



## 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.

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<b>Consultation groups</b>	Joint Consultative Group
<b>Approved by</b>	Board of Trustees
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<b>Applicable to</b>	All employee and 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
<b>V2.1</b>	31.08.21	Head of Governance	Whistleblowing contact updated, whistleblowing email address included.
<b>V2.0</b>	November 2021	Head of Governance	Streamlined scope & aims. Reordered section 3, 4 & 5. Minor edits to aid readability section 6.

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## 2. Scope

We are committed to conducting our business with honesty and integrity, taking into account the standards expected of institutions in public life, as set out in the Nolan Principles (see appendix 1). However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are:

- a) To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- b) To provide employees with guidance as to how to raise those concerns;
- c) To reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

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

- a) Child Protection/Safeguarding
- b) Complaints
- c) Disciplinary
- d) Grievance
- e) Fraud
- f) Employees Code of Conduct

## 3. Who does this policy apply to?

This policy applies to:

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

The term 'employee' is used as the collective terms for those outlined above.

## 4. What is whistleblowing?

**Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- a miscarriage of justice;
- an act creating a risk to health and safety;
- an act causing damage to the environment;
- an act of fraud, corruption or bribery;*Refer to Fraud Policy for further information*
- decision making for personal gain or an abuse of position to influence decisions;
- safeguarding and child protection concerns not being dealt with properly;
- a contradiction to what the employee has been taught, or should have been taught;
- an act believed to be, against policies and/or codes of practice issued by the Trust, the school, a regulatory or professional body;

- 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;
  - a breach of any other legal obligation;
- Or**
- a deliberate attempt by an individual or group of people to conceal any of the above.

A **whistleblower** is a person who raises a genuine concern in good faith relating to any of the above. Any genuine concerns related to suspected wrongdoing or danger affecting any of the trust and school activities (a whistleblowing concern) should be reported under this policy.

Employees have a professional duty to report any concerns which put the safety of others or the organisation at risk. Failure to raise a concern may result in disciplinary action being taken.

The wrongdoing or malpractice covered by whistleblowing must be in the public interest; personal grievances will not be classed as whistleblowing and should be dealt with according to the grievance procedures.

## **5. Confidentiality and anonymity**

Whistleblowing concerns should be made confidentially rather than anonymously. It is much more difficult to investigate anonymous concerns and it will not be possible to provide feedback to an anonymous whistleblower. Anonymous concerns 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 seeks to respect the whistleblower's confidentiality when investigating a concern.

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, for example serious criminal offences which are referred to the Police.

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.

## **6. Raising a whistleblowing concern**

All safeguarding concerns must be reported to a Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL). Concerns that a member of employees 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 the Local Authority Designated Officer (LADO).

Other whistleblowing concerns should be disclosed to:

### **School based employees**

- 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 Headteacher.
- Where the concerns being raised relate to the Headteacher, employees should contact the Trust Leader.

#### **Central employees**

- 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 the concerns being raised relate to the executive or central team, employees should contact the Trust Leader.
- Where the concerns being raised relate to the Trust Leader, employees should contact the Chair of the Board of Trustees.

#### **Governance volunteers**

- Concerns that a Trustee or Advisory Board member is acting or proposing to act unreasonably or has failed to discharge their duties, can be raised with the Chair of the Board of Trustees or the Head of Governance.

#### ***See appendix 3 for contact details.***

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.

Trade Union members may wish to contact their union representative for assistance or advice on raising an issue.

### **7. How the concern will be managed?**

The action taken will depend on the nature of the concern. 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 employees, 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 concern was made will write to the whistleblower (normally within 10 working days of receiving the concern) to:

- Acknowledge the concern;
- 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. 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 concern. Details pertaining to the concern and investigation will be recorded for monitoring purposes and retained in line with the Document and Retention Management policy.

## 8. Outcome of the Investigation

If a formal investigation is warranted the whistleblower will be informed, subject to legal constraints, 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:

- 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; (ESFA, Ofsted, HM Revenue and Customs).
- The Police; via the non-emergency number – 101 or by contacting the local neighbourhood policing team.
- The whistleblowing charity, [Protect](#)
- The National Audit Office ([enquiries@nao.gsi.gov.uk](mailto:enquiries@nao.gsi.gov.uk)) [Whistleblowing](#) hotline – 020 7798 7999.

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.

## 9. Monitoring

An annual report to Trustees will be provided by the Director of Operations 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.

## 10. Review

This policy is formally reviewed and approved by the Board of Trustees every three years. The policy will be updated as necessary to reflect best practice and to ensure compliance with any changes or amendments to relevant legislation.

## **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.

**Appendix 2**

**Whistleblowing Reporting Form**

Please use this form to report any serious concerns that you may have under the scope of the Whistleblowing Policy. Concerns 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 to your line manager. In situations where you may feel unable to approach your Line Manager you can refer your concern to any of the whistleblowing contact listed in Appendix 3 of the Whistleblowing Policy.

## Appendix 3

### Whistleblowing Contacts

Richard Bettsworth	Chair of the Board of Trustees	<a href="mailto:rbettsworth@discoveryschoolstrust.org.uk">rbettsworth@discoveryschoolstrust.org.uk</a>
Paul Stone	Trust Leader	<a href="mailto:pstone@discoveryschoolstrust.org.uk">pstone@discoveryschoolstrust.org.uk</a>
Louise Barber	Director of Operations	<a href="mailto:whistleblowing@discoverytrust.org.uk">whistleblowing@discoverytrust.org.uk</a>
Helen Stockill	Head of Governance	<a href="mailto:whistleblowing@discoverytrust.org.uk">whistleblowing@discoverytrust.org.uk</a>