

# Whistleblowing Policy

Version	Author	Dated	Status	Details
1	Compliance Officer	20.07.2021	Agreed by the Board of Trustees	
2				
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## Policy Monitoring, Evaluation and Review

The Trust Board of Elevate Multi Academy Trust has agreed this Policy and as such, it applies to its Academies.

Employees not based in an Academy should substitute Head teacher with CEO.

## Introduction

Elevate is committed to the highest possible standards of honesty and integrity, and they expect all staff to maintain these standards. 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 if they do occur.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

References to 'the Head teacher' includes the Executive Head teacher, Head teacher, Head of school or acting Head teacher as appropriate.

## Legislation

This policy complies with the Public Interest Disclosure Act 1998

## Scope and Purpose

The aims of this policy are:

- 🌱 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;
- 🌱 To provide employees with guidance on how to raise concerns;
- 🌱 To reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy applies to all Elevate employees, Trustees, governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

## Confidentiality

Elevate hopes that employees will feel able to voice whistleblowing concerns openly under this policy. However, if they want to raise their concern confidentially, Elevate will make every effort to keep their identity secret.

If it is necessary for anyone investigating their concern to know their identity, Elevate will discuss this with the employee first.

## Anonymity

Elevate does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if they cannot obtain further information from the anonymous person. 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 this policy and appropriate measures can then be taken to preserve confidentiality.

If an employee is in any doubt they can seek advice from **Protect**, the independent whistleblowing charity, which offers a confidential helpline. Contact details are given at the end of this policy.

## Records

Elevate will keep a central record of disclosures made under this Whistleblowing Policy.

## Data Protection

Elevate will comply with data protection requirements in terms of any records made and kept.

## What is Whistleblowing?

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

### This includes:

- ✿ That a criminal offence has been committed, is being committed or is likely to be committed;
- ✿ That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- ✿ That a miscarriage of justice has occurred, is occurring or is likely to occur;
- ✿ That the health or safety of any individual has been, is being or is likely to be endangered;
- ✿ That the environment has been, is being or is likely to be damaged; or
- ✿ That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

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 Elevate or its Academies activities (a whistleblowing concern) it should be reported under this policy.

This policy should not be used for complaints relating to personal circumstances, such as the way an employee believes they have been treated at work. For that they should use Elevate's Grievance Procedure.

If an employee is uncertain whether something is within the scope of this policy, they should seek advice from the Head teacher, Elevate's Senior Executive Team, or an independent body such as their trade union representative or a legal adviser.

If the concern is in relation to safeguarding and the welfare of children at the Academy, the employee should consider whether the matter is better raised under Elevate'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 the is policy may still apply.

## Raising a Whistleblowing Concern

Elevate hopes that an employee would be able to raise any concerns with their line manager or Head teacher. They may tell them in person or put the matter in writing if they prefer. The line manager or Head teacher may be able to agree a way of resolving your concern quickly and effectively.

However, where the matter is more serious, or the employee feels that the Head teacher or line manager has not addressed the concern, or the employee prefers not to raise it with them for any reason, or they are the subject of the complaint, then the employee can raise the matter with:

- 🌿 The Head teacher, who is the member of the senior team responsible for managing whistleblowing complaints;
- 🌿 Elevate's Chief Executive Officer;
- 🌿 The Whistleblowing Trustee;
- 🌿 The Chair of the Local Governing Body.

Hereinafter known as the Contact person. Contact details are set out at the end of this policy.

## How to Report Concerns

Concerns may be raised verbally but it is more effective if employees put their concerns in writing.

Although an employee is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person they contact (Contact person) that there are sufficient and reasonable grounds for their concern and that they are therefore making the disclosure 'in good faith'.

Employees may contact an independent body such as their trade union representative or legal adviser for moral support and guidance in how to raise a concern.

## How Elevate and/or the Academy will Respond: The Process

### Step 1: Initial Assessment

- 🌿 At the initial meeting, the Contact person should establish that:
  - There is genuine cause and sufficient grounds for the concern;
  - The concern has been appropriately raised via the Whistleblowing Policy.
- 🌿 The Contact person should ask the employee, to put their concern(s) in writing, if s/he has not already done so. The employee should make it clear that they are raising their concern(s) via the whistle-blowing procedure and provide:
  - The background and history of the concern(s);
  - Names, dates and places (where possible);
  - The reasons why the employee is particularly concerned about the situation.
- 🌿 The Contact person should make notes of the discussions with the employee;
- 🌿 The employee should be asked to date and sign their concerns and/or the notes of any discussion. The Contact person should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- 🌿 The Contact person should follow the policy as set out above and in particular explain to the employee:
  - That the matter will be taken seriously and investigated immediately;
  - What steps s/he intends to take to address the concern;
  - How s/he will communicate with the employee during and at the end of the process and that a written response will be sent out **within 10 working days** ;
  - That their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed ;
  - That Elevate/the Academy will do all that it can to protect the employee from discrimination and/or victimisation;

- That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them;
- If clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them;
- The investigation may confirm their allegations to be unfounded in which case Elevate will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

🌱 The employee may bring a colleague friend, a union representative or legal adviser to any meetings under this policy. This friend must respect the confidentiality of the employee's disclosure and any subsequent investigation.

### Step 2:

🌱 The Contact person determines whether an investigation is appropriate and, if so, what form it should take.

🌱 A record should be made of the decisions and/or agreed actions.

🌱 **Anonymous allegations:** It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Contact person should take the following factors into account:

- The seriousness of the issue(s) raised
- The credibility of the concern(s)
- The likelihood of confirming the allegation(s) from attributable sources

🌱 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally;
- Be referred to the police;
- Be referred to an external auditor;
- Form the subject of an independent enquiry;
- In cases where the welfare of the child may be at risk, it may be more appropriate to follow the procedure for 'Dealing with allegations of abuse against members of staff and volunteers'.

### Step 3:

Within **10 working days** of a concern being received, the Contact person receiving the concern must write to the employee:

- Acknowledging that the concern has been received and that it is a qualifying disclosure as defined in the Public Disclosure Act;
- Indicating how they propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Telling the employee whether any initial enquiries have been made;
- Telling the employee whether further investigations will take place, and if not the reasons why not;

- Elevate 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 them giving the employee specific details of the investigation or any disciplinary action taken as a result. The employee should treat any information about the investigation as confidential;
- If it is not possible for initial inquiries to be completed within 10 working days, this will be explained in the acknowledgement letter;
- Providing the employee with details of whom to contact should s/he be dissatisfied with this response.

### Protection and Support for Whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. Elevate aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

In accordance with the Public Interest Disclosure Act an employee has the right not to be subjected to any detriment by any act or any deliberate failure to act by his employer done on the ground that the worker has made a protected disclosure.

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 the above paragraph immediately. If the matter is not remedied, the employee should raise it formally using Elevate's Grievance Procedure.

### Therefore, the Head teacher, CEO, Chair of Governors or Whistleblowing Trustee;

- Will ensure that the employee will not experience any difficulties as a result of raising a concern and take all reasonable action to support and protect them from, for example, victimisation;
- Recognise that the employee needs to be assured that the matter has been properly addressed. Subject to legal constraints, they will be advised of ongoing progress and kept informed about the outcomes of any investigation and remedial action proposed.

**Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.**

### External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any Wrong doing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for the employee to report your concerns to an external body. It will very rarely, if ever, for it to be appropriate to alert the media. Elevate strongly encourages the employee 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.

### Taking the Matter Further

Other than in exceptional circumstances, the expectation is that employees will follow the internal routes available first.

If however, they are not satisfied with the action taken by the Head teacher, CEO, Chair of Governors or Whistleblowing Trustee and feel that it is right to take the matter outside, there are a number of further possible contact points:

### Possible External Contact Points

The employee's Trade Union	The Police
Local Citizens Advice Bureau	A solicitor or legal adviser
Relevant professional bodies or regulatory organisations e.g. Ofsted	Public Concern at Work (registered charity that provides free confidential advice)
Relevant voluntary organisation	The Health and Safety Executive
Regional Schools Commissioner	

If the employee does take a matter outside, they should ensure that, so far as possible, the concern is raised without confidential information being divulged. The person they contact should be able to advise them on this.

Whistleblowing concerns usually relate to the conduct of Elevate's staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows the employee to raise a concern with a third party, where the employee reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, Elevate encourages the employee to report such concerns internally first. They should contact their line manager or one of the other individuals set out in paragraph above for guidance.

### Review of Policy

This policy is reviewed as required by Elevate in consultation with the recognised trade unions. Elevate will monitor the application and outcomes of this policy to ensure it is working effectively.

## Contacts

Whistleblowing Officer	Head teacher
Protect (formerly known as Public Concern at Work) (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>
Elevate CEO, Nigel Ashley	E-mail: <a href="mailto:n.ashley@elevatemat.org">n.ashley@elevatemat.org</a>
Whistleblowing Trustee – Iain Spittal	E-mail: <a href="mailto:i.spittal@elevatemat.org">i.spittal@elevatemat.org</a>

NUT BRANCH OF NEU	TELEPHONE 0116 255 5311 GENERAL ENQUIRIES <a href="mailto:IAN@LEICESTERNUT.ORG.UK">IAN@LEICESTERNUT.ORG.UK</a> TELEPHONE 0116 275 6658 ASSOCIATION SECRETARY <a href="mailto:TONI.BENNETT@NEU.ORG.UK">TONI.BENNETT@NEU.ORG.UK</a>
ATL BRANCH OF NEU	TEL: 0116 2392672 <a href="mailto:ATLLEICESTER@ATL.ORG.UK">ATLLEICESTER@ATL.ORG.UK</a>
NASUWT	<a href="mailto:LEICESTERCITYSECRETARY@NASUWT.NET">LEICESTERCITYSECRETARY@NASUWT.NET</a> <a href="mailto:LEICESTERSHIRENASUWT@GMAIL.COM">LEICESTERSHIRENASUWT@GMAIL.COM</a>
UNISON	TELEPHONE: 0116 299 5103 <a href="mailto:UNISON.LEICESTERCITY@VIRGIN.NET">UNISON.LEICESTERCITY@VIRGIN.NET</a>
GMB	TEL 0116 2324515 EMAIL - <a href="mailto:RICHARD.TAYLOR@GMB.ORG.UK">RICHARD.TAYLOR@GMB.ORG.UK</a>
VOICE	EMAIL: <a href="mailto:CONTACT@VOICETHEUNION.ORG.UK">CONTACT@VOICETHEUNION.ORG.UK</a> TEL: 01332 372 337
ASCL	<a href="mailto:HOTLINE@ASCL.ORG.UK">HOTLINE@ASCL.ORG.UK</a>  Tel: 0116 2991122
NSPCC Helpline	0800136 663