



Whistleblowing Policy

The Diamond Learning
Partnership Trust

Sept 2018

Introduction

The DLPT is committed to the highest possible standard of operation, probity and accountability and recognises that its employees are often the first to realise that there may be something wrong within the Trust. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. In these circumstances, employees may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Public Interest Disclosure Act 1998 protects employees who raise concerns from victimisation or harassment. In accordance with this Act, the Trust encourages its employees with serious concerns about any aspect of the Trust's work to come forward and voice those concerns, in confidence, within the Trust, rather than overlooking a problem or blowing the whistle outside of the organisation.

Objective

This policy has been developed to ensure that an internal mechanism exists to encourage and enable employees to raise serious concerns about any aspect of the Trust's work (which do not meet the criteria for being dealt with as a complaint or grievance), in confidence and without fear of reprisals, to ensure that the Trust continues to provide the highest standards of service delivery.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

Scope

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Trust and the Trust reserves the right to amend its content at any time. This Policy reflects the Trust's current practices and this policy applies to all Trust employees and elected members. It applies also to contractors and suppliers providing services under a contract with the Trust. The term 'worker' is used throughout this document as a reference to all of the above.

Principles

This policy is based on the following fundamental principles:

All workers have the right to raise concerns about perceived unacceptable practice or behaviour.

The responsibility for expressing concerns about unacceptable practice or behaviour rests with **all** workers, and under the Trusts Health & Safety Policy workers are expected to raise concerns about potential health and safety risks.

Safeguarding concerns should **only** be raised with the Lead Designated Person for the Academy/Trust. Where a worker has concerns that a pupil may be at risk of any safeguarding issue, (as outlined in the Trust Safeguarding and Child Protection Policy), they should speak with the Designated Safeguarding Lead immediately.

The Trust will not tolerate harassment or victimisation and will take action to protect workers when they raise a genuine whistleblowing concern that he or she believes is in the public interest.

The Trust will do its best to protect a worker's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be asked to provide a signed statement as part of the evidence.

Appropriate advice and support will be made available to workers who raise concerns.

Workers who raise concerns will be kept informed of the progress and outcome of any investigation.

The Trust will not tolerate malicious or vexatious allegations, which may be considered a disciplinary offence.

What is whistleblowing?

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

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures including our Code of Conduct;
- conduct likely to damage the Trust's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If a worker has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy.

This policy should not be used for complaints relating to workers own personal circumstances, such as the way they have been treated at work. In those cases they should use the Grievance Policy and Procedure or Anti-harassment and Bullying Policy as appropriate.

If workers are uncertain whether something is within the scope of this policy they should seek advice from their Headteacher or the HR Office.

Raising a Concern

Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, workers must act to prevent the problem getting worse, to reduce potential risks to the health and safety of others, and to prevent themselves potentially being implicated.

The earlier a worker expresses a concern, the easier and sooner it is possible for the Trust to take action.

Workers are encouraged to raise concerns about the actions/behaviours of other Trust workers, private contractors and/or elected members, where they think something is:

- unlawful; or
- against the Trust's Standing Orders or policies; or
- falls below established standard or practice; or

- amounts to improper conduct.

Concerns about the welfare of children and young people should be raised as quickly as possible as a failure to do so could result in a child or young person being placed at risk. Sometimes concerns in relation to safeguarding can be minimised, especially when the reporter is not sure of what they may have observed.

It is not necessary to be completely sure about the concern – what is important is that concerns are raised that may need further investigation. It is important to remember that often it is the most vulnerable groups that are targeted by individuals who may seek to abuse those in their care. Therefore, these groups rely on responsible individuals to protect them and to safeguard their welfare.

To Whom should a Whistleblowing Concern be Raised?

With the exception of Safeguarding concerns the Trust encourages workers to raise concerns initially with their immediate Line Manager and/or Headteacher by speaking to them in person or putting the matter in writing. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved. Team meetings and other opportunities can be used to ask questions and to seek clarification on issues that concern them.

However, where the matter is more serious, or the Line Manager/Headteacher has not addressed the concern, or the worker would prefer not to raise it with them for any reason, then they should contact the Lead Executive Headteacher.

Alternatively, workers who feel that they cannot approach any of the managers within their own area may approach the HR Office, Lead Executive Headteacher or any member of the Diamond Learning Partnership Board of Directors.

Safeguarding Concerns **must always** be raised with the Lead Designated Person for the academy in which the worker is placed. In these cases the worker should follow the details as set out in the Academy **Safeguarding and Child Protection Policy**.

How should the Concern be Raised?

Concerns should be raised in writing and include:

- reference to the fact that it is a whistleblowing disclosure;
- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the worker is particularly concerned about the situation.

Workers who feel unable to put the concern in writing, can telephone or meet the appropriate person.

Confidentiality

The Trust hopes that workers will feel able to voice whistle blowing concerns openly under this policy. However, if a worker wants to raise his/her concern confidentially, the Trust will endeavour to keep his/her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that workers concern to know their identity, the Trust will discuss this with the worker first.

The Trust does not encourage workers to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this when they raise their

concern or after with either their Headteacher, the HR Office or The Lead Executive Headteacher (whomever is most relevant) and appropriate measures can then be taken to preserve confidentiality.

If a worker is in any doubt they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work

Helpline: (020) 7404 6609

(Independent whistleblowing charity)

E-mail: whistle@pcaw.co.uk

Website: www.pcaw.org.uk

Responding to a Concern

The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- be investigated internally by an appropriate manager, e.g. another Trust Headteacher or Department Head;
- be referred to the Police;
- be referred to the external Auditor; and/or
- form the subject of an independent inquiry.

Support and Protection

'Blowing the whistle' can be difficult and stressful. The Trust will ensure that they do their best to protect the identity of the worker raising the concern and that he/she is not subjected to harassment or victimisation from others. Workers will be given the contact details of people who can offer support and advice, e.g. HR, Trade Union representatives.

The Trust will do its best to protect a worker's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be required to provide a signed statement as part of the evidence. Workers may be asked to give evidence where legal proceedings arise.

Anonymous Allegations

Anonymous allegations will be investigated at the discretion of the Trust after an assessment has been made of the nature and seriousness of the concerns, and the ability of the Trust to substantiate the allegations from other attributable sources.

Initial Enquiries

In order to protect individuals and the Trust, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Normally concerns or allegations that raise issues that fall within the scope of other policies/procedures, (e.g. safeguarding & child protection, health & safety or discrimination issues), will be addressed under those procedures.

Some concerns may be resolved at this initial stage simply, by agreed action or an explanation regarding the concern, without the need for further investigation.

Investigation

In some cases the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

The Trust will aim to keep the worker informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The worker is required to treat any information about the investigation as strictly confidential.

The response will explain how the matter was investigated, conclusions drawn from the investigation, and whom to contact should the worker be unhappy with the response and wish to raise the matter externally.

Investigating persons should take care when communicating the outcome of an investigation to ensure that confidentiality is maintained where appropriate, e.g. if subsequently, the investigation has led to disciplinary action against another employee.

Whilst the Trust cannot always guarantee the outcome a worker may be seeking, the Trust will try to deal with the concern fairly and in an appropriate way. If a worker is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

Copies of all correspondence should be sent to HR for record keeping/monitoring purposes.

Untrue Allegations

If a worker raises a genuine whistleblowing concern in that he or she believes is in the public interest., but it is not confirmed by the investigation, no action will be taken against that worker. If, however, there is clear evidence that a worker has made malicious or vexatious allegations, disciplinary action may be taken against that individual in accordance with the Trust's disciplinary procedures.

Unfounded Allegations

Following investigation, if an allegation is confirmed as unfounded this should be notified to the worker who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Records

The Trust is required to monitor the number and types of whistleblowing cases, and the outcomes, including actions taken to resolve the issues raised.

Review and Monitoring

The Trust is responsible for monitoring the implementation and effectiveness of this policy in accordance with agreed performance indicators:

- the number of concerns raised via the Whistleblowing policy;
- the nature and type of concerns raised;
- the number of concerns raised dealt with via the grievance and complaints procedures;
- the number of concerns resolved at the initial discussion stage of the procedure;
- the number of concerns investigated via other procedures, e.g. child protection, disciplinary and health and safety procedures; and
- the number of concerns raised externally.

The policy/procedures will be reviewed and their effectiveness evaluated annually in the light of learning points/issues raised or identified as part of the monitoring process.

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 Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage a member of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstances the law will protect you if you raise the matter with the third party. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Protection and Support for Whistleblowers

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

Workers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a worker believes that he/she has suffered any such treatment, he/she should inform the Headteacher or Line Manager immediately. If the matter is not remedied the worker should raise it formally using the Trust's Grievance Policy and Procedure.

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

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Head of HR in the first instance.

REVIEW AND MONITORING

The policy will be monitored and reviewed on a regular basis.

Adopted on: Sept 2018

Due for Review: Sept 2020