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Ethos Academy Trust

# Whistleblowing Policy

October 2021

<b>1</b>	<b>Summary</b>	Whistleblowing Policy			
<b>2</b>	<b>Responsible person</b>	HR Manager			
<b>3</b>	<b>Accountable ELT member</b>	HR Manager			
<b>4</b>	<b>Applies to</b>	<input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Support Staff <input type="checkbox"/> Teaching Staff			
<b>5</b>	<b>Trustees and/or individuals who have overseen development of this policy</b>	Lesley Conway - HR Manager			
<b>6</b>	<b>Headteachers/Service Heads who were consulted and have given approval (if applicable)</b>	N/A			
<b>8</b>	<b>Ratifying committee(s) and date of final approval</b>	Trust Board			
<b>9</b>	<b>Version number</b>	1.6			
<b>10</b>	<b>Available on</b>	Every	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Trust Website	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
<b>11</b>	<b>Related documents (if applicable)</b>			Academy Website	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
				Staff Portal	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
<b>12</b>	<b>Disseminated to</b>	<input type="checkbox"/> Trustees <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Support Staff <input type="checkbox"/> Teaching Staff			
<b>13</b>	<b>Date of implementation (when shared)</b>	01.11.21			
<b>14</b>	<b>Date of next formal review</b>	October 2022			
<b>15</b>	<b>Consulted with Recognised Trade Unions</b>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N			

Date	Version	Action	Summary of changes
October 2021	1.6	Policy review	Minor amends. New cover.

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## 1. Introduction

Ethos Academy Trust is committed to the highest possible standards of honesty and integrity and expects all staff to maintain these standards in accordance with the Ethos Academy Trust Code of Conduct. 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 to prevent such situations occurring or to address them when they do occur.

This policy has been introduced in line with the Public Interest Disclosure Act 1998 (“PIDA”) to enable workers to raise issues of concern in an appropriate manner.

## 2. Scope and Purpose

The aims of this policy are:-

- A. To encourage staff to feel confident to report suspected wrong doing as soon as possible.
- B. To establish a fair and impartial investigative procedure in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respect.
- C. To provide staff with guidance on how to raise concerns.
- D. To ensure that workers will be protected from any reprisals or victimisation by the Academy, if there is reasonable belief that the disclosure has been made in an appropriate manner.
- E. To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy applies to all employees of Ethos Academy Trust, governors, Trustees, Members, consultants, contractors, casual and agency staff, and volunteers (collectively referred to as staff in this policy).

The recognised Trade Unions have been consulted regarding this policy and the Trust recognises the role that Trade Union representatives play in supporting the raising of concerns.

### **3. What is Whistleblowing?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law (PIDA) provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there is wrongdoing or dangers at work. This may include the following:

- a) That a crime has been committed, is being committed, or is likely to be committed;
- b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- c) That an injustice has occurred, is occurring or is likely to occur;
- d) That the health and safety of an individual has been, is being, or is likely to be endangered;
- e) That the environment has been, is being or is likely to be damaged; or
- f) That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the organisation's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure as appropriate. If you are uncertain whether something is within the scope of this policy, you should seek advice from a senior leader or Human Resources.

### **4. Trust Assurances to Workers**

#### **4.1 To ensure that workers have the right to disclose a concern**

Workers have the right to disclose a concern/issue if the Academy Trust does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Academy Trust fails to properly consider or deal with the issue.

#### **4.2 To protect workers**

If a worker makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real, the worker will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not tolerate the harassment or victimisation of any worker raising a genuine concern, this may include disciplinary action.

If a worker requests that their identity is protected, the Academy Trust will not disclose it unless required to do so in law. If the situation arises where the Academy Trust is unable to resolve the concern without revealing the worker's identity (for instance because the worker's evidence is needed in court), the Academy Trust will discuss with the worker how the matter should proceed. However, it must also be stated that if a worker chooses not to disclose their identity it will be much more difficult for the Academy Trust to investigate the matter or to protect their position or to give feedback. Accordingly, while we will consider anonymous reports, it may not be possible to apply all aspects of this policy for concerns raised anonymously.

## 5. Internal Procedure for Staff

### 5.1 Raising a whistleblowing concern – notification

The Trust hopes that you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

Where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with the Headteacher of the Academy in which you are based. If your concern is regarding the conduct of the Headteacher or CEO (Chief Executive Officer), this must be raised with the Chair of the Board of Trustees. Should it be alleged that the Chair of the Board of Trustees is involved in the malpractice, the HR (Human Resource) Manager should be contacted in place of the Chair of the Board of Trustees. The person dealing with the investigation into the complaint shall be known as the "Assessor" who shall be appointed by the Head Teacher, Chair of the Board of Trustees, or the HR Manager.

Within five working days of a concern being received (or earlier if there is an immediate danger), where appropriate, the Trust will write to you:

- acknowledging that the concern has been received;
- indicating how the concern will be dealt with and confirming who your key point of contact will be and how you can stay connected with them;
- informing you whether any initial enquiries have been made; and
- to inviting you to a meeting (within 10 working days of the initial complaint) to discuss your complaint.

### 5.2 – The meeting

A meeting will also be arranged with you within 10 working days of your initial complaint to discuss your concern with the Assessor. You may bring a colleague or Trade Union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

The purpose of the meeting is as follows:

1. To obtain as much information as possible regarding the grounds for the belief of malpractice;
2. Consult with you about the further steps that may be taken;
3. Inform you about appropriate routes if the matter does not fall within this Whistleblowing Policy.

A summary of your concerns will be written down and you will be provided with a copy after the meeting. If appropriate, you will be given an indication of how the matter will be dealt with.

## 6. Investigation and Outcome

Within 10 working days of the meeting, the Assessor will recommend to the Head Teacher of the Academy in which the worker is based, one or more of the following:

1. The matter be investigated internally by the Academy;
2. The matter be investigated by an external person appointed by the Academy;
3. The matter be reported to the Department for Education;
4. The matter to be reported to the Police;
5. No further action to be taken.

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

1. The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
2. The matter is already (or has been) the subject of proceedings under one of the other Academy Trust policies or procedures;
3. The matter is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education, or another public authority.

If it is concluded that a whistleblower has made false allegations maliciously, or with a view to personal gain, the whistleblower may be subject to disciplinary action.

## 7. If you are not satisfied

While an assessment or investigation cannot always guarantee the outcome you are seeking, your concerns will be dealt with fairly and in an appropriate way.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts outlined in section 10

### Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment because of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform HR or one of the contacts outlined below immediately. If the matter is not remedied, you should raise it formally using the Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

## 8. Confidentiality

The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, every effort will be made to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, this will be discussed with you.

The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about potential reprisals if their identity is revealed should come forward to one of the other contact points listed below and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, which a confidential helpline. Their contact details are given at the end of this policy.

Where anonymous complaints are received, a determination will be made about whether to investigate based on:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

A central record of disclosures made under this policy will be kept. Any records will comply with data protection requirements.

## 9. External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body, such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Staff are strongly encouraged to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern which can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Whistleblowing concerns usually relate to the conduct of staff within the organisation, but they may sometimes relate to the actions of a third party, such as a contractor, supplier, or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. You should contact your line manager or one of the other individuals set out below for guidance

## 10. Contacts

Ethos Academy Trust HR Manager	Lesley Conway (based at Reach Academy) <a href="mailto:lconway@eat.uk.com">lconway@eat.uk.com</a>
Head Teachers	<p>Alison Ward (Engage Academy) <a href="mailto:award@eat.uk.com">award@eat.uk.com</a></p> <p>Rebecca Smith (Ethos College) <a href="mailto:rsmith@eat.uk.com">rsmith@eat.uk.com</a></p> <p>Hannah Lord (Reach Academy) <a href="mailto:hlord@eat.uk.com">hlord@eat.uk.com</a></p> <p>David Kiss (Evolve Academy) dkiss@eat.uk.com</p>
CEO	Jayne Foster <a href="mailto:jfoster@eat.uk.com">jfoster@eat.uk.com</a>
Chair of the Board	Victoria Del Giudice <a href="mailto:vdelgiudice@eat.uk.com">vdelgiudice@eat.uk.com</a>
External auditors	Saffery Champness — Jonathan Davis 01423 568012 Jonathan.davis@saffery.com
Protect (Independent whistleblowing charity)	020 3117 2520 <a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a>

### 11. Flowchart of procedure to be followed

