeguards for the person raising the concern

- The Trust is clear that it will not tolerate any harassment or victimisation, including informal pressures, and will take appropriate action to protect staff who raise a concern in good faith.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the member of staff.
- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- Every effort will be made to ensure confidentiality as far as this is reasonably practical.
- Help will be provided in order to minimise any difficulties resulting from any referral. This may include advice on giving evidence if needed.
- Meetings can be arranged off-site and with representation if that is the wish of the member of staff.

Staff satisfaction

Staff who are not satisfied with the action taken by the Trust and feel it right to question the matter further, should contact the Chair of the Trust Board in the first instance. Advice may also be sought from the following possible contacts:

- The ESFA
- Ofsted
- The Trust's independent auditors
- The employee's Trade Union
- The Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- The Local Government Ombudsman
- The Information Commissioner
- A relevant voluntary organisation
- The Police and/or Health and Safety Executive

Recording and monitoring

The Trust will ensure it has sufficient internal arrangements to address the requirements of this Policy, including appropriate support for the CEO, trustees and head teachers in implementing it.

The Trust will maintain a Whistleblowing Register containing all concerns that are brought to its attention.

The Trust will review the Whistleblowing Register and produce an annual report. The Report will not mention the names of members of staff, only the concerns raised, the number of such concerns, the fact that the concern relates to a school or other education service provided by the Trust, and the

nature of the job held by the person over whom the concerns were raised, if not bound by confidentiality. The Report will also note any issues arising from the same with the intention of:

- preventing the occurrence of similar concerns in future
- consistency of treatment across schools and the Trust

For the avoidance of doubt, the Whistleblowing Register – along with the annual report referred to above – will be available for inspection by both internal and external audit, after removing any items which any member of staff has asked should remain confidential.

Monitoring and review	Trust Board
Links	Staff Code of Conduct Safeguarding and Child Protection Policy
Staff responsible	CEO Trust Board
Date approved	November 2018
Reviewed	September 2020
Next review	November 2021
Sign off by Chair of Trust	 Date: September 2020

*Please note that should there be any changes/further national guidance issued relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next Trust Board meeting.

Change Management

Issue No.:	Change date:	Change description:
1.0	Sept'17	Initial release
2.0	Nov'18	Rebranded, updated and signed off for release
3.0	Nov'19	Review
4.0	Sept' 20	Review