



# Whistleblowing Policy and Procedure

Tees Valley Education Trust

Version:	1.0
Ratified by:	Trust Board
Date ratified:	13/07/2016
Name of originator/author:	J. Wilson
Circulated to:	All staff
Date issued:	13/07/2016
Review date:	Autumn 2018
Target audience:	ALL TRUST EMPLOYEES



## TABLE OF CONTENTS

1 GENERAL PRINCIPLES.....	2
2 AIMS.....	2
3 SAFEGUARDS.....	3
4 HOW TO RAISE A CONCERN.....	3
5 HOW WILL THE TRUST RESPOND.....	4
6 THE RESPONSIBLE OFFICER.....	5
7 HOW THE MATTER CAN BE TAKEN FURTHER.....	5

### **1 GENERAL PRINCIPLES**

Tees Valley Education Multi Academy Trust (The Trust) is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment the Trust wants to ensure that, any activity which falls below these standards is reported to the Trust so that it can be dealt with promptly.

Employees are often the first to realise that there may be something seriously wrong within the organisation. 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.

This policy document makes it clear that all employees can report any concerns without fear of victimisation, subsequent discrimination or advantage. It is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or ‘blowing the whistle’ outside.

This policy applies to all employees and those contractors working for the Trust, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Trust.

This policy is in addition to the Trust’s complaints procedures.

### **2 AIMS**

This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for employees to raise those concerns and receive feedback on any action taken;
- Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;

- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment (see the Trusts' Grievance Policy).

This 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;
- damages to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption; □ sexual or physical abuse; □ other unethical conduct.

Any serious concerns that an employee has about any aspect of the Trust or the conduct of Trust employees or others acting on behalf of the Trust can be reported under this Policy. This may be about something that: □ makes an employee feel uncomfortable in terms of known standards, their experience or the standards they believe the Trust subscribe to;

- is against any Trust policy;
- falls below established standards of practice; □ amounts to improper conduct.

### **3 SAFEGUARDS**

The Trust recognises that the decision to report a concern can be a difficult one to make. If what an employee is saying is true, they should have nothing to fear because they will be doing their duty to their employer and those employed at the Trust. The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an employee who raises a concern in good faith.

The Public Interest Disclosure Act 1998 and the Enterprise & Regulatory Reform Act 2013 provides additional protection for staff using this policy.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person raising the concern. At the appropriate time, however, the person may need to come forward as a witness. This policy encourages employees to put their name to their allegation whenever possible but concerns expressed anonymously are much less powerful and will be considered at the discretion of the Head of Academy/Executive Principal/Head and Chair of the Trust Board.

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation maliciously or for personal gain, disciplinary action may be taken against them.

### **4 HOW TO RAISE A CONCERN**

As a first step, an employee should normally raise concerns with their immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

If an employee believes that their manager is involved then they should approach the Head of Academy or an Executive Principal/Head Teacher. However if they believe the Head of Academy and or the Executives are involved they should approach the Chair of the Trust Board.

Concerns may be raised orally or in writing. The earlier a concern is expressed the easier it is to take action.

Although an employee is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. They may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns. They may invite their trade union or a friend to be present during any meetings or interview in connection with the concerns they have raised.

## **5 HOW WILL THE TRUST RESPOND**

The Trust will respond to the employees concerns. Testing concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process;
- be referred to the Police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

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.

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.

Within **ten** working days of a concern being raised, the responsible person contacted will write to the employee:

- Acknowledging that the concern has been received;
- Indicating how they propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Telling them whether any initial enquiries have been made;
- Supplying them with information on staff support mechanisms;
- Telling them whether further investigations will take place and, if not, why not.

The amount of contact between the persons considering the issues and the employee who has raised the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It may be necessary for the Trust to obtain further information from the employee.

Where any meeting is arranged, off-site if the employee so wishes, they can be accompanied by a recognised trade union representative or a work colleague.

The Trust will take steps to minimise any difficulties which the employee may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings the Trust will arrange for them to receive advice about the procedure.

## **6 THE RESPONSIBLE OFFICER**

The Head of Academy or Executive Principal/Head has overall responsibility for the maintenance and operation of this policy and will maintain a record of any concerns raised and the outcomes (but in a form which does not endanger the employees confidentiality) and will report as necessary to the Chair of the Trust Board.

If the concern is about the Head of Academy or one of the Executives, then the Chair of the Trust Board will act as the Responsible Officer.

## **7 HOW THE MATTER CAN BE TAKEN FURTHER**

This policy is intended to provide employees with an avenue within the Trust to raise concerns. The Trust hopes that employees will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the Trust, the following are possible contact points:

- The Education Funding Agency
- The Department for Education
- OfSTED
- The Ombudsman
- Trade Union
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- The Trust's insurers
- The Trust's legal adviser
- The Trust's external auditors
- The Police

If an employee does take the matter outside the Trust, they should ensure that they do not disclose confidential information.