

# WHISTLEBLOWING/SPEAK UP POLICY & PROCEDURE

Status ..... Recommended

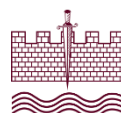
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Reviewed and ratified by: ..... Audit, Risk and Resources Committee

Signed by Trust/Committee Chair:... *Andy Skulimowski*

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This policy has been reviewed to ensure compliance with the Public Interest Disclosure Act 1998 and the Whistleblowing: Guidance for Employers and Code of Practice (BEIS, 2022).

## **1 Introduction**

- 1.1 Speaking up about any concern you may have at work (defined as whistleblowing) is a really important thing to do. This is because we look to all of us to help maintain high standards so we can safely continue to deliver exceptional opportunities for learning for children across our Trust.
- 1.2 We encourage speaking up and open communication from all those who work for us and with us and we want everyone to feel secure doing so.
- 1.3 We want to:
  - encourage you to report a concern as soon as possible,
  - provide you with guidance on how to raise a concern,
  - give you assurance that you will be taken seriously, and
  - assure you that your confidentiality will be respected.
- 1.4 The Trust Board supports staff raising concerns and wants you to feel free to *speak up*. You should not feel worried about raising a concern. The Trust would much rather hear from you than not, so we have a chance to do something about it.
- 1.5 Our dedicated email for anyone to raise any concerns is [speakup@secat.co.uk](mailto:speakup@secat.co.uk)

## **2 Definitions**

- 2.1 Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that an organisation is responsible for or taken part in some wrongdoing. Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.
- 2.2 Speak up is the term given to the act of whistleblowing. We recognise the importance of a “speak up” culture where everyone can feel comfortable raising questions or concerns about anything including potentially unethical, unsafe or even illegal conduct.
- 2.3 In this Policy, the Trust uses the terms “speak up” or “speaking up” throughout.

## **3 Confidentiality**

- 3.1 The Trust hopes that everyone will feel able to speak up and raise concerns openly under this Policy, and any information raised will be treated in a confidential manner by those involved in dealing with it, to the extent permitted by law. Every effort will be made not to reveal the identity of the individual without consent, both during the investigation and afterwards as required.
- 3.2 We hope that you will feel comfortable talking to us, but we also appreciate that you may prefer to raise your concern confidentially. This means that, whilst you are willing for your identity to be known to the person you report your concern to, you don't want anyone else to know your identity. We will keep your identity confidential, if that's what you want, unless we are required to disclose it by law, for example to the police.

- 3.3 You can choose to raise your concern anonymously without giving anyone your name, but a proper investigation may be more difficult if we cannot obtain further information. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.
- 3.4 An anonymous concern will still be given the same appropriate consideration where possible, taking account of factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the concern from other sources.

## **The Procedure**

### **4 Who can speak up?**

- 4.1 This policy applies to anyone that works with the Trust in any capacity (permanent, fixed term, agency, contractor, casual, trustee or volunteer).
- 4.2 The Policy is published on our internal and external website and we would encourage anyone to raise a concern if they have one.

### **5 What can you speak up about?**

- 5.1 We want to know about any concern which may be a risk, a malpractice, or wrongdoing, and about any activity which may be illegal or unethical - especially if you think that it may result in harm. This may include, but is not limited to, one or more of the following:
- An issue of safeguarding;
  - A criminal offence;
  - Someone failing to comply with a legal or regulatory requirement;
  - A health and safety violation;
  - A suspicion of fraud, corruption, bribery or blackmail;
  - A bullying culture (across a team or school);
  - Attempts to hide one, or more, of the above.
- 5.2 We would like you to raise the matter while it is still a concern even without proof if you have a suspicion. We would rather it turn out to be wrong than not hear from you.
- 5.3 If you have a concern about an individual employment matter, which affects only you, it may be better suited to our Grievance Policy and Procedure. If you feel comfortable speaking to our HR People Team, they will be able to advise you at [HRHelpdesk@secat.co.uk](mailto:HRHelpdesk@secat.co.uk)

### **6 How to speak up?**

- 6.1 In the first instance you should report any concerns you may have to your line manager. If the concern relates to your line manager, or if it is not appropriate to make the report to your line manager, you should direct your concerns to a member of the Senior Leadership Team within the relevant school, or if this is not appropriate, the Headteacher or Chair of the School's Academy Committee.
- 6.2 The individual to whom you raise your concern, will immediately notify the CEO or Chair of Trustees, who have overall responsibility for this policy.
- 6.3 Any concerns by anyone should be raised by emailing [speakup@secat.co.uk](mailto:speakup@secat.co.uk) You can do this via email and/or by completing and attaching the form: speak up/whistleblowing disclosure (Appendix 1). It is recommended that you include the background and history of the concern (giving relevant dates) and the reason why you are concerned about the situation. The Trust's Whistleblowing Link Trustee is Steve Churchyard, who can also be contacted in confidence by email [stevechurchyard@secat.co.uk](mailto:stevechurchyard@secat.co.uk) should you wish to

raise a concern directly with a Trustee.

- 6.4 If you do not report your concerns through any of the mechanisms above, you should take them directly to the appropriate organisation or regulatory body with authority for that area.

## **7 What will we do with your concern?**

- 7.1 In order to protect individuals and anyone accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle that the Trust will consider is the public interest. Allegations that fall within the scope of specific procedures, such as child protection or discrimination issues, will normally be referred for consideration under those procedures.
- 7.2 Some concerns may be resolved by agreed action, without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 7.3 Following receipt of a disclosure made under this policy, a meeting will be held with the individual. The purpose of this meeting is to gather as much information as possible from you regarding the concerns, including whether you have any supporting evidence or can identify any witnesses. You may invite your union representative or a colleague or friend to be present during any meetings connected with the case. This meeting will be held within five working days following receipt of the disclosure.
- 7.4 After this meeting, the investigating manager will commence a full investigation into the concerns raised. The investigation will aim to gather all relevant information including relevant documentary evidence or witness statements. This investigation must be completed within ten working days following this meeting. If this is not possible, the investigating manager will speak to the employee in advance of the completion deadline to agree an extended period of investigation.
- 7.5 Once the investigation is complete, the investigation manager will confirm the outcome in writing.
- 7.6 If you are not satisfied with the explanation or outcome, you may raise the matter with the appropriate official organisation or regulatory body. Alternatively, you may raise a formal complaint under the Trust's Grievance Policy and Procedure.
- 7.7 Independent information and advice for individuals concerned about whistleblowing can be obtained from their trade union or professional association, also from 'Protect' the independent whistleblowing charity via Helpline: 020 3117 2520 E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) Website: <https://protect-advice.org.uk>

## **8 Formal Action**

- 8.1 Should formal action be required as a result of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable in line with the relevant policy.

## **9 Protection against Detrimental Treatment**

- 9.1 The Trust recognises that the decision to report a concern can be difficult one to make. The Trust is committed to high standards and wants to be supportive of you raising concerns. Anyone who raise matters of concern under this policy are protected against

detrimental treatment, up to and including dismissal, because they have made a disclosure.

- 9.2 Bullying, harassment or any other detrimental treatment afforded to someone who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

## **10 Taking the Matter Further**

- 10.1 This policy is intended to provide you with the means to raise concerns within the Trust. If you are not satisfied with the action taken, and you feel it is right to take the matter outside of the Trust, the following are possible points of contact:

- Your trade union
- The Ombudsman
- SECAT's external auditor
- Department for Education
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations, such as HSE, Data Protection Registrar
- Your Solicitor
- The Police

- 10.2 If you do take the matter outside of the Trust, you should ensure that you do not disclose confidential or privileged information that could result in you being subject to disciplinary action. If you are unsure, the CEO or relevant Headteacher can advise you.

- 10.3 If you have a child safeguarding concern, and do not wish to speak to the Headteacher, your Line Manager, the Designated Officer or CEO, you can contact any of the following:

- Local Authority Designated Officer (LADO) on 01702 215000
- NSPCC Whistleblowing Advice Line (for professionals) on 0800 028 0285

If you think a child is in immediate danger, phone 0808 800 5000

**11 Form for an employee to make speak up whistleblowing disclosure**  
*This should be emailed to [speakup@secat.co.uk](mailto:speakup@secat.co.uk)*

Speak Up / Whistleblowing Disclosure Form	
Employee name:	
Job title:	
Line manager:	
Please provide the names and job titles of any person your disclosure relates to:	
Please provide full details of your concerns including details of any incidents, any relevant policies or documents, any previous action taken, etc:	
Please provide details of any witnesses to these matters:	

**If you have a preferred outcome to this matter, please outline this below:**

*By signing this form, you confirm that you are making this disclosure in line with our whistleblowing policy and understand that this matter will be dealt with under this procedure*

**Signed:**

**Date:**

***For organisation use only:***

**Received by:**

**Date received:**