Whistleblowing Policy

EBN Academy Trust

Created By	**M Baldwin**
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Applies to:					
EBN Trust	☒	EBN Yardley	☒	EBN Castle Vale	☒

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1 Introduction

1.1 The Trust is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our code of conduct. 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.

1.2 This policy has been implemented following consultation with staff. It has been formally adopted by the Board of Trustees.

1.3 This policy does not form part of any employee's contract of employment or other contract to provide services, and we may amend it at any time.

2 Scope and purpose

2.1 The aims of this policy are:

2.1.1 To encourage staff 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.

2.1.2 To provide staff with guidance on how to raise concerns.

2.1.3 To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

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

3 What is whistleblowing?

3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law 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 there are dangers at work. This may include:

3.1.1 Criminal activity.

3.1.2 Miscarriages of justice.

3.1.3 Danger to health and safety.

3.1.4 Damage to the environment.

3.1.5 Failure to comply with any legal or professional obligation or regulatory requirements.

3.1.6 A disclosure that sexual harassment has occurred, is occurring or is likely to occur.

3.1.7 Bribery.

3.1.8 Financial fraud or mismanagement.

3.1.9 Negligence.

3.1.10 Breach of our internal policies and procedures including our code of conduct.

3.1.11 Conduct likely to damage our reputation or financial wellbeing.

3.1.12 Unauthorised disclosure of confidential information.

3.1.13 Unethical behaviour; and

3.1.14 The deliberate concealment of any of the above matters.

3.2 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 our activities (a whistleblowing concern) you should report it under this policy and we will seek to agree with you under which policy the matter being reported will be dealt with.

3.3 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 or anti-harassment and bullying policy or preventing sexual harassment at work policy, as appropriate.

3.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at 3.1 above (for example, a breach of our internal policies), you should discuss with a member of the Academy’s leadership team which route is the most appropriate.

3.5 If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the academy's leadership team.

3.6 If your concern is in relation to safeguarding and the welfare of students at the academy, you should consider whether the matter is better raised under the academy's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in this policy may still apply.

4 Raising a whistleblowing concern

4.1 We hope 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.

4.2 However, 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:

4.2.1 Laura Donohoe – Head of People. This is the member of the team who is responsible for managing whistleblowing complaints.

4.2.2 The Headteacher

4.2.3 The chair of governors.

4.3 Contact details are set out at the end of this policy.

4.4 If your concerns are about allegations of abuse by the headteacher and the headteacher is also the sole proprietor of the school, allegations should be reported directly to the designated officer(s) at the local authority. You may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them.

4.5 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

4.6 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

5 Confidentiality and data protection

5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2, 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, who offer a confidential helpline. Their contact details are given at the end of this policy.

5.3 Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:

5.3.1 The seriousness of the issue raised.

5.3.2 The credibility of the concern; and

5.3.3 The likelihood of confirming the allegation from other sources.

5.4 As part of the application of this policy, the academy may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of data protection legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time in the collecting, holding, and sharing of information in relation to our workforce. Records will be kept in accordance with our workforce privacy notice, our retention and destruction policy and in line with the requirements of data protection legislation.

6 External disclosures

6.1 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.

6.2 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. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy[1].

6.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier, or service provider. In some circumstances, the law will protect you if you raise a concern with the third party directly where you reasonably believe it relates mainly to their actions, or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

[1] https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2

7 Investigation and outcome

7.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

7.2 In some cases, we may appoint an investigator or team of investigators, including staff with relevant experience of investigations or specialist knowledge of the subject matter. We may in some circumstances appoint an external person or body to investigate the concern. The investigator(s) will collate findings on the matter, and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to the Headteacher and governing body for actioning.

7.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome, or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

7.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

8 If you are not satisfied

8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

8.2 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 in paragraph 4.2. Alternatively, you may contact the chair of local governing body or our external auditors. Contact details are set out at the end of this policy.

9 Protection and support for whistleblowers

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

9.2 Staff must not suffer any detrimental treatment as a result 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 one of the contact people in paragraph 4.2 immediately. If the matter is not remedied, you should raise it formally using our grievance procedure.

9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.

9.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

10 Review of policy

This policy is reviewed every 2 years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

11 Contacts

Whistleblowing Officer	Laura Donohoe 07703-464136 ldonohoe@ebnfs.org
Headteacher	Karen Shearer/Karen Cornell 07857372166/07948541160 kshearer@ebnfs.org / kcornell@ebnfs.org
Chair of governors Chair of Trustees	Jill Saunders jsaunders@ebnfs.org Sukhbir Farar Sukhbir.farar@ebnfs.org
Trust's external auditors	UHY Hacker Young 0121 233 4799
Confidential counselling hotline	Education Support 08000 856 148
Protect (independent whistleblowing charity)	Helpline: (020) 3117 2520 Website: www.protect-advice.org.uk

The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk
Department for Education	Telephone: 0370 000 2288 Website: www.gov.uk/government/organisations/department-for-education
Ofqual	Telephone: 0300 303 3344 Website: www.gov.uk/government/organisations/ofqual
Equality & Human Rights Commission (EHRC) / Equality Advisory Support Service (**EASS**)	Telephone – 0808 800 0082 http://www.equalityadvisoryservice.com/app/ask Website: Equality Advisory Support Service (EASS) - GOV.UK