

Policies & Procedures

Whistleblowing Policy

Date policy approved	Spring 2018
Approving body	Abbey MAT Board of Directors
Next review date	Spring 2021
Previous review date	



WHISTLEBLOWING POLICY

INTRODUCTION

1. The Trust is committed to the provision of the highest quality services to the community it serves and to full accountability for those services. Whilst the Trust has in place rules, regulations, quality standards and procedures to ensure that the highest standards of conduct and commitment to service delivery are followed, irregularities, wrong-doing or serious failures in standards do sometimes occur. The Trust wants to identify and remove such malpractice in the performance of its services.
2. The greatest deterrent to malpractice or wrongdoing is the probability that it will be reported and investigated vigorously, that those who are responsible for it will be punished and that the matter will be promptly remedied. This Policy is therefore intended as a clear statement that any malpractice by members, employees or third parties (including contractors) reported to the Trust will be swiftly and thoroughly investigated. The Trust will also look at ways to ensure that such malpractice or wrongdoing can be prevented for the future.

AIMS AND SCOPE OF THE POLICY

3. This Policy provides all employees, agency workers, contractors including their staff, and members of the Trust Board or Local Governing Body with:
 - a. Avenues to raise concerns and receive feedback on any actions taken
 - b. Reassurances that they will be protected from reprisals or victimisation for whistleblowing in good faith
4. Set out below is a list, which is intended to illustrate the sorts of issues which may be considered as malpractice or wrongdoing and can be legitimately raised under this Whistleblowing Policy:
 - a. Any unlawful act, whether criminal or a breach of civil law, failure to comply with legal obligations or where a miscarriage of justice has occurred, is occurring or is likely to occur
 - b. Maladministration
 - c. Breach of any statutory Code of Practice
 - d. Breach of or failure to implement or comply with any policy determined by the Trust
 - e. Failure to comply with appropriate professional standards
 - f. Corruption or fraud including obtaining money (eg grants) without entitlement
 - g. Misuse of assets, including stores, equipment, vehicles, buildings, computer hardware and software
 - h. Endangering the health and safety of any individual with actions which are likely to cause physical danger, or to give rise to a risk of significant damage to property
 - i. Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the Trust or would otherwise seriously prejudice the Trust
 - j. Abuse of power, or the use of the Trust's powers and authority for any unauthorised or ulterior purpose
 - k. Unfair discrimination in the Trust's employment or services
 - l. Causing damage to the environment
 - m. Deliberately concealing information in relation to any of the items on this list

5. This Whistleblowing Policy is intended to supplement, rather than to replace, the existing resolving issues at work procedures as laid down in the Code of Conduct whereby employees may already raise complaints or matters of genuine concern. It is therefore designed to provide a channel for those instances where the person reporting the matter feels that, for any reason, they cannot make use of those existing complaints procedures.

EMPLOYEE CO-OPERATION AND SAFEGUARDS

6. In many cases it is an employee of the Trust who is most likely to be in the best position to learn of any malpractice or wrongdoing within the Trust and to identify something which falls below the standards which the Trust and the communities it serves are entitled to expect. The Trust expects the fullest co-operation of all its employees in securing the highest standards of service to the community it serves. This means that, where an employee of the Trust becomes aware of or suspects malpractice, the Trust will expect them to report these suspicions. Where an employee fails to report their suspicions, they become themselves implicated in the wrongdoing, and the Trust will treat failure by an employee to report such matters as a serious matter.
7. The Trust will respect the confidentiality of any whistleblowing complaint received, where the complainant requests that confidentiality. However, it must be appreciated that it will be easier to follow up and to verify complaints if the complainant is prepared to give his/her name, and unsupported anonymous complaints and allegations will have to be treated with caution.
8. Any reporting system will be of little effect if those who should use it are afraid that, as the result of making their report, they may experience recriminations, victimisation or harassment. The Trust will therefore not tolerate any attempt on the part of any employee or member to take reprisals against any person who has reported a serious and genuine concern. The Trust will treat any such recriminations, victimisation or harassment by any employee or member of the Trust or Local Governing Bodies as a serious matter. Individuals may also have statutory protection under the Public Interest Disclosure Act 1998, which aims to protect individuals who make certain disclosures of information in the public interest and who are then victimised in their employment.
9. The Trust is proud of its reputation for having the highest standards of probity. It will therefore ensure that the necessary resources are put into investigating any complaints which it receives. As a consequence of this, it will view very seriously any false or malicious allegations which it receives, and will regard the making of any deliberately malicious or vexatious allegations by any employee as a serious disciplinary offence.
10. The Whistleblowing Policy will be publicised to all staff via the staff hub.

HOW TO RAISE A CONCERN

For procedures and timescales in the event of an allegation against a member of staff or person in school, please refer to the Child Protection Policy which also details the timescales of notifying LADO within one working day of the allegation being made.

11. It is envisaged that a Line Manager will be the first point of contact in the vast majority of cases. It will be their responsibility to initially investigate all matters reported to them promptly in accordance with the procedure notes issued.
12. It is, however, appreciated that there may be times when an employee of the Trust feels unable to use the above procedure, for example when the Whistleblower feels that their Line Manager may be involved in the malpractice. Appendix 1 details information for the Whistleblower. Appendix 2 details an overview of the Whistleblowing Process.
13. Abbey Multi Academy Trust has appointed three individuals to act as a Whistleblowing Officer and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

Position	Contact details
a. CEO/Executive Principal (Carol Kitson)	carol.kitson@abbeytrust.org
b. Chair of Trust Board (Paul Whitman)	paul.whitman@abbeytrust.org
c. Director of Finance (Ian Harmer)	ian.harmer@abbeytrust.org

14. In addition, information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work
CAN Mezzanine
7-14 Great Dover Street
London SE1 4TR

Whistleblowing Advice Line: 020 7404 6609
General Enquiries: 020 3117 2520
UK advice line: whistle@pcaw.org.uk
Website: <http://www.pcaw.co.uk>

15. 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. The Whistleblowing Officers have the following remit:
 - a. To receive and record any complaints under this Policy
 - b. To ensure the confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence
 - c. To investigate promptly any whistleblowing complaint and to respond directly to the complainant, with a right of access to the CEO and all members and employees of the Trust and to all documents and records of the Trust
 - d. To report to the CEO where the investigation identifies a serious cause for concern within the responsibilities of that officer and to recommend the use of any relevant statutory powers or duties. Where the complaint relates to the conduct of a Governor, Trustee or the CEO he/she should report to the Chair of the Trust.

- e. To report as appropriate, either jointly with the CEO or in his/her own right, to the Trust Board.
 - f. To recommend, in conjunction with the CEO, to settle appropriate action to resolve a complaint or recompense a complainant, and
 - g. To report every six months to the CEO on the number of concerns raised under this Whistleblowing Policy. Those matters raised which identify fraud or loss to the Trust will be reported to the Finance & Resources Committee.
16. It is better if concerns are raised in writing. This allows the opportunity to set out the background and history of the concern, giving names, dates and places where possible, and the reason why the employee or governor is particularly concerned about the situation. It is anticipated that an employee will know the address to write to for their Line Manager.
17. For contractors a clause will be inserted in all standard Trust contracts, highlighting that the Whistleblowing Policy applies to all their staff working on Trust business. It will place a requirement on these contractors to publicise the Whistleblowing Policy to all their key staff involved with their contract for the Trust.
18. Although whistleblowers are not expected to prove the truth of an allegation, they will need to demonstrate to the person they choose to contact that there are sufficient grounds for concern.

HOW THE TRUST WILL RESPOND

19. In order to protect both individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example child protection or discrimination issues) will normally be referred for separate consideration under those procedures.
20. Some concerns may be resolved by agreed action without the need for detailed investigation.
21. Within **10 working days** of a concern being received, the Whistleblowing Officer will write to the whistleblower:
- a. Acknowledging that the concern has been received
 - b. Indicating how it proposes to deal with the matter
 - c. Giving an estimate of how long it will take to provide a final response
 - d. Stating whether any initial enquiries have been made, and
 - e. Stating whether further investigations will take place, and if not, why not.
22. The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the whistleblower.
23. When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
24. The Trust will take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Trust will provide advice about the procedure.

25. The Trust accepts that the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, information about the outcomes of any investigations will be provided.

Information for Whistleblower

Where individuals feel unable to make use of existing complaints procedures as laid down in the Code of Conduct, concerns are raised in accordance with the list of malpractice/wrongdoing as demonstrated in Para 4 of Whistleblowing Policy - please refer to Whistleblowing Process Overview.

*Whistleblowers are protected from reprisals, victimisation or harrassment for whistleblowing in good faith, and may also be protected under statutory protection under the Public Interest Disclosure Act 1998.

NOTE: Additional information and advice can be sought from Public Concern at Work charity as detailed in Para 14 of this policy.

Ideally the Whistleblower details concerns in writing giving as detailed information as possible:

- background and history of the concern;
- giving names;
- dates and places where possible;
- the reason why the complainant is particularly concerned

The Trust will respect the confidentiality of any whistleblowing complaint received where the Whistleblower requests this.

NOTE: it will be easier to follow up and to verify complaints if the Whistleblower is prepared to provide their name. Unsupported anonymous complaints and allegations will have to be treated with caution.

Within 10 working days the **Whistleblowing Officer (WO) writes to whistleblower detailing:

- a. Acknowledgement that the concern has been received
- b. Indicating how WO proposes to deal with the matter
- c. Giving an estimate of how long it will take to provide a final response
- d. Stating whether any initial enquiries have been made, and
- e. State whether further investigations will take place, and if not, why not

WO has the remit as detailed under Para 15 of the policy.

Subject to legal constraints - WO informs whistleblower on outcome so as to assure that the matter has been addressed.

* Whistleblower = complainant

** Whistleblowing Officer = Line Manager or one of those listed under Para 13 of policy investigating concerns

Whistleblowing Process Overview

*Whistleblower submits concerns to **Whistleblowing Officer (WO) demonstrating sufficient grounds for concern



WO makes initial enquiries to determine if investigation is appropriate, if so what type of investigation or can concerns be resolved by agreed action?



Within 10 working days WO writes to whistleblower detailing:

- a. Acknowledgement that the concern has been received.
- b. Indicating how WO proposes to deal with the matter.
- c. Giving an estimate of how long it will take to provide a final response
- d. Stating whether any initial enquiries have been made, and
- e. State whether further investigations will take place, and if not, why not.



Subject to legal constraints - WO informs whistleblower on outcome so as to assure that the matter has been addressed.

* Whistleblower = complainant

** Whistleblowing Officer = Line Manager or one of those listed under Para 13 of policy investigating concerns