

Whistleblowing Policy (Confidential Reporting)

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1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong. However, they may not 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, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Public Interest Disclosure Act 1998 came into force in July 1999. It gives statutory protection from victimisation and dismissal to employees who speak out against malpractice at work.
- 1.3 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 serious 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.
- 1.4 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination, or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within SECAT through their respective workplace rather than overlooking a problem or 'blowing the whistle' outside.
- 1.5 The policy applies to all employees and any contractor or other person working, paid or voluntary, for SECAT, for example, agency staff, Academy Committee, Trustee, Member, volunteer helpers, caterers and cleaners, other private contractors etc. It also covers suppliers and those providing services to the Trust.
- 1.6 These procedures are in addition to the Trust's Complaints Policy
- 1.7 This policy has been discussed and agreed with the relevant trade unions.
- 1.8 This policy is based on a model document provided and used by Southend Borough Council and will be reviewed every two years.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
 - provide avenues for you to raise those concerns and receive feedback on any action taken
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - reassure you that you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures within the Grievance and Dignity at Work Policy, which are in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual, physical, emotional and psychological abuse
- other unethical conduct.

2.3 Any serious concerns that you have about any aspect of service provision or the conduct of members of the Trust or others acting on behalf of the Trust can be reported under the Whistleblowing Policy. This may be about something that may:

- make you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trust and their associated Academies subscribe to
- be against the Trust's published policies
- fall below established standards of practice
- amount to improper conduct.

3. SAFEGUARDS

3.1 This policy is intended to encourage and enable you to raise concerns, in the right way, and do so without fear of victimisation, harassment, recrimination or disadvantage.

3.2 The Trust is committed to good practice and high standards and wants to be supportive of you in achieving this.

3.3 The Trust recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your colleagues, employer and those for whom you are providing a service.

3.4 The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, sickness, grievance, capability or redundancy procedures that already affect you.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, it must be appreciated that, in the interests of natural justice, you may need to come forward as a witness.

5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Chief Executive Officer (CEO) or Chair of Trustees.
- 5.3 In exercising this discretion, the factors to be taken into account would include:
- the seriousness of the issues raised
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources.

6. UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an untrue allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN?

- 7.1 As a first step, you should normally raise your concern with your immediate line manager. However, the most appropriate person to contact may depend on the sensitivity of the issues involved and who is accused of malpractice.

Therefore, it may be appropriate to contact a member of the Senior Leadership Team within the relevant Academy, or, if this is also not appropriate, the Headteacher or Chair of the school's Academy Committee (contact details from the school's office).

Whoever you raise the concern with will immediately notify the CEO or Chair of Trustees who will have overall responsibility for this policy.

- 7.2 If an Academy Committee member wishes to raise a matter of concern, it is expected that they would usually raise it with the relevant Headteacher, Chair or Vice-Chair of the Academy Committee. If a Trustee wishes to raise a matter of concern, it is expected that they would usually raise it with the CEO or Chair of Trustees.
- 7.3 If the concern relates to the Headteacher or CEO it can be referred to the Chair of Trustees.

- 7.4 If the concern relates to the Chair of the Academy Committee, it can be referred to the Vice-Chair of the Academy Committee. If the concern relates to the Chair of Trustees, it can be referred to the Vice-Chair of the Trust Board.
- 7.5 Concerns may be raised verbally or in writing. If you wish to make a written report you are invited to use the following format:
- the background and history of the concern (giving relevant dates);
 - the reason why you are particularly concerned about the situation.
- 7.6 The earlier you express the concern the easier it is to take action.
- 7.7 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.8 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.9 You may invite your union representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW SECAT WILL RESPOND?

- 8.1 The Trust will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- be investigated by senior management
 - be investigated by a member of the Academy Committee
 - be investigated by a Trustee of SECAT
 - be referred to the police.
- 8.3 In order to protect individuals and those accused of misdeeds or 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 which the Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. Please refer to the Safeguarding and Equal Opportunity Policies.
- 8.4 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.

- 8.5 Within ten working days of a concern being raised the person with whom you raised it will ensure you receive a written response (with a copy to the CEO or Chair of Trustees) that covers:
- acknowledging that the concern has been received
 - indicating how it is proposed to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on any available support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- 8.6 The amount of contact between the persons considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the person investigating will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a friend.
- 8.8 The Trust will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings advice will be made available to you about the procedure.
- 8.9 The Trust accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and the duties of confidentiality, you will be informed of the outcome of any investigation. The outcome will also be reported to the CEO and Chair of Trustees.

9. THE RESPONSIBLE OFFICER

- 9.1 The relevant Headteacher/Line Manager has overall responsibility for the maintenance and operation of this policy and maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Academy Committee and CEO.

10. HOW THE MATTER CAN BE TAKEN FURTHER?

- 10.1 This policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hope you will be satisfied with any action taken. If you are not, and you have exhausted all avenues within the Trust including the Trust Board, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:
- the designated independent organisation (e.g. independent charity “Public Concern at Work” which provides a confidential helpline on 020 7404 6609,

(<http://www.pcaw.org.uk>). Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.

- your trade union
- The Ombudsman
- SECAT's external auditor
- the Department for Education
- the local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations e.g. HSE, Data Protection Registrar
- your solicitor
- the police.

10.2 If you do take the matter outside the Trust, you should ensure that you do not disclose confidential or privileged information, which could result in you being subject to disciplinary action. You should make yourself aware of Part IV of the Employment Rights Act 1996 as inserted by the Public Interest Disclosure Act 1998. If you are unsure, the CEO or relevant Headteacher can advise you.

10.4 If you have a child safeguarding concern and are not happy to speak to your Headteacher/Line Manager, the Designated Officer or CEO, you can contact the:

Local Authority Designated Officer (LADO) on **01702 215000** or the

NSPCC Whistleblowing Advice Line (for professionals) on **0800 028 0285**.

If you think a child is in immediate danger ring **0808 800 5000**.