



COLLABORATIVE EDUCATION TRUST

WHISTLEBLOWING (PUBLIC INTEREST DISCLOSURE) POLICY

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CONTENTS

	<u>Page</u>
1. One Page Overview	3
2. Policy	4
3. Policy Aims	5
4. Scope of Policy	5
5. Protection for Workers	6
6. Roles and Responsibilities	7
7. Raising a Concern	8
8. Procedure	9
9. Confidentiality	10
10. Anonymous Allegations	10
11. Malicious Allegations	10
12. Register of Concerns	11
13. Monitoring Arrangements	11
14. Making disclosures outside of the Trust	11
Appendix 1: Whistleblowing – What to do	13
Appendix 2: Standard form for whistleblowing allegations	14

1. One Page Overview

Whistleblowing is for:

- All employees (including teaching and non-teaching staff), people working on behalf of Collaborative Education Trust, Trust Governors, Local Board Governors and service users.
- Genuine concerns about malpractice or impropriety that you believe to be in the public interest, including but not limited to mismanagement, bribery, fraud and health and safety failures.

Whistleblowing is not for:

- Raising employment concerns
- Making complaints relating to bullying or harassment issues
- Questioning financial or business decisions taken by Collaborative Education Trust
- Raising issues that have already been addressed under disciplinary, resolution or other procedures. You can, however, raise concerns about failure to properly follow these procedures.

Who can I contact to blow the whistle?

- Your manager
- Headteacher of Trust School
- Chair of Trust Governing Body

A diagram of how to report a concern is included at Appendix 1 of this policy. A standard whistleblowing form is available at Appendix 2.

Can I keep my name/identity secret?

You are encouraged to give your name when raising a concern. You can make an anonymous disclosure but these are much less credible. All concerns will be treated in confidence and every effort will be made not to reveal the whistleblower's identity. There may be times when personal evidence is essential or disclosure of the whistleblower's identity is required by the law.

What will happen to me if I blow the whistle?

Collaborative Education Trust has a duty to protect whistleblowers and to make sure that you can raise concerns without fear of recrimination, reprisal or be disadvantaged in any way.

I am not sure I feel able to blow the whistle – how can I get help or advice?

Contact the charity Protect for free confidential advice about the best way to raise a concern. Their website address is <https://protect-advice.org.uk> or you can email them at whistle@protect-advice.org.uk or contact them on their free Hotline number: 0203 117 2520

Speak to your Trade Union representative.

2. Policy

Collaborative Education Trust is committed to the highest standards of honesty, openness, probity and accountability. In line with this commitment and as part of its governance arrangements, the Trust encourages anyone who has a genuine concern about malpractice or wrongdoing within the School/Trust to come forward without fear of reprisal and voice those concerns.

'Whistleblowing' is the term ordinarily used to describe the disclosure of information by an employee about malpractice that is occurring within the organisation. This will include any illegal, immoral, irregular, dangerous or unethical activity under their employer's control. This can cover a broad range of matters, including mismanagement, bribery, fraud and health and safety failures.

Whilst the policy primarily covers employees and people working for or on behalf of Collaborative Education Trust, the Trust encourages volunteers and service users who have a concern to raise it in the knowledge that it will be taken seriously and dealt with appropriately

It is essential that disclosures of impropriety, irregularity or wrongdoing are dealt with appropriately and promptly. This complements the Anti-Fraud and Corruption policy.

This policy is intended to encourage and assist those individuals above, who believe they have discovered malpractice or impropriety, to raise their concerns within the School/Trust in the first instance rather than overlooking a problem or raising concerns outside of the organisation.

The Policy is not designed to question financial or business decisions taken by Collaborative Education Trust nor should it be used to reconsider any matters, which have already been addressed under the disciplinary, resolution or other procedures. It can, however, be used to raise concerns about failure to properly follow procedures related to the above.

This policy will be reviewed annually by the finance committee of the Governing Body with reference to the Local Authority policy.

3. Policy Aims

The policy aims to:

- Provide an opportunity for employees and other individuals to raise genuine concerns internally.
- Encourage all employees and other individuals to feel confident in raising serious concerns and to question and report concerns about malpractice.
- Ensure children, young people and vulnerable adults feel able to raise concerns as service users.
- Provide a mechanism for individuals to obtain advice or to raise concerns confidentially and in a method to suit them.
- Reassure those reporting concerns that they will be protected from reprisals or victimisation for confidential reporting.
- Ensure there are relevant support measures in place for individuals using the reporting procedures.
- Ensure that concerns raised are given proper consideration and, where possible, provide a response.
- Make individuals aware of how they can pursue their concerns if they are not satisfied with a course of action being proposed by the Trust.

4. Scope of Policy

There are existing procedures in place that enable employees to raise a concern relating to their employment. These would normally be made under the Resolution procedure. Employees should consult this policy and obtain advice from Human Resources (HR) in relation to discrimination, harassment, bullying and victimisation.

This policy also complements the detailed guidance issued by professionals in relation to abuse of children, young adults and vulnerable adults and should be considered alongside the Child Protection Policy.

This policy is intended to cover 'qualifying disclosures' that fall outside the scope of the procedures details above. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that any of the following is being, has been or is likely to be committed:

- A criminal offence.
- An illegal or dishonest practice.
- Disclosures relating to miscarriages of justice.
- Unauthorised uses of public funds.
- Possible fraud, corruption or malpractice.
- Breaches of School/Trust or Council policies or procedures.
- Breaches of agreed governing body procedures.
- Unsafe or unhealthy working practices that put the safety of employees and/or visitors at risk.
- Failure to comply with legal obligations.

- Risks to the environment.
- Other unethical conduct by officers and members or other connected parties e.g. contractors, volunteers, etc.
- The deliberate concealing of information relating to any of the above matters.
- Allegations of abuse to children, young people and vulnerable adults.
- Failure to report/investigate abuse.

These procedures are in addition to the Trust schools' own complaints procedures and other statutory reporting procedures that apply to some areas of the Trust school's work and responsibilities. This policy should not be used to raise individual employment terms and conditions issues that fall outside the above list.

Collaborative Education Trust has procedures in place by which grievances relating to employment can be lodged or a complaint may be made under the Resolution policy. Equally there are also complaint and disciplinary policies in place. Employees should be aware that if they decide to raise a concern related to their own employment at an Employment Tribunal that any decision made by a Tribunal will examine whether the matter has been raised with the employer in the first instance when determining any award.

Advice on the appropriateness of these other Complaints Procedures rather than the Whistleblowing procedures can be obtained from HR via the Headteacher's PA.

5. Protection for workers

The Public Interest Disclosure Act 1998 protects workers who make a qualifying disclosure in the public interest.

It is an integral part of this policy that employees can 'blow the whistle' without fear of recrimination, reprisal, or being disadvantaged in any way.

Collaborative Education Trust recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the alleged malpractice. Collaborative Education Trust will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect employees who raise a concern.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect employees. Any employee who makes an allegation that turns out to be unfounded will not be penalised if there is evidence that they had a genuine concern, or belief, when making the allegation.

It is a disciplinary offence to victimise an employee for raising a protected disclosure or to maliciously make a false allegation.

6. Roles and Responsibilities

The Trust recognises that the decision to report a concern can be difficult and uncomfortable. The Trust is therefore committed to supporting individuals through the process and protecting them from any adverse repercussions.

The Trust Governing Body has overall responsibility for monitoring the Trust's whistleblowing procedures.

Managers (including those with responsibility for safeguarding children or vulnerable adults) and Headteachers of Trust Schools are required to ensure all workers are aware of this policy, to take all issues raised seriously and to report any concern, initially to the Executive Headteacher or Trust Governing Body as appropriate within 2 working days of the matter being brought to their attention.

Employees, school staff (teaching and non-teaching) and other workers, who genuinely believe that people they observe are behaving in a way that seems inappropriate or have a serious concern about the legitimacy of an aspect of service, will be acting in the public interest by reporting the concern. They should however have reasonable grounds for raising the concern, in the public interest.

Human Resources can advise on the application of this policy and the support arrangements for employees. HR Managers and Advisors will be able to provide this advice under the Service Level Agreement with the Local Authority.

Trade Unions and Teacher Associations are a point of contact and can provide advice and guidance to individuals raising concerns.

Protect is a charity established to provide independent advice for workers to discuss their concerns and whistleblowing. Protect can be contacted by [telephone number on 020 3117 2520](tel:02031172520) or by email at whistle@protect-advice.org.uk

7. Raising a Concern

Employees, partners, agency workers or contractors

This policy seeks to encourage and assist individuals to disclose information through an appropriate channel. Ideally employees should raise concerns with their manager in the first instance, however where they feel that this is not appropriate, they should contact the Headteacher of the Trust School or Chair of Trust Governing Body (through the Executive Headteacher's PA or Clerk to the Governors). It may also be possible for advice to be sought from Solihull MBC's Internal Audit Department on 0121 704 6067.

There may be circumstances when employees wish to seek independent advice before raising a concern internally. The Charity, Protect can be contacted for independent advice by [telephone number on 020 3117 2520](tel:02031172520) or by email at whistle@protect-advice.org.uk

Where applicable, the individual may want to raise the matter with a Trade Union representative.

A diagram of how to report a concern is included at Appendix 1.

Service Users (Adults and Children)

In accordance with Collaborative Education Trust's commitment and responsibility to safeguard vulnerable individuals it is the responsibility of all employees to be vigilant and to raise any concerns to their manager (unless it is their manager about whom they have the concerns). Where employees have a concern that a colleague, other employee or volunteer is behaving inappropriately in relation to children, young people or vulnerable adults, they should follow the Managing Allegations procedures.

In addition, SMBC's safeguarding procedures should be followed when there are concerns about a child, young person or vulnerable adult. Details of SMBCs safeguarding guidance can be found at the following links:

Adult safeguarding: <http://www.solihull.gov.uk/adultabuse>

Safeguarding children and Young People:

<http://www.solihull.gov.uk/Resident/socialservicesandhealth/childrenfamilies/safeguardingchildren/safeguardingchildrenyoungpeople>

If an employee has a concern about an individual from another agency who works with children and young people this should also be discussed with a line manager and managed in accordance with the safeguarding procedures.

7. Procedure

Initial contact

Concerns may be raised verbally or in writing. Employees and other workers who wish to report a concern should give as much detail as possible, e.g. background and history of the concern, giving names, dates and places, where possible, and the reasons for making a disclosure.

A standard form is available at Appendix 2 to assist with this.

The individual reporting the concern must be able to demonstrate that there is an honest and reasonable suspicion that malpractice or impropriety has occurred, is occurring or is likely to occur and the disclosure is in the public interest.

Whilst the Trust would like details of the individual making the complaint, it is recognised that this may not always be possible. Concerns can be raised confidentially, which means that we will not reveal your name unless required by law to do so.

The investigation

The Headteacher of the Trust School will liaise with relevant professionals to ensure that all allegations are dealt with correctly.

Where appropriate, the individual raising the concern will be contacted and a meeting arranged. For employees this can be away from their normal place of work if this is preferred. This will enable the investigating officer to discuss the concern further and ask additional questions.

Initial enquiries will be made to decide whether an investigation is appropriate. It may be possible to resolve some concerns without the need for an investigation. The individual will be notified about how the Trust proposes to deal with the concern within ten working days.

The following matters may need to be considered as part of the investigation:

- The most appropriate method of investigation and the skills needed.
- The evidence that is needed to substantiate the concern.
- Whether the matter needs to be referred to the Police or other external third parties.
- What involvement Internal or External Auditors should have.
- Whether an independent inquiry is appropriate.

An investigating officer will be designated. If appropriate, Solihull MBC's Internal Audit Services will be employed to carry out an independent investigation.

The investigating officer will report her/his findings to the Headteacher of the Trust School. Depending on the significance of the concern and the findings, it may be necessary for the Executive Headteacher and/or the Chair of Trust Governing Body or other parties to be informed.

The individual raising the concern will, as far as is possible and with due regards to third party rights, be notified of the outcome, subject to legal constraints.

If an individual is not satisfied that her/his concern is being properly dealt with, they have the right to raise the matter in confidence with the Chair of Trust Governing Body.

8. Confidentiality

All concerns will be treated in confidence and every effort made not to reveal the individual's identity. However, whilst making all reasonable effort to maintain the confidentiality of the matter as a whole, at a certain stage in the investigation it may be necessary to make the origin of the complaint known to the person or persons the allegations relate to. This will be discussed with the individual at the time and where possible agreed.

Individuals should, however, be aware that their identity may be revealed by inference. Should this be necessary, individuals will be contacted and made aware of this before any details are revealed.

9. Anonymous Allegations

This policy encourages individuals to put their names forward with any disclosures they make. Concerns expressed anonymously are much less credible but will be considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised.
- The credibility of the concern and the evidence available.
- The likelihood of confirming the allegation from attributable sources.

10. Malicious Allegations

If employees make an allegation in the public interest and without personal gain, which is based on evidence or observation, but it is not confirmed by a subsequent investigation, no action will be taken against that employee and they will be fully supported after the event.

In making a disclosure an individual should exercise due care to ensure accuracy of the information. However, if an individual makes an allegation that knowingly is untrue, or they have acted maliciously, unethically or for personal gain, disciplinary action may be taken, which could result in dismissal. For non employees other action may be considered.

Equally, if malicious allegations are made against the employee, Collaborative Education Trust will ensure that the employee is fully supported and that appropriate disciplinary action is taken against the person making the malicious allegations.

If a child or service user makes an allegation, which could be malicious, appropriate action should be taken under the Managing Allegations Against Employees Policy.

11. Register of Concerns

The Executive Headteacher will maintain a register of all concerns that have been raised under this policy within the Trust schools. All managers in the Trust schools will notify the Headteacher of the Trust School within 2 days of a concern being raised so that it can be included in this register. This will include the following information:

- The date the concern was raised.
- A summary of the concern including the individuals involved.
- The date the investigation commenced.
- The Investigating Officer appointed and details of other individuals involved.
- The outcome of the investigation and summary of actions taken.
- The date the individual raising the concern was notified of the outcome.

All officers receiving an allegation under this policy must ensure that the Headteacher receives prompt information in relation to allegations to enable this register to be maintained correctly. This information will be held in accordance with the Data Protection Act.

12. Monitoring Arrangements

The Executive Headteacher will provide a confidential summary report to the Trust Governing Body each term.

13. Making Disclosures outside the Trust

This policy provides individuals with a mechanism to report an act of perceived wrongdoing that will enable the Trust to take corrective action. If the investigation finds the concerns unsubstantiated and all internal procedures have been exhausted, but an individual is not satisfied with the outcome, the Trust recognises the lawful rights of individuals to make disclosures outside of the Trust. Disclosures can be made to organisations such as the Health and Safety Executive, Audit Commission, professional bodies and the Police.

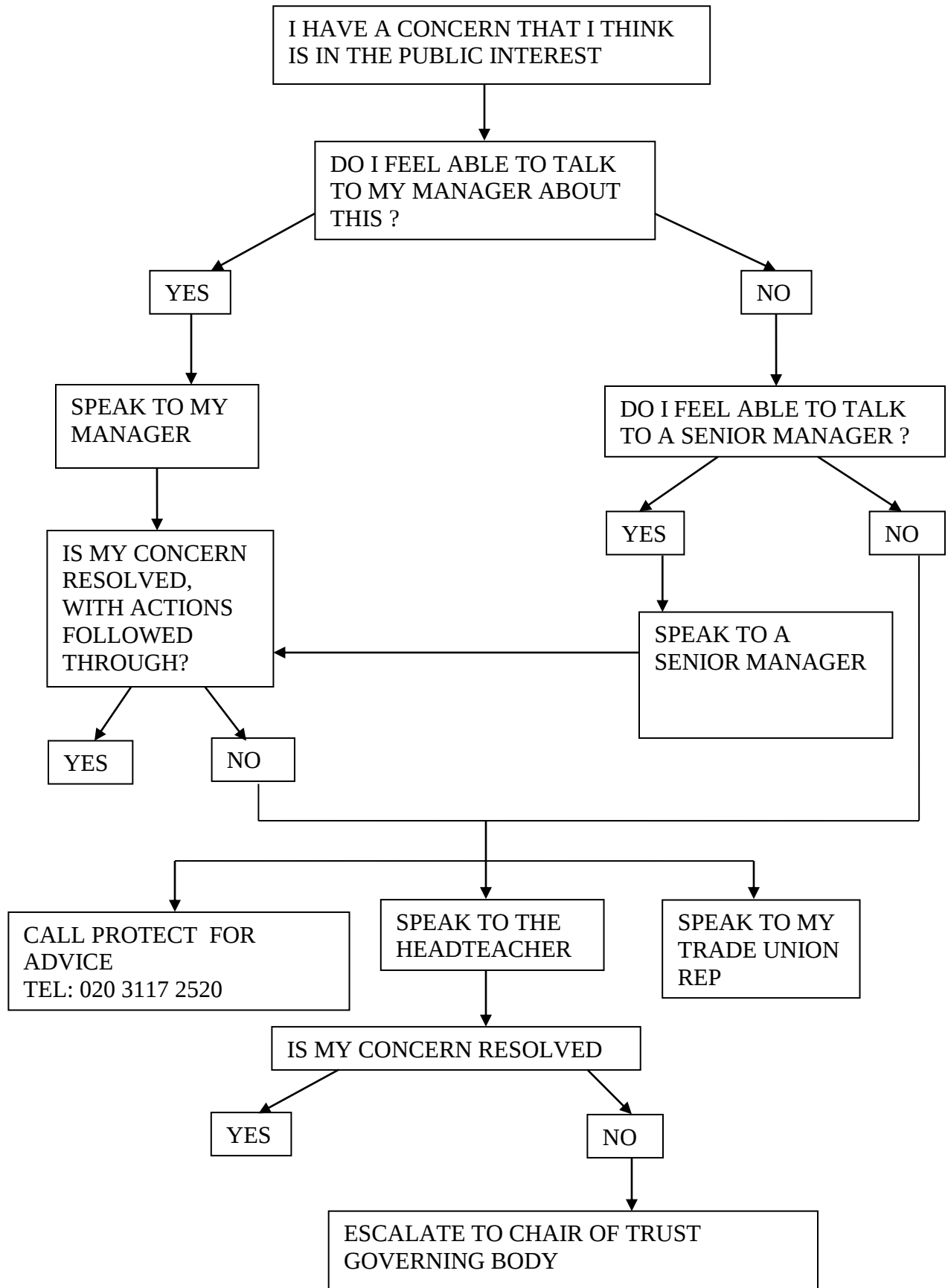
The policy has been developed to enable employees to express concerns on the basis that it is in the public interest to make such matters known to the Trust. However, reporting of a concern does not mean that such matters should be made available for public consumption through the press and/or social media.

Disclosure to the press is prohibited during the course of, or after completion of, an investigation either conducted internally or via those external bodies known as

'prescribed persons' or regulatory bodies. Disclosure to the press in these circumstances may led to disciplinary action against the employee.

If matters are taken outside the Trust, individuals should ensure that this does not result in disclosing confidential information. It may, therefore, be necessary for information governance advice to be sought.

Appendix 1: Whistleblowing – What to do





COLLABORATIVE EDUCATION TRUST

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others that we deal with who have concerns about any aspect of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis. If you wish to make a report please use this pro-forma.

1. Background and history of the concern (giving as much detail as possible).
2. The reasons why you are particularly concerned about the situation.
3. Please set out how you would like to see the issue dealt with?

(Please attach additional sheets if necessary)

You are encouraged to put your name to this report, as concerns expressed anonymously are much less powerful but they will be considered so far as is possible by the Trust, but we encourage you to give your name and details below, if you feel able.

Name:.....

Contact Details:.....

Signature:

Date:.....

**PLEASE SEND OR EMAIL THIS FORM TO THE EXECUTIVE HEADTEACHER
OR THE CHAIR OF TRUST GOVERNING BODY, AS APPROPRIATE**