

# **WHISTLEBLOWING**

## **POLICY**

### What is a whistleblower

“You are a *whistleblower* if you are a worker and you report certain types of wrongdoing. This will usually be something you’ve seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

As a *whistleblower* you are protected by law - you shouldn’t be [treated unfairly or lose your job](#) because you ‘blow the whistle’.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.”

(<https://www.gov.uk/whistleblowing>)

The term *whistleblower* is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the *Second Report of the Committee on Standards in Public Life: Local Spending Bodies* published in May 1996.

### Complaints that count as whistleblowing

You are protected by law if you report any of the following:

- a criminal offence, e.g. fraud
- someone’s health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. doesn’t have the right insurance
- you believe someone is covering up wrongdoing

### How does this relate to the Trust and the School?

There are two main areas which could be of concern:

- *a student is at risk either at school, at home, or in the wider community – a child protection risk*
- *business and employment irregularities and risks – principally the risk of fraud*

The Trust’s Policy and Principles apply equally to any suspected irregularity or risk.

### Policy

Existing good practice within the Trust and the School in terms of the systems of pastoral management of students and the internal control both financial and non-financial systems, and the external regulatory environment in which the Trust operates ensure that cases of suspected impropriety rarely occur. This Whistleblowing Policy provides a framework within which issues of concern or specific allegations can be raised confidentially internally and, if necessary, outside the management structure of the School and the Trust. The provisions of this Policy apply to matters of non-financial impropriety such as cases of suspected child abuse or fraud and financial and not matters of more general grievance which would be dealt with under the Trust’s Grievance or other Procedures. This document is a public commitment that concerns are taken seriously and will be actioned.

## Principles

The Trust's Board :

- i. seeks to run all aspects of the Trust's business and activity with full regard for high standards of conduct and integrity.
- ii. is committed to the rigorous application of its child protection policy
- iii. is committed to tackling fraud and other forms of malpractice and impropriety and treats these issues seriously.
- iv. recognises that some concerns may be extremely sensitive.
- v. is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

## Procedure

This Procedure provides a system which allows for the confidential raising of concerns within the School or the Trust Board. It also allows for recourse to an external party outside the management structure of the School or the Board.

In the event that members of staff, parents, Trustees or Members of the Trust or the School community at large become aware of activities which give cause for concern, they should contact appropriate nominated persons. This procedure allows concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

## Types of abuse/malpractice

The activities or behaviour which the Board considers should be dealt with under this policy include:

- unsafe practice and potential failures in the School's safeguarding regime;
- failure to comply with procedures in the Trust's Safeguarding Policy;
- any criminal activity;
- abuse of position;
- manipulation of accounting records and finances;
- inappropriate use of the Trust's or the School's assets or funds;
- decision-making for personal gain;
- fraud and deceit;
- serious breaches of the Trust's and School's Procedures which may advantage a particular party for example tampering with tender documentation;
- tampering with examination scripts;
- any action which the Board would deal with as serious misconduct within the Employee Rules.

**Action by the *whistleblower***

The *whistleblower* is encouraged to raise the matter with the one of the persons designated by the Board in the first instance to allow staff and Board members in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

The Board has designated the following persons to deal with such matters and the *whistleblower* is invited to decide which of these individuals would be the more appropriate to deal with the matter

Issues of safeguarding and child protection – The Headmaster

Issues of business irregularity - the Chairman of the Finance and General Purposes Committee or the Company Secretary.

Please submit your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for the investigators to conduct a full and thorough investigation. *The whistleblower* may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals.

All matters *will* be treated in strict confidence and anonymity will be respected wherever possible.

**Action by the Trust**

The individual(s) in receipt of the information or allegation - the investigating officer(s) - will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally.

The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of staff, the Multi-Agency Safeguarding Hub (MASH), the Trust's Auditors, legal advisors, the police, the ESFA or the Department for Education.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Board, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

*The whistleblower* will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the Local Authority Designated Officer (LADO), the Trust Board, the Statutory Auditor and the Department for Education.

If the *whistleblower* is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the Board and/or directed to the Department for Education.

### Respecting confidentiality

Wherever possible the Trust will respect the confidentiality and anonymity of the *whistleblower* and will as far as possible protect him/her from reprisals. The Board will not tolerate any attempt to victimise the *whistleblower* or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

### Raising unfounded malicious concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of action appropriate to the circumstances.

### Investigation by others

If the *whistleblower* considers the matter too serious or sensitive to raise within the Trust the matter should be directed to either:

#### the Trust's Internal Auditor:

*Appointment pending*

#### the Trust's Statutory Auditor:

Catherine Briscoe FCA  
 Buzzacott LLP  
 130 Wood Street  
 LONDON  
 EC2V 6DL  
 tel: 020 7556 1200.

BiscoeC@buzzacott.co.uk

#### NSPCC Whistleblowing hotline:

tel: 0800 028 0285

help@nspcc.org.uk

Auditors and the NSPCC have procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the *whistleblower*.

**Financial Irregularities: If the *whistleblower* does not consider either the Internal Auditor or the Statutory Auditor appropriate to deal with the concern then the whistleblower should contact the Department for Education (DfE). The complaints will be handled initially by the Education Funding Agency.**

Whistleblowing is handled under the DfE's general complaints procedures for academies using either :

a) the Department for Education's academies complaints form available on the .gov.uk website

b) by post to:

Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street MANCHESTER M1 2WD.

**Further Advice – Protect (formerly Public Concern at Work)**

Information and advice for *whistleblowers* can be obtained from the charity Protect (<https://www.pcaw.org.uk/>). This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Its literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

**Telephone**    Protect Advice Line: 020 7404 6609  
                    Business Support: 020 3117 2525  
                    General enquiries: 020 3117 2520

**Email**            Protect Advice line: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)  
                    Business support services: [business@protect-advice.org.uk](mailto:business@protect-advice.org.uk)

**Address**        CAN Mezzanine 7 - 14 Great Dover Street London SE1 4YR