

# Whistleblowing Policy

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## 1. Introduction

Hatton Academies Trust is committed to conducting every aspect of its business with honesty and integrity and expects every member of staff to maintain the highest standards of professional and ethical conduct. The Trust actively promotes a culture of openness and accountability which is essential.

The Whistleblowing Policy is intended to help employees in Hatton Academies Trust who have concerns over any wrong-doing within the Trust or a Trust Academy relating to unlawful conduct, financial malpractice or dangers to the public or the environment. Specific examples could include: -

- 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 or an Academy within it has broken the law
- The Trust's scheme of delegation and governance arrangements have/are not being observed or are being breached by students or staff.
- Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children)
- Discrimination is occurring to any member of staff or service recipient on grounds of a protected characteristic (ie age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; gender; sexual orientation).
- 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.

The list below defines (but is not exhaustive) who is protected by the Whistleblowing Policy:

- i. Employees
- ii. Agency Workers
- iii. Self-employed workers/contractors
- iv. Volunteers
- v. Visitors

The Board of Directors have prepared this Code so as to enable employees to raise concerns about such malpractice(s) at an early stage and in the right way. The Board of Directors would rather that employees raised the matter when it is just a concern rather than wait for concrete proof.

If something is troubling you, which you think we should know about or look into, please use this code. If, however, you are aggrieved about your personal position as an employee, please use the Trust's Grievance Policy – which is available on the Staff Portal. This Whistleblowing Policy is primarily for concerns where the public interests of others or of the organisation itself are at risk.

## **2. Aims of the Whistleblowing Policy**

The Code aims to:

- Encourage employees in the Trust to feel confident in raising serious concerns and to question and act upon their concerns in the public interest;
- Provide ways for employees in the Trust to raise those concerns and get feedback on any action taken as a result;
- Ensure that employees get a response to their concerns;
- Ensure that employees are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure employees 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 procedures are available for example:

- Employment/Staff Grievances – (see Grievance Policy)
- Harassment or Bullying – (see Staff Code of Conduct).
- Child Protection (see Child Protection Policy and Procedures)

## **3. Who is covered by the Hatton Academies Trust Whistleblowing Policy?**

All employees in Hatton Academies Trust may use this policy. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employees secondment, can also be raised under this Code.

## **4. What is the Legal Background?**

The Public Interest Disclosure Act 1998 (hereinafter referred to as 'the Whistleblowers 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 only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, danger to health and safety, damage to the environment, and 'cover-ups' about these issues. To obtain protection, employees must first disclose the information to the employer.

Therefore this Code has been adopted to provide an avenue within the Trust to raise concerns.

If an employee takes the 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 employees, vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

If you are unsure whether to use this Trust's Whistleblowing Policy or you want independent advice at any stage, you are advised to contact:

- If applicable, your relevant trade union; or
- The independent whistleblowing charity Public Concern At Work on 020 7404 6609. Their lawyers can give confidential advice at any stage about how to raise a concern about serious malpractice at work.
- The Whistleblowing Charity 'Protect' – [Protect - Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\).](http://Protect - Speak up stop harm - Protect - Speak up stop harm (protect-advice.org.uk).)

## **5. How should a concern be raised?**

Concerns should be raised internally using the procedures in this policy. As soon as you become reasonably concerned the matter should be referred to the Hatton Academies Trust CEO or Chair of the Board of Directors.

Employees who wish to make a written report should mark it as confidential and use the following format.

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

## **6. How will the CEO/Board of Directors respond?**

Once you have told the CEO, or Chair of the Board of Directors of your concern, they will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. You will be told who may be handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request it, the CEO/Chair of the Board of Directors will write to you summarising your concern(s) and setting out how it will be handled.

When you raise the concern you may be asked how you think the concern(s) might best be resolved. If you have any personal interest in the matter, you should tell the CEO/Chair of the Board of Directors at the outset. Should your concern fall within another policy of the Academy (for example, the Grievance Policy), you will be notified.

While the purpose of this policy is to enable the Trust to investigate possible malpractice and take appropriate steps to deal with it, you will be given as much feedback as practicable which, if requested, will be in writing. Please note, however, that details of precise action taken may not be disclosed where this would infringe a duty of confidence by us to someone else.

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 urgent action is required, this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- Be investigated by management or through the disciplinary process.
- Be referred to the police.
- Be referred to the external auditor
- Form the subject of an independent inquiry.

Usually, within two weeks of a concern being raised, the person looking into the concern will write to the person 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
- Saying whether any initial enquiries have been made
- Supplying information on support available to you; and
- Saying whether further investigations will take place and if not, why not.

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

## **7. What Safeguards are there for the person raising the concern?**

Safeguards for the person raising the concern are:

- The CEO and Chair of the Board of Directors will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect those 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 employee.
- 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. Where an employee has asked for anonymity their identity will not be disclosed without their prior consent.
- Help will be provided to employees in order to minimise any difficulties, which s/he may experience. This may include advice on giving evidence if needed. If required meeting may, if necessary, be arranged off-site and employees have the right to be accompanied if they so wish

## **8. How can a concern be taken further?**

Concerns may be taken further by:

- Employees in the Trust who are not satisfied with the action taken by the CEO and Chair of the Board of Directors and feels it right to question the matter further, may consider the following possible independent contact points:
- Your Trade Union
- The Citizens Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Information Commissioner
- A relevant voluntary organisation
- The Police
- Health and Safety Executive

## **9. What is the Protected Disclosures Act?**

The purpose of the Protected Disclosures Act is to encourage people to report serious wrongdoing in their workplace by providing protection for employees who want to 'blow the whistle'. This applies to public and private sector workplaces.

## **10. What is 'Serious Wrongdoing'?**

Serious wrongdoing includes:

- Unlawful, corrupt or irregular use of public money or resources
- Conduct that poses a serious risk to public health, safety, the environment or the maintenance of the law
- Any criminal offence
- Gross negligence or mismanagement by public officials

## **11. When is a Disclosure Protected?**

To make a protected disclosure, you must be an 'employee' of the organization you are making the disclosure about.

Under the Act, 'employee' includes:

- Current employees
- Former employees
- Homeworkers
- Contractors

- People seconded to organisations
- Volunteers

Your disclosure will be protected if:

- The information is about serious wrongdoing in or by your workplace
- You reasonably believe the information is true or likely to be true, and
- You want the serious wrongdoing to be investigated.

Your disclosure won't be protected if:

- You know the allegations are false
- You act in bad faith
- The information you're disclosing is protected by legal professional privilege.

## **12. How do you make a Protected Disclosure?**

Generally speaking, protected disclosures must be made in accordance with your 'organisations' internal procedures for dealing with information about serious wrongdoing. Public sector organisations are required to have these internal procedures and this policy details the procedure for Hatton Academies Trust.

Protected disclosures can be made to an appropriate authority if you reasonably believe:

- The CEO or a member of the Board of Directors is involved in the serious wrongdoing
- It is justified because of urgent or exceptional circumstances
- You've made the disclosure in accordance with the Trust's internal procedures, but there's been no action or recommended action within 20 working days.

## **13. What are appropriate authorities?**

Appropriate authorities and external bodies to whom a whistleblowing concern can be escalated to are included in the link below:

[Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/list-of-prescribed-people-and-bodies)

## **14. What are the protections?**

The Act provides that no civil, criminal, or disciplinary proceedings can be taken against a person for making a protected disclosure, or for referring one to an appropriate authority.

The Act also provides that an employee who suffers retaliatory action by their employer for making a protected disclosure can take personal grievance proceedings under the Employment Relations Act.

It is also unlawful under the Human Rights Act to treat whistle-blowers or potential whistle-blowers less favorably than others in the same or similar circumstances. If a whistle-blower is victimized in this way the legal remedies under the Human Rights Act may be available to them.

## **15. Confidentiality**

If you make a protected disclosure, information which identifies you will be kept confidential, unless one of the exceptions in the Act applies.

The exceptions are if you consent to the disclosure, or if disclosure is essential:

- To the effective investigation of the allegations
- To prevent serious risk to public health or safety, or the environment
- To comply with the principles of natural justice

## **Appendix 1: Whistleblowing code for issues relating to children and young people**

### **Purpose of the code**

The Trust adheres to its agreed whistleblowing policy and procedures that enable staff to raise concerns.

This code provides additional information to help staff to understand the role of whistleblowing in the context of poor practice and unacceptable conduct and attitudes towards children.

### **When to use the code**

The whistleblowing procedures and this code may be used by anyone employed by the Trust in a paid or voluntary capacity who believes they have reason to suspect that the conduct of an employee towards a pupil is inappropriate.

Inappropriate conduct includes, but is not confined to:

- Bullying or humiliation
- Contravening health and safety legislation
- Serious breaches of the trust's code of ethical practice
- Professional practice that falls short of normally accepted standards
- Compromising pupils' welfare but in a way that does not meet the threshold for child protection intervention

### **Reasons to whistle blow**

Staff will be naturally be reticent to report a concern about the conduct of a colleague. However, each individual must take responsibility for ensuring the pupils are fairly treated. If poor practice is allowed to continue unchecked, it could escalate with serious consequences. Your action not only protects pupils, but also deters any suggestion that you have colluded with poor practice that you knew was occurring but chose to ignore.

Whistleblowing can also support the member of staff who is in the subject of the concern. Their conduct may result from inexperience or lack of training that can be addressed by the Trust, or they may be under stress or duress and be relieved when their conduct is questioned.

Staff who deliberately fail pupils and show no remorse or desire to improve are unlikely to welcome being exposed, but their conduct has to be confronted for the sake of the pupils and the reputation of the whole Trust.

### **Barriers to whistle blowing**

You may worry that you have insufficient evidence to raise a concern, that you will set in train or unstoppable chain of events, that there will be adverse repercussions for your career, that you may suffer harassment or victimization, or that your suspicion or concern might be totally misplaced.

These concerns are entirely understandable but you can be reassured that whistleblowing procedures addressed these issues.

The Public Interest Disclosure Act 1998 protects employees from reprisals for public interest whistleblowing. Your union, or a solicitor can provide you with information about your legal position.

### **Confidentiality and anonymity**

All concerns are treated in confidence and, as far as possible, your identity will not be revealed if that is your wish. However, absolute confidentiality cannot be guaranteed, if as a result of an investigation, you are required to provide a witness statement or attend a court hearing.

You can, if you prefer, raise your concern anonymously. The Trust Academy would need to decide whether the levity and credibility of the concern warrants investigation if the source of the concern, and the key evidence, is not readily available.

The Trust will fully support you and do all it can to protect you from any harassment or adverse repercussions that may arise from whistleblowing.

Allegations that prove to be deliberately fabricated and malicious will be dealt with through staff disciplinary procedures. However, no action will be taken against any member of staff who raises a genuine concern that proves to be unfounded.

### **Reporting Procedure**

- It may help if you write down, for your own benefit, what you have observed or heard that is causing alarm. One useful way to decide whether your concern should be reported, is to consider whether you would want the conduct of this member of staff to continue unchecked if your own child or another young family member was involved.
- You may raise your concern verbally or in writing. You should report any concern directly to the Principal/Head Teacher or CEO.
- If the CEO is the subject of your concern, communicate this to the Chair of the Board of Directors.
- A friend, colleague or union representative may accompany you to the meeting if you wish
- Ensure the CEO or Chair of the Board of Director informs you of their proposed action and sets a date for a second meeting
- Timescales will depend on the complexity of the initial enquiry but the case should not be allowed to stall and you should receive initial feedback within 10 working days. The timescale for subsequent feedback should then be agreed.
- Ask for clarification about confidentiality and ensure you have your wishes regarding the protection of your identify recorded.

### **Process and outcome**

The CEO or Chair of the Board of Directors will make enquiries to establish the facts of the matter and whether poor practice or inappropriate conduct has occurred.

Members of the Academy community, including Directors, may be asked to provide information or advice.

External advice, for example, from the Academy's legal advisors or Children's Service may be sought.

A written record of the conduct, established facts and outcome of the enquiry will be kept. The whistle-blower will be kept informed of the progress of the enquiry.

The outcomes of the inquiry will be one of the following:

- a. No poor practice or wrongdoing is established and the case is closed
- b. The concern has some substance and the subject of the concern will receive advice and support from the Principal/Head Teacher/CEO to improve practice
- c. Poor practice or wrongdoing is established and disciplinary proceedings are initiated.
- d. The concern is more serious and an investigation is initiated. This investigation may involve the Local Authority's legal team, Children's Social Care or the Police.

If, at any stage in the process there is reason to believe that a child is at risk of significant harm, Children's Social Care will be immediately involved.

### **Further Action**

If you raise a concern and you are dissatisfied with the way it is managed, or the outcomes, you may contact the Board of Directors for advice.

Alternatively you can seek advice from your Union or Professional Association, a Solicitor, the Police, Public Concern at Work (PCaW), a registered charity that offers free and confidential legal advice on workplace matters [www.pcaw.co.uk](http://www.pcaw.co.uk), or the whistleblowing charity 'Protect' <https://protect-advice.org.uk>.