

# Whistleblowing Policy

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# 1 What is Whistleblowing?

- 1.1 Whistleblowing inside the workplace is the term used to describe reporting by employees or ex-employees, of suspected wrongdoing on the part of management, the Governing Body, Trustees or by fellow employees.
- 1.2. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Trust's Code of Conduct.
- 1.3 The term Employees may, for this purpose include, for example, contractors and agency workers.
- 1.4 The named officer to contact if you wish to discuss a whistleblowing concern is:
  - Head of HR (extn 914)
- 1.5 The named Trustee to contact if you wish to discuss a whistleblowing concern is:
  - Chair of Finance, Resources, Audit and Risk Committee

# 2 Protecting the Whistleblower

- 2.1 Under the Public Interest Disclosure Act 1998 (PIDA) a Whistleblower is protected from detriment and unfair dismissal as a result of having raised a genuine whistleblowing concern.
- 2.2 Endeavour MAT (the Trust) will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.
- 2.3 This policy applies to all Trust staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience.
- 2.4 Volunteers may raise concerns under the policy,, however PIDA does not usually protect volunteers. Any volunteer raising concerns will be treated respectfully and Endeavour MAT will not tolerate victimisation of any person who raises concerns in good faith.

# 3 Aims of this Policy

- 3.1 In line with the Trust's commitment to openness, probity and accountability, employees are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.
- 3.2 This policy aims to:

- give confidence to employees about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with the Trust's standards and policies;
- provide employees with appropriate channels through which to raise concerns;
- ensure that employees receive a response to the concerns they have raised and feedback on any action taken;
- offer assurance that employees are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

3.3 Where this policy and procedure refers to 'working days' this is defined as days when Endeavour MAT's schools are open, unless mutually agreed otherwise.

## 4 **When to use the Whistleblowing Procedure**

- 4.1 If an employee has concerns about wrongdoing at any school or office within the Trust, or any wrongdoing in respect of the Trust itself and feels that those concerns are sufficiently serious to require reporting, this procedure outlines the processes that will be followed.
- 4.2 Each individual member of staff should feel able to speak freely on such matters. However, the Trust and its colleagues have the right to protect themselves against unfounded false or malicious accusations.
- 4.3 Whistleblowing should only be used when an employee has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, nor falsely or maliciously.
- 4.4 Qualifying disclosures are disclosures of information where the employee reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has happened, or is likely to happen in the future.
- A criminal offence;
  - The breach of a legal obligation;
  - A miscarriage of justice;
  - A danger to the health and safety of any individual;
  - Damage to the environment;
  - Deliberate attempt to conceal any of the above.
- 4.5 Whistleblowing is not appropriate for dealing with issues which relate to the employee's own employment rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employee's employment terms and conditions.

- 4.6 Whistleblowing is not appropriate for dealing with complaints from parents or from students, those will be dealt with under separately published procedures.
- 4.7 Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the Trust's Safeguarding and Child Protection procedures. If any employee has concerns that a student is being dealt with unfairly in school, he/she should raise their concern, in the first instance with a Trust Senior Manager, or the Headteacher or Designated Safeguarding Lead within the specific school.
- 4.8 Where a concern relates to a child protection matter, and if the employee does not feel able to raise this through the school, or believes the concern is not being addressed he/she must consult the Local Authority Designated Officer (LADO) or they can contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk). If the concern requires Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

## **5 The Procedure**

- 5.1 Any issue raised will be kept confidential while the procedure is being used.
- 5.2 An employee wishing to raise a concern should raise their concern with the Headteacher/ Trust Senior Manager This may be done verbally or in writing.
- 5.3 However, if the concern relates to the Headteacher/ Trust Senior Manager employee should raise the issue with one of the Whistleblowing contacts named in section 1 above.
- 5.4 It is expected that the Headteacher/Trust Senior Manager/Named Whistleblowing contact informed of the allegation will become the Investigating Officer. However, it is at the discretion of this person to delegate the investigation process to another suitable person if they feel this is appropriate. .
- 5.5 The Investigating Officer will:
- Interview the employee as soon as possible usually within seven working days, in confidence. Early interviewing will be essential if the concern relates to an immediate danger e.g. loss of life or serious injury or risk to students;
  - Obtain as much information as possible from the employee about the grounds for the belief of wrongdoing;
  - Consult with the employee about further steps which could be taken;
  - Advise the employee of the appropriate route if the matter does not fall under this Procedure;

- Other than in the case where the allegations are against the Trust CEO report all matters raised under this procedure to the Trust CEO.

- 5.6 At the interview with the Investigating Officer, the employee may be accompanied by a recognised trade union representative or a work colleague. The Investigating Officer may be accompanied by an appropriate member of staff who will take notes at the meeting.
- 5.7 The Investigating Officer may at any time disclose the matter in confidence to either an appropriate internal source for guidance (generally a named Whistleblowing contact listed in section 1 above) and this will often be sufficient to assess the matter. However, if necessary in extreme cases, a professionally qualified lawyer may be consulted for the purpose of taking advice.
- 5.8 The Investigating Officer may also seek advice, in confidence, from other suitable professionals, such as the Trust's HR Manager. If external advice is thought necessary, contact can be made with a relevant body engaged by the School through either the Headteacher/Trust Senior Manager; the CEO; Chair of the Governing Body or Chair of Trustees; as applicable.
- 5.9 Promptly and usually within ten working days of the interview, the Investigating Officer will recommend one or more of the following:
- The matter be further investigated internally by the school or at Trust level;
  - The matter be further investigated by external consultants appointed by the Trust;
  - The matter be reported to an external agency;
  - Disciplinary proceedings be implemented against an employee;
  - The correct route for the employee to pursue the matter if it does not fall within this procedure; or
  - That no further action will be taken by the school/Trust.
  - The grounds on which no further action will be taken include:
    - If the Investigating officer is satisfied that, on the balance of probabilities, there is no evidence that any wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
    - If the Investigating officer is satisfied that the employee is not acting in good faith;
    - If the matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
    - If the matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 5.10 The recommendation of the Investigating Officer will be made to the CEO. However, should it be alleged that the CEO is involved in the alleged wrongdoing; the recommendation will be made to the Chair of Trustees.

- 5.11 The CEO or Chair of Trustees, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so, either in whole or in part. Such a reason will be reported to the next meeting of the Trustees.
- 5.12 The employee's identity will be kept confidential unless the employee otherwise consents or unless there are grounds to believe that the employee has acted maliciously. In the absence of such consent or grounds, the Investigating Officer will not reveal the identity of the employee except:
- Where the Investigating Officer is under a legal obligation to do so;
  - Where the information is already in the public domain; or
  - On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 5.13 The conclusion of any investigation will be reported by the Investigating Officer to the employee promptly normally within twenty-eight working days of the initial interview. All responses to the employee will be provided securely (to home address or secure email) according to the whistleblower's preference.
- 5.14 If the employee has not had a response within the above time limit or such reasonable extension as the Trust requires, the employee may go to an appropriate external agency, but must inform the Investigating Officer before doing so.
- 5.15 The employee may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **6 Malicious Accusations**

- 6.1 A deliberately false or malicious accusation made by an employee is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the employee to legal liability.

## **7 Informing External Agencies**

- 7.1 Endeavour MAT encourages staff to raise concerns internally where appropriate, in order to address issues quickly. The Trust however recognises that under PIDA workers may make a protected disclosure directly to a prescribed person (as listed on gov.uk (<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>)) in the public interest. Where a worker reasonably believes the information is true and the disclosure qualifies under PDA, Endeavour MAT will not treat this as misconduct. Staff may also see advice from a legally qualified advisor or from Protect (<https://protect-advice.org.uk/>) before deciding how to disclose.

- 7.4 Media disclosures are strongly discouraged. In rare circumstances, wider disclosures may be protected under PIDA where strict legal tests are met. Staff must seek independent legal advice or advice from *Protect* (<https://protect-advice.org.uk/>) before any wider disclosure

## **8 Confidential Employee Enquiries**

- 8.1 Employees may, on a confidential basis, seek prior guidance from the Whistleblowing contacts named in section 1 above if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential, although there may be occasions where confidentiality cannot be maintained e.g. if the matter needs to be referred to the Police.
- 8.2 The Named Whistleblowing contact will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.
- 8.3 The Trust recognises that employees may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However, investigation into the concern could reveal the source of the information; and statements may be required from the employee as part of the evidence, which would be seen by all parties involved.

## **9 Anonymous Allegations**

- 9.1 Employees should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure at the discretion of the CEO, or if the anonymous allegation relates to the conduct of the CEO, by the Chair of Trustees.
- 9.2 In relation to determining whether an anonymous allegation will be taken forward the CEO/Chair of Trustees will take the following factors into account:
- the seriousness of the issue raised
  - the credibility of the concern
  - the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

## **10 Monitoring, Evaluation & Review**

- 10.1 The Trustees will assess periodically the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust.

- 10.2 This Policy will be reviewed by the Trustees every two years and will be signed by the Chair of Trustees.
- 10.3 This policy will be published on the Endeavour MAT website.