

# Whistleblowing Policy

September  
2018

**Date Policy Approved:**

**Date Policy to be Reviewed:** September 2019

## 1. Introduction

The Public Interest Disclosure Act 1998 was developed to ensure a climate of greater frankness between employers and employees so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who 'blow the whistle' about wrongdoing or failures in the workplace. This policy applies those statutory provisions to the administration of the Trust and its academies.

This policy applies to the Trust's Board Members, Governors, Management and all staff.

The CLIC Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages employees and others with serious concerns about any aspect of the work of the Trust or one of its academies to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Trust or an academy, rather than overlooking a problems or publicly disclosing the matter.

## 2. Aims and Scope of this Policy

This policy aims to:

- Provide ways for you to raise concerns and receive feedback on any action taken;
- Allow you to take the matter further if you are dissatisfied with the response of the Trust or Academy.

This policy is not intended as recourse against financial or business decisions made by the Trust or Academy. Nor is it an alternative to disciplinary or grievance procedures, which should be used to address concerns regarding individual employment matters.

Concerns raised under this Whistle-blowing Policy should be about something that is, in the reasonable belief of the employees, made in the public interest, and may be;

- unlawful or a criminal offence
- breach of legal obligation
- a miscarriage of justice
- mistreatment or abuse of a someone for whom the Trust / Academy has a responsibility
- a damage to the health and safety of any individual
- seeking undue favour over a contractual matter or a job application
- against the Trust / Academy or Financial Regulations
- amounts to improper conduct or unauthorised use of public funds
- damage to the environment
- a deliberate attempt to conceal any of the above.

### 3. Safeguards

#### 3.1 Harassment or Victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will take action to protect you when you raise a concern. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'. Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

#### 3.2 Confidentiality

All concerns will be treated in confidence and the Trust will do its best to protect your identity if requested. If investigation of a concern disclosed a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

#### 3.3 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be taken seriously. It will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concern anonymously, this may best be done through your trade union.

### **3.4 Untrue Allegations**

If you make an allegation which is not confirmed by the investigation, no action will be taken against you unless it is considered that you have made malicious or vexatious allegations. In these circumstances, disciplinary action could be taken against you.

## **4. How to Raise a Concern**

4.1 Staff should in the first instance raise a concern with their line manager, or another manager within their academy. However, if for some reason this first step is inappropriate then then concern should be raised at a more senior level with the Headteacher, Executive Principal, Chair of Governors or Director of the Trust. In some circumstances, the concerns can be raised directly with the Trust's Board, or the Education and Skills Funding agency (ESFA).

4.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible and the reason why you are particularly concerned about the situation). It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record.

The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may seek advice from your trade union representative on how best to raise your concern.

## **5.0 How the Trust Will Respond**

The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter, it may be investigated internally (employing specific procedures where they are applicable – for example; in child protection or discrimination issues), by an independent investigating officer appointed by the Trust, or referred to another agency.

If urgent action is required in response to a concern, this may will be taken before a full investigation is conducted.

In any event, within ten working days of a concern being received, the Trust will write to your home address:

- acknowledging that the concern has been received;
- indication how it proposes to deal with the matter;
- gaining an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- telling you whether further investigations will take place, and if not, why not;
- telling you the name of the person or agency who has been appointed by the Trust to investigate the matter;
- naming an independent person to support you during any investigation e.g. your trade union official.

This named person will make contact with you immediately, explain their role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation and that you need to keep the investigating officer informed of any further issues you think necessary. You should raise with this support officer any concerns you have about the conduct of the investigation. This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually occur from your concern and at which you are asked to give evidence.

If you wish to retain your anonymity, you will need to nominate a representative to which correspondence may be directed in order to keep you informed.

The amount of contact between the investigating officer and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information from you will be sought.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a work colleague.

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigation and / or proceedings.

## **6.0 How the Matter Can Be Taken Further**

This policy is intended to provide you with guidance/instructions on raising concerns within the Trust and / or one of its academies. The Trust hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with your trade union official, who in return will liaise with the Trust on your behalf.

## 7.0 Monitoring, Evaluation and Review

The Directors of the Trust have overall responsibility for the maintenance and operation of this policy. Within their duty to ensure the Trust acts lawfully, they will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

The Trust Board will review this policy in conjunction with the recognised trade unions at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.