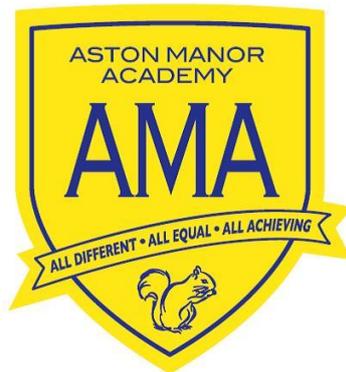


EQUITAS ACADEMIES TRUST



WHISTLEBLOWING POLICY

Review Date: March 2021

To be Reviewed: March 2023

Agreed: F&GP Committee

Policy Lead: HR Manager

WHISTLEBLOWING POLICY

Contents	Page(s)
1. Introduction	3
2. Scope and Purpose	3
3 What is Whistleblowing?.....	3
4 Raising a whistleblowing concern	4
5 Confidentiality and Data Protection.....	5
6 External Disclosures.....	6
7 Investigation and Outcome	6
8 If the Whistleblower is not satisfied.....	7
9 Protection and support for whistleblowers.....	7
10 Contacts.....	8
11 Review of Policy.....	8

Appendix 1 – Whistleblowing Pro forma

1. INTRODUCTION

- 1.1 The Trust Board are committed to the highest possible standards of honesty and integrity, and it expects all employees to maintain these standards in accordance with the Staff Behaviour Code of Conduct Policy. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.2 This policy has been implemented and formally adopted by the Trust Board.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. SCOPE AND PURPOSE

- 2.1 The aims of this policy are:
 - 2.1.1 To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - 2.1.2 To provide employees with guidance on how to raise concerns.
 - 2.1.3 To reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 2.2 This policy applies to all employees of the Trust, Trustee's, consultants, contractors, casual and agency staff and volunteers, (collectively referred to as employees in this policy).

3. WHAT IS WHISTLEBLOWING?

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Whistleblowing can also be characterised as an early warning system process for reporting concerns. This process helps employees recognise the most minor breaches of Staff Behaviour Code of Conduct as an indicator that a colleague may need support or help to operate within appropriate boundaries. This is akin to early help in keeping children safe and supporting staff to work safely, avoid suspicion and the necessity of disciplinary action. The law provides protection for employees who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that wrongdoing or dangers at work occur. This may include:
 - 3.1.1 criminal activity;
 - 3.1.2 miscarriages of justice;
 - 3.1.3 danger to health and safety;
 - 3.1.4 damage to the environment;
 - 3.1.5 failure to comply with any legal or professional obligation or regulatory requirements;
 - 3.1.6 bribery;

Equitas Academies Trust

- 3.1.7 financial fraud or mismanagement;
 - 3.1.8 negligence;
 - 3.1.9 breach of internal policies and procedures including the Trust's Staff Behaviour Code of Conduct;
 - 3.1.10 conduct likely to damage the reputation or financial wellbeing of the Trust;
 - 3.1.11 unauthorised disclosure of confidential information;
 - 3.1.12 unethical behaviour
 - 3.1.13 the deliberate concealment of any of the above matters.
- 3.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the above activities (a whistleblowing concern) it should be reported under this policy.
- 3.3 This policy should not be used for complaints relating to an employee's own personal circumstances, such as the way they have been treated at work. In those cases they should use the Grievance Procedure or Anti bullying and Harassment Policy.
- 3.4 If an employee is uncertain whether something is within the scope of this policy they should seek advice from a member of the Trust's leadership team.
- 3.5 If your concern is in relation to safeguarding and the welfare of students at the academy, you should consider whether the matter is better raised under the academy's Safeguarding and Child Protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in this policy may still apply.

4. RAISING A WHISTLEBLOWING CONCERN

- 4.1 The Employee should be able to raise any concerns with their line manager or a member of SLT. They may tell them in person or put the matter in writing using the Whistleblowing proforma, see Appendix 1. Their line manager or SLT may be able to agree a way of resolving the concern quickly and effectively.
- 4.2 However, where the matter is more serious, or the employee feels that their line manager or SLT has not addressed their concern, or they prefer not to raise it with them for any reason, or they are the subject of the complaint, then the matter can be discussed with or put in writing to:
- 4.2.1 The HR Manager. This is the member of staff who is responsible for managing whistleblowing complaints.
 - 4.2.2 The Headteacher of the Academy
 - 4.2.3 The Chair of the Trust Board
- 4.3 If the concerns or complaints are about the headteacher, it should be reported to the CEO of the Trust.
- 4.4 A meeting will be arranged as soon as possible to discuss the concern. The employee may bring a colleague or union representative to any meetings under this policy. Their

companion must respect the confidentiality of the disclosure and any subsequent investigation.

- 4.5 The HR Manager / Headteacher will take down a written summary of your concern if raised verbally and provide you with a copy after the meeting. Alternatively, they will review your completed proforma and discuss the content with you. The HR Manager / Headteacher will also aim to give you an indication of how we propose to deal with the matter. Where necessary, they will also consult with an external HR legal team for further advice and guidance or the LADO where Safeguarding and Child Protection issues are raised as a concern.
- 4.6 Staff can also contact the Designated Officer in the Local Authority (LADO), who is responsible for the co-ordination of responses to allegations against people who work with children.
- 4.7 For staff who do not feel able to raise concerns internally, relevant contact details are set out at the end of this policy.

5. CONFIDENTIALITY and DATA PROTECTION

- 5.1 The Trust hopes that Employees will feel able to voice whistleblowing concerns openly under this policy. However, if they want to raise a concern confidentially, the Trust will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know the identity, this will be discussed with the employee.
- 5.2 Employees are not encouraged to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information as requested. It is also more difficult to establish whether any allegations are credible. Whistleblowers, who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in section 10 and appropriate measures can then be taken to preserve confidentiality. If there is any doubt employees can seek advice from Protect, the independent whistleblowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.
- 5.3 Where anonymous complaints are received the HR Manager/ Headteacher will make a determination about whether to investigate based on:
 - 5.3.1 the seriousness of the issue raised
 - 5.3.2 the credibility of the concern; and
 - 5.3.3 the likelihood of confirming the allegation from other sources.
- 5.4 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of

information in relation to our workforce. Records will be kept in accordance with our Privacy Notice Staff, and in line with the requirements of Data Protection Legislation.

6. EXTERNAL DISCLOSURES

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases an employee should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for an employee to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy
- 6.3 Whistleblowing concerns usually relate to the behaviour and conduct of employees, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will protect you if you raise a concern with the third party directly where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. Employees should contact their line manager or one of the other individuals set out in section 10 for guidance.

7. INVESTIGATION AND OUTCOME

- 7.1 Once a concern, has been raised an initial assessment will be carried out to determine the nature and scope of any investigation. The employee will be informed of the outcome of the assessment. They may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases the Trust may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. We may in some circumstances, appoint an external person or body to investigate the concern. The investigator(s) will collate findings on the matter and may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing. This will be sent to the Headteacher and/or the Trust Board for actioning.
- 7.3 The investigator will aim to keep the employee informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent the investigator giving the employee specific details of the investigation or any disciplinary action taken as a result. The information about the investigation should be kept confidential.
- 7.4 If it is concluded that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.

8. IF THE WHISTLEBLOWER IS NOT SATISFIED

- 8.1 While the Academy cannot always guarantee the outcome the employee/whistleblower is seeking, the Trust will try to deal with their concern fairly and in an appropriate way. By using this policy employees can help us to achieve this.
- 8.2 If the employee is not happy with the way in which their concern has been handled, they can escalate and raise it with one of the other key contacts in section 10.

9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The aim is to encourage openness and support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Employees must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the employee believes that they have suffered any such treatment, they should inform one of the contact people in section 10 immediately. If the matter is not remedied they should raise it formally using the Trust's Grievance Procedure.
- 9.3 Employees must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

10. CONTACTS

Headteacher – Aston Manor Academy	Mrs Jill Sweeney 0121 359 8108 jsweeney@astonmanoracademy.com
Headteacher – Chilwell Croft Academy	Mrs Nanette Wragg 0121 464 3402 nwragg@chilwellcroftacademy.com
HR Manager	Mrs Sharon Elliott 0121 359 8108 selliott@equitasacademiestrust.com
Chair of Trust Board	Mr Simon Spencer 0121 331 7356 Simon.Spencer@bcu.ac.uk
Protect (Independent Whistleblowing Charity)	Helpline: (020) 3117 2520 E-mail: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk
Confidential Counselling Hotline	Employee Assistance Programme Workplace Wellness Helpline: 0800 111 6387 website: http://www.my-eap.com Login: BHAM2
LADO (Local Authority Designated Officer) Birmingham Children’s Trust	LADO Team: 0121 675 1669 Ladoteam@birminghamchildrenstrust.co.uk 1 Lancaster Circus Queensway Birmingham B4 7DJ (08:45 - 17:15 Mon - Thurs & 08:45 - 16:15 Fri)

11. Review of Policy

- 11.1 This policy will be reviewed biennially by the Trust. We will monitor the application of this policy to ensure it is working effectively.

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Approved by:	Date approved:	Next review date:
F&GP Committee	22/03/2021	March 2021



Appendix 1

Whistleblowing Pro-Forma

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for employees who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that wrongdoing or dangers at work occur.

Name: _____ Job title: _____ Date submitted: _____
(Optional)

Email address: _____ Contact number: _____

Please state below the nature of your concern by providing as much details as possible to help us investigate the concern appropriately: (Description of concerns, dates/times, individuals involved, location, etc.)

Continue on a separate sheet if required.

*Your disclosure will be treated confidentially and any subsequent investigation.
Where possible, your identity will not be disclosed. Thank you for your submission.*

For office use only

Received by:
(HR Manager, Headteacher or Chair of the Trust)

Date received:

Time received:

Immediate action taken:

Name: _____ Date: _____

Outcome and further actions/recommendations

Name: _____ Date: _____

Please submit your completed form to one of the following: HR Manager, Academy Headteacher or Chair of the Trust, as soon as possible