



**The Robinswood
Academy Trust**
"Be the best you can be"

Whistleblowing Policy

Policy Type:

Review Frequency:

Approved – Finance & General Purposes Committee:

Next Review Date:

Non Statutory

3 Yearly

15/06/2020

01/06/2023

Document History:

Date	Author	Summary of Changes	Version
30/05/2017	Rawdon Cowley	Complete review of policy based on NASBM template with additions from original Robinswood/Waterwells policy. Examples of Preventative measures as suggested by Auditors	1.0d
07/06/2017	Rawdon Cowley	Approved @ F&GP	1.0
01/05/2020	Rawdon Cowley	Change frequency review period from 2 to 3 years. Governor references changed to Trustee. Child Protection Officer changed to Designated Safeguarding Lead. EFA updated to ESFA. Telephone numbers and email addresses checked and updated as required. Added acknowledgement page.	1.1d
15/06/20	Rawdon Cowley	Approved @ F&GP	1.1

1 WHAT IS 'WHISTLEBLOWING'?

Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Trustees 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. The Robinswood Academy Trust is committed to ensuring that any staff concerns of this nature will be taken seriously and investigated.

2 PROTECTING THE WHISTLEBLOWER

Under the Public Interest Disclosure Act 2013 a Whistle-blower is protected from detriment and unfair dismissal. The Trust will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.

3 WHEN SHOULD WHISTLEBLOWING PROCEDURES BE USED?

- 3.1 If an employee has concerns about wrongdoing at the Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
- 3.2 Each individual member of staff should feel able to speak freely on such matters. However, the Trust and colleagues have the right to protect themselves against unfounded false or malicious accusations.
- 3.3 Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
- 3.4 Whistleblowing is not appropriate for dealing with issues between an employee and the Trust which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.
- 3.5 Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.
- 3.6 Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Executive Headteacher or a Designated Safeguarding Lead.

4 THE PROCEDURE

- 4.1 Any issue raised will be kept confidential while the procedure is being used.
- 4.2 The Representor (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing.
- 4.3 However, if the concern relates to the Representor's line manager or any person to whom he or she reports, other than the Executive Headteacher, the Representor should raise the issue with the Executive Headteacher;

4.4 If the concern relates to the Executive Headteacher, the Representor should raise the matter with the Chair of the Trustees.

4.5 The person with whom the matter is raised is referred to as the "Assessor".

The Assessor will:

4.5.1 Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;

4.5.2 Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;

4.5.3 Consult with the Representor about further steps which could be taken;

4.5.4 Advise the Representor of the appropriate route if the matter does not fall under this Procedure;

4.5.5 Other than in the case of paragraph 4.4, report all matters raised under this procedure to the Chair of the Trustees.

4.6 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Trust staff to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

4.7 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:

4.7.1 The matter be further investigated internally by the Trust;

4.7.2 The matter be further investigated by external consultants appointed by the Trust;

4.7.3 The matter be reported to an external agency;

4.7.4 Disciplinary proceedings be implemented against an employee;

4.7.5 The route for the Representor to pursue the matter if it does not fall within this procedure;
or

4.7.6 That no further action is taken by the Trust.

4.8 The grounds on which no further action is taken include:

4.8.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;

4.8.2 The Assessor is satisfied that the Representor is not acting in good faith;

- 4.8.3 The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- 4.8.4 The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 4.9 The recommendation of the Assessor will be made to the Executive Headteacher. However, should it be alleged that the Executive Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Trustees.
- 4.10 The Executive Headteacher or Chair of the Trustees, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Trustees.
- 4.11 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
 - 4.11.1 Where the Assessor is under a legal obligation to do so;
 - 4.11.2 Where the information is already in the public domain; or
 - 4.11.3 On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 4.12 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview.
- 4.13 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 4.14 If the Representor has not had a response within the above time limit or such reasonable extension as the Trust requires, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.
- 4.15 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

5 MALICIOUS ACCUSATIONS

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

6 INFORMING EXTERNAL AGENCIES

- 6.1 Within the Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.
- 6.2 Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct. The external agencies which may be used if disclosure is permitted under paragraph 6.1 are:

- 6.2.1 Department for Education (ESFA). (In these circumstances, the DfE/ESFA will assess whether all school processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/ESFA will refer the matter back to the Assessor);
- 6.2.2 Member of Parliament;
- 6.2.3 National Audit Office;
- 6.2.4 Health and Safety Executive;
- 6.2.5 Police.

6.3 Whistleblowing to the media is not appropriate or permitted in any circumstances.

7 CONFIDENTIAL EMPLOYEE ENQUIRIES

Employees may, on a confidential basis seek prior guidance from the Executive Headteacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Executive Headteacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.

8 PREVENTATIVE MEASURES

The Trust have a number of preventative measures are in place to reduce the risk of fraud which include:

- 8.1.1 Quarterly internal assurance audits by the Trust's accountant and auditors. These reports are presented to the Trustees on a regular basis;
- 8.1.2 Annually, a comprehensive 4-day audit takes place in conjunction with preparing the annual companies return;
- 8.1.3 The segregation of duties. This is the method of different members of staff processing different segments of the purchasing and payment systems so that no one person, where at all possible can order and pay for goods/services;
- 8.1.4 A system that requires two separate members of staff (or Trustee) to authorise payments whether by BACS or cheque;
- 8.1.5 Regular reporting of areas such as payroll, sickness/absenteeism, accounts to the Executive Headteacher and Trustees which can be challenged;

9 INDEPENDENT ADVICE AND FURTHER READING

Employees who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Public Concern at Work on 020 3117 2520 or email whistle@protect-advice.org.uk. Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work.

Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS) – Telephone: 0800 464 0962

Public Concern at Work and ACAS can advise on the circumstances when it is more appropriate to contact an outside body.

For further reading staff may refer to: Guidance produced by the Counter Fraud and Security Management Service <http://www.cfsms.nhs.uk>

Guidance produced by Public Concern at Work www.whistleblowing.org.uk

10 **MONITORING, EVALUATION AND REVIEW**

- 10.1 The Trustees will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust.
- 10.2 This Policy will be reviewed by the Trustees on a 3-yearly cycle.

Acknowledgement Form

WHISTLEBLOWING POLICY

Please read the notes below and then sign this form as acceptance.
You should read the information contained in this policy and adhere to the guidance at all times.

Please discuss any queries you may have with your Head of School, Head of Business or HR Manager and then sign this form and return as your acknowledgement.

I have read the above policy and understand and accept its contents. I will keep myself informed of its contents.

Signature: _____ Date: _____

Print Name: _____

If given physical documents, sign to confirm that the staff handbook has been brought to your attention and that you have read and understood the contents. If you have any queries regarding the contents, please do not hesitate to ask.

If given these documents electronically via EVERY, our document management system, then you need to confirm electronically that you have read and understood the contents. This form will not then be required. If you have any queries regarding the contents, please do not hesitate to ask.

