

# Hummersknott Academy Trust



## 70 – Confidential Reporting (Whistleblowing) Policy

Review Date: April 2024

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| Adopted/V1 | V2        | V3        |  |  |  |  |  |
| July 2015  | July 2018 | July 2021 |  |  |  |  |  |

Hummersknott Academy Trust incorporates Hummersknott Academy and Skerne Park Academy and unless otherwise stated this policy applies to all schools equally.

## **PURPOSE**

Employees are often the first to realise that there may be something seriously wrong within their Academy or the Trust as a whole. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and those associated with the Trust, who have serious concerns about any aspect of the Trust's work are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This document makes it clear that employees can come forward without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting (whistleblowing) policy is intended to encourage and enable employees to raise serious concerns within the Academy/Trust rather than overlooking a problem or 'blowing the whistle' outside.

This applies to all employees and those contractors working for the Trust on Trust premises, for example, agency staff, builders, drivers etc. It also covers suppliers and those providing services under a contract with the Trust in their own premises.

The policy is in addition to the Trust's complaints policy and procedures and other statutory reporting procedures.

This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## **SCOPE**

This policy aims to:-

- (a) Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- (b) Provide avenues for employees to raise those concerns and receive feedback on any action taken
- (c) Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- (d) Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith

There are existing procedures in place to enable an employee to lodge a grievance relating to their own employment. The confidential reporting policy is intended to cover major concerns that fall outside the scope of other procedures. These include:-

- (a) Conduct, which is an offence or a breach of law
- (b) Disclosures related to miscarriage of justice
- (c) Health and safety risks, including risks to the public as well as other employees
- (d) Damage to the environment
- (e) The unauthorised use of public funds
- (f) Possible fraud and corruption
- (g) Sexual or physical abuse of pupils
- (h) Other unethical conduct

Thus, any serious concerns that an employee has about any aspect of service provision or the conduct of Governors, Directors or Trust employees or others acting on behalf of the Trust can be reported under the confidential reporting (whistleblowing) policy. This may be about something that:-

- (a) Makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the Trust subscribes to
- (b) Is against the Trust's policies, procedures and rules
- (c) Falls below established standards of practice
- (d) Amounts to improper conduct

This does not replace the Trust's complaints policy and procedure.

## **Safeguards**

### **Harassment or Victimisation**

The Trust is committed to good practice and high standards and wants to be supportive of employees.

The Trust recognises that the decision to report a concern can be a difficult one to make. If what an employee saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they 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 that already affect an employee.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. At the appropriate time, however, an employee raising a concern may need to come forward as a witness.

### **Anonymous Allegations**

This policy encourages employees to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust.

In exercising this discretion the factors to be taken into account would include:-

- (a) The seriousness of the issues raised
- (b) The credibility of the concern
- (c) The likelihood of confirming the allegation from attributable sources

### **Untrue Allegations**

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be considered.

### **How to Raise a Concern**

As a first step, employees should normally raise concerns with the Principal/Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that Principal/Headteacher is involved, the concern should be raised with the Chair of the respective Local Governing Body.

Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:-

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

The earlier a concern is expressed the easier it is to take action.

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Employees may wish to consider discussing their concern with a colleague first and may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

Employees may invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns which have been raised.

### **How the Trust will Respond**

The Trust will respond to an employee's concerns. Employees should bear in mind that testing out a concern is not the same as either accepting or rejecting it.

Where appropriate, the matters raised may:-

- (a) be investigated by management, internal audit or through the disciplinary process
- (b) be referred to the Police
- (c) be referred to the External Auditor
- (d) be referred to the Local Authority Designated Officer (LADO) and/or the Children's Duty Team
- (e) form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those policies and procedures.

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.

Within ten working days of a concern being raised, the person with whom a concern is raised will write to the employee:-

- (a) acknowledging that the concern has been received
- (b) indicating how it is proposed that the matter is dealt with
- (c) giving an estimate of how long it will take to provide a final response
- (d) telling the employee whether any initial enquiries have been made
- (e) supplying the employee with information on staff support mechanisms
- (f) informing the employee whether further investigations will take place and if not, why not

The amount of contact between those considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from the employee.

Where any meeting is arranged, offsite if the employee wishes, they can be accompanied by a Union or professional association representative or a friend.

The Trust will take steps to minimise any difficulties which the employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for them to receive advice about the procedure.

The Trust accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the employee will be informed of the outcome of any investigation.

### **How the Matter can be Taken Further**

This policy is intended to provide employees with an avenue within the Trust to raise concerns. The Trust hopes employees will be satisfied with any action taken. If employees are not and they feel it is right to take the matter outside the Trust, the following are possible contact points:-

- (a) the external auditor
- (b) the employee's Trade Union
- (c) a local Citizen Advice Bureau
- (d) the relevant professional bodies or regulatory organisations
- (e) a relevant voluntary organisation
- (f) the Police
- (g) the Education Funding Agency
- (h) Ofsted

If employees do take the matter outside the Trust, they should ensure that they do not disclose confidential information and should check with the contact point about this.

### **RESPONSIBILITY**

This policy will be reviewed and updated where necessary by the Executive Principal and approved for adoption by the Finance and Audit Committee.

### **PUBLICISING THE POLICY**

A copy of this policy will be available on each Academy's website and the X Drive/intranet where applicable. Staff will be advised of amendments to this policy via the Staff Bulletin/Briefing and are expected to familiarise themselves with the content.

### **POLICY STATUS**

This is a non-statutory policy.