

EXCELLENCE IN EDUCATION TRUST

WHISTLE-BLOWING POLICY

Action/Notes
Last Reviewed: September 2022
Approved by the board of EiET: October 2023
Next review: September 2024

WHISTLEBLOWING POLICY

1.1 TRUSTEES STATEMENT

The Trustees of Excellence in Education are committed to tackling all forms of malpractice and fraud and treat these issues seriously. The Trustees recognise that some concerns may be extremely sensitive and have, therefore developed a system which allows for the confidential raising of concerns within the environment of each academy but also has recourse to an external party outside the management structure of the academies.

The Trustees are 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.

The provisions of the policy apply to matters of suspected malpractice and fraud and not matters of more general grievance which would be dealt with under the school's grievance procedures.

1.2 BACKGROUND AND CONTEXT

This policy on 'whistleblowing' has the following background and context:

- (a) Any version of the code adopted by the Trustees will form part of the Conditions of Employment. The code currently states:

“Academy employees are expected to give the highest possible standard of service to the public through the performance of their duties. Employees will be expected through agreed procedures and without fear of recrimination, to bring to the attention of their line managers any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.”

- (b) The legal background relating to “whistleblowing” is covered by the Public Interest Disclosure Act 1998 which affords protection against dismissal penalty where an employee discloses in good faith, with reasonable grounds for belief in the disclosure, certain information relating to the following examples:-

Malpractice

Failure to comply with legal obligations
Child protection issues
Miscarriages of justice
Criminal offences
Danger to Health & Safety
Damage to the environment
Concealment of evidence relating to the above

Fraud

Manipulation of accounting records and finances
Inappropriate use of school assets or funds
Decision making for personal gain
Abuse of position to influence decisions
Fraud and deceit

- (c) This policy sets out the agreed procedures that should be followed where employees have concerns about what they regard as such impropriety or neglect of duty. Such breaches of acceptable standards may be in relation to ethical or professional standards, as well as the academies' expectations on money, gifts, hospitality, health and safety and welfare, equal opportunities, relationships and outside interests. The Code of Conduct gives greater details.

- (d) This procedure should be used where concern is about the consequences for other employees or the public. If the concern is about the individual being disadvantaged, by the action or failure to take action, then that should be pursued through the Academies' Grievance Procedure.

1.3 WHAT SHOULD AN INDIVIDUAL DO IF "WHISTLEBLOWING"?

- (a) Judgement will need to be exercised here if the inaction or lapse of standards seems to be minor, then it may well be sufficient just to bring the matter to the attention of the employee who appears to be at fault.
- (b) If the matter is more significant, particularly if it involves breaches of the academies' Code of Conduct or where a previous informal response has been apparently disregarded, then the matter should be raised formally with the line manager and as a matter of urgency if it appears serious.

If given verbally, confirmation of the complaint should be made in writing as soon as possible.

- (c) Where the complaint concerns the line manager, or having made the report it is believed that appropriate action has not been taken then the complaint should be brought to the attention of a more senior manager.
- (d) If it is believed that fraud, theft or other potential gross misconduct is involved; the matter should be raised quickly as mentioned above.

It must not be mentioned to the subject of the complaint or other colleagues as this could prejudice subsequent investigation.

- (e) Where there are genuine and justified suspicions of wrong doing, even though at the time of "whistleblowing" there is no concrete evidence of serious wrong doing, this should not deter anyone from going ahead and reporting the matter, particularly where it may involve potential risk to vulnerable people.
- (f) The Trustees of Excellence in Education Trust encourage the "whistleblower" to raise the matter internally in the first instance to allow those academy staff and trustees in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity. The Trustees of Excellence in Education have designated a number of individuals to specifically deal with whistleblowing and if the "whistleblower" feels that appropriate action has not been undertaken after following the actions in paragraphs (b) and (c) above then the matter should be referred to one of the individuals shown below:-

- Executive Headteacher
- Head of School
- Chair of Trustees

- (g) 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. Alternatively, if the "whistleblower" considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed in the first instance to the officers of the Department for Education.

In addition, information and advice can be obtained from the charity – ‘Protect’. This charity offers free legal advice in certain circumstances 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:

Protect
Green House
244-254 Cambridge Heath
Road
London E2 9DA
Telephone number – 020 3117 2520
<https://protect-advice.org.uk/>

- (h) This policy encourages employees to put their names to the concerns they are raising. Anonymous concerns may carry much less weight as they are considerably more difficult to investigate. As part of the investigation procedures the individual who raised a concern is likely to need to be contacted for further information and to verify the details provided. All complaints made anonymously will be investigated wherever possible.
- (i) The Employment Rights Act 1996 provides individuals with protection from victimisation, dismissal or any other detriment provided they have a reasonable belief that what they have reported is true and the report is made in good faith.

The Trustees view harassment or victimisation very seriously and undertake to ensure that no one who reports any concern under this policy in good faith will be subject to any detriment for coming forward, regardless of whether or not the concern is ultimately substantiated.

If an employee believes that she/he is being victimised or subjected to detriment by any person as a result of reporting a concern or assisting with any investigation under this policy, she/he should inform the Executive Headteacher or the Chair of the Trust Board and appropriate action will be taken to protect the staff member from any reprisal.

If any employee is aware of the victimisation or harassment of a whistle-blower, she/he has a responsibility to bring it to the attention of one of the Executive Headteacher or the Chair of the Trust Board. The Trust Board will treat any victimisation or harassment of an employee who has made a report in good faith under this policy as a disciplinary offence.

1.4 **WHAT SHOULD A LINE MANAGER DO WHEN A COMPLAINT IS RECEIVED?**

- (a) It is essential that problems raised are tackled effectively and quickly and with the aim of righting wrongs. This may well be best achieved in many less serious cases by discussion with the “offending” employee and securing a commitment as to future standards and corrective action. In other more serious cases, the matter may well have to be referred to a senior manager. It may be necessary to instigate disciplinary proceedings.
- (b) Complaints received from outside of the school environment must be dealt with by following the procedures as outlined in the academies’ own Code of Conduct/Customer Care Code of Practice’.

- (c) Any written complaint/allegation should be given a written acknowledgement and confirmation that the matter will be looked into. Unless clearly made in a very low-key way about minor matters, verbal complaints/allegations should receive a written acknowledgement in the same way.
- (d) In the event of the allegation being of a serious nature e.g. relating to a fraud or other gross misconduct offence, there may well be a need to involve other colleagues immediately. This should normally be agreed initially by the Chair of Trustees and/or the Executive Headteacher who, in turn, should keep the Trust Board informed.
- (e) When any complaint or allegation has been looked into and resolved or dealt with, the person who raised the matter in the first instance should be notified – normally in writing unless common-sense indicates that it can be done more appropriately verbally. How much detail to provide in such cases is a matter of judgement.

1.5 **PROTECTING “WHISTLEBLOWERS” AND COMPLAINANTS**

- (a) “Whistleblowers” have an expectation that their identity can be kept concealed. In the majority of cases this may be possible, but in more serious cases where disciplinary action may have to be taken against an individual, it may well be judged that they have a right to know the sources as well as the nature of such complaints. In any case the Trustees are committed to doing as much as possible to ensure that the well-being of the “whistleblower” at work does not suffer as a result of the tensions that may result from the making of or investigation of complaints.
- (b) Individuals are encouraged to bring to the attention of their managers any harassment or victimisation they may suffer as a result of whistleblowing. All necessary action will be taken to ensure that such harassment or victimisation is stopped if not prevented.
- (c) It may be that “whistleblowers” will find the process of reporting wrong-doing and making statements stressful, particularly where there may be feelings of divided loyalties. In such cases the opportunity should be given for the “whistleblower” to talk through these anxieties and feelings, either with her/his manager or possibly, someone from an external counselling service. The Trustees encourages this action.

1.6 **INDIVIDUALS RECEIVING A COMPLAINT ABOUT THEMSELVES**

If the complaint or allegation is at all significant or made in a formal way, particularly by a member of the public or other external users, then the line manager, or Chair of Trustees in the case of a Headteacher, should be informed even if it is believed that the complaint is groundless or unjustified. Where a complaint or “grumble” clearly does not justify the issue being pursued in this way, then a brief file note or diary entry will often be appropriate and in the best interests of the individual.

1.7 **A SENSE OF PERSPECTIVE**

As stated in the Code of Conduct, all staff have an obligation under the code to raise concerns where it is seen that proper standards have clearly been breached or ignored.

Nevertheless, it is important that where deficiencies in service provision standards are involved rather than in areas of malpractice, staff members should satisfy themselves that the failing is serious and that the potential disadvantage to the academies or public is significant. Any unnecessary over-zealous reporting might be inappropriate and counter-productive.

However, Trustees re-iterate that individual staff members are encouraged to raise genuine concerns with the knowledge that they will be taken seriously.

1.8 MALICIOUS ACCUSATIONS

If on investigation, it is considered that an individual has made malicious allegations without any real substance, then these too will be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

1.9 WHISTLE BLOWING CONCLUSION

Existing good practice within the academies in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the academies operates will ensure that cases of malpractice rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally, and if necessary outside the management structure of the academies.

This document is a public commitment by the Trustees of Excellence in Education Trust that concerns are taken seriously and will be actioned.

Agreed by Trustees of Excellence in Education Trust 3rd October 2023



Chair of Trustees:

Next review date: Autumn Term 2025