



# Whistleblowing Policy and Procedure

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## Document provenance

This policy was approved by Trustees as follows –

Approver: Audit and Risk Committee

Date of Approval: 29 June 2021

Executive Leadership Team (ELT) Owner:

National Director of Governance and Risk

Date of Review: June 2022

*Unless there are legislative or regulatory changes in the interim, this policy will be reviewed annually. Should no substantive changes be required at that point, the policy will move to the next review cycle.*

### Summary of changes at this review:

- The examples of whistleblowing has been expanded.
- An assessment of whether this is the correct policy added.
- Inclusion of external agencies who can offer advice and support for whistleblowers.
- Specific reference to the culture of E-ACT has been added.

### Related policies:

- Grievance Policy
- Concerns and Complaints Policy
- Health and Safety Policy
- Child Protection and Safeguarding and Policy
- Information and Records Retention Policy

# E-ACT Whistleblowing Policy

## 1. Introduction, Scope and Purpose

- 1.1. Trustees are committed to the highest possible standards and expect employees of E-ACT to conduct business and themselves with integrity and honesty. However, all organisations face the risk of things going wrong from time to time, 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.
- 1.2. This policy does not form part of any employee's contract of employment and may be amended at any time.
- 1.3. The aims of this policy are to:
  - To encourage staff 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 staff with guidance on how to raise concerns.
  - To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

## 2. What is Whistleblowing

2.1 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 there are wrongdoing or dangers at work. This may include:

- criminal activity;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or statutory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of internal procedure (including code of conduct);
- unethical behaviour;
- the deliberate concealment of any of the above matters.

2.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to a suspected wrongdoing or danger affecting any of the above activities, you should report it under this policy.

2.3 This policy should not be used for complaints relating to your own personal circumstance, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure.

2.4 For the avoidance of doubt, nothing within this policy is intended to prevent staff from complying with their obligations as stated in the statutory guidance Department for Education's (DfE) statutory guidance, [Keeping Children Safe in Education 2019](#) or in the E-ACT Safeguarding and Child Protection Policy.

2.5 All staff working within E-ACT must report any safeguarding concerns about an individual's behaviour towards children and young people immediately. Allegations or concerns about colleagues and visitors must be reported directly to the Academy's Headteacher or Designated Safeguarding Lead (DSL) as outlined in the E-ACT Safeguarding and Child Protection Policy.

### **3. Raising a Whistleblowing Concern**

3.1 We hope that you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

3.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter using the procedure in appendix 1.

3.3 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

3.4 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

### **4. Confidentiality and Data Protection**

4.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

4.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. 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 appendix 1 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are Helpline: (020) 3117 2520. E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk).

4.3 Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable considering:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

4.4 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 Retention Policy and in line with the requirements of Data Protection Legislation.

## **5. External Disclosures**

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

5.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you 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 in paragraph 4.2.

5.3 Whistleblowing concerns usually relate to the conduct of our staff, 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.

## **6. Investigation and Outcome**

6.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation and if the whistleblowing policy is the appropriate policy. We will inform you of the outcome of our assessment. You may be required to attend additional

meetings in order to provide further information.

6.2 In some cases, we may appoint an investigator or team of investigators including staff 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 us to minimise the risk of future wrongdoing. This will be sent to the CEO for actioning.

6.3 We will aim to keep you informed of the progress of the investigation, its likely timescale and duration. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

6.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

## **7. Protection for Whistleblowers**

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

7.2 Staff 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 you believe that you have suffered any such treatment, you should inform one of the contact people in appendix 1 immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

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

## **8. Notification**

8.1 Headteachers, regional education directors (REDs), regional operations directors (RODs) or executive and extended executive leadership team (ELT and EELT) members in receipt of a disclosure must notify the head of internal audit (HIA) within 24 hours of receipt and prior to instigating an investigation.

8.2 The HIA in receipt of a disclosure must notify the Chief Executive Officer (CEO) within 24 hours of receipt and prior to instigating an investigation.

8.3 The CEO in receipt of a disclosure must notify the Chair of the Audit and Risk Committee within 24 hours of receipt and prior to instigating an investigation.

8.4 Outcomes of all investigations must be reported to the Chair of the Audit and Risk Committee and reported at the next meeting of the Audit and Risk Committee. In addition, an annual whistleblowing summary will be provided to the Audit and Risk Committee including lessons learnt and impact of any process changes.

# Appendix 1: Procedure for Raising a Whistleblowing Concern

## STAGE ONE

Disclose the suspected wrongdoing first to:

- Your Headteacher, your RED or ROD – for academy staff
- Head of Internal Audit – for national staff

### Response –

You can expect a response detailing to whom the disclosure has been notified and any action taken (subject to any third-party rights) and an intended timetable for the investigation within **five working days** of the headteacher, RED, ROD or HIA becoming aware of the disclosure.

Investigations will be carried out in line with this whistleblowing policy.

### Escalation –

You may escalate your concern in the following circumstances:

- If the person you should be making a disclosure to is implicated in your whistleblowing concern (ie suspected by you of wrongdoing), you may escalate to the next person on the list.
- If the Head of Internal Audit is suspected on wrongdoing, proceed directly to stage two.
- If no response is received after five days, you shall be entitled to proceed to stage two.

## STAGE TWO

Disclose the suspected wrongdoing to the CEO.

### Response –

You can expect a response detailing to whom the disclosure has been notified and any action taken (subject to any third-party rights) and an intended timetable for the investigation within **five working days** of the CEO becoming aware of the disclosure.

### Escalation –

You may escalate your concern in the following circumstances:

- If the CEO is suspected on wrongdoing, proceed directly to stage three.
- If no response is forthcoming after five days, you shall be entitled to proceed to stage three.

### STAGE THREE

Disclose the suspected wrongdoing to the Chair of the Audit and Risk Committee ([arc@E-ACT.org.uk](mailto:arc@E-ACT.org.uk)) on behalf of the Board of Trustees.

#### Response –

You can expect a response detailing to whom the disclosure has been notified and any action taken and an intended timetable for the investigation within **ten working days** of the Chair of the Audit and Risk Committee becoming aware of the disclosure.

#### Escalation –

You may escalate your concern in the following circumstances:

- If no response is forthcoming after ten days, you shall be entitled to proceed to stage four.

### STAGE FOUR

If you do not receive a response within the timescales specified above, you shall be entitled to notify a relevant and appropriate body outside E-ACT, which may include:

- The Health and Safety Executive (**HSE**);
- The Environment Agency;
- The Information Commissioner;
- The Department for Education (**DfE**);
- The Department for Business, Innovation and Skills (**BIS**);
- The Police;
- The Charity Commission;
- Education and Skills Funding Agency (**ESFA**);
- Ofsted

*Please only escalate to stage four if you have followed the other steps in the process.*

#### Contact details and queries

If you are unsure who any of the staff mentioned in the above procedure are, up-to-date staff lists for headteachers, regional team and national office can be found on Insight. Email contact details can be found using your outlook address book.

If you're still not sure who you should be contacting, please email [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk) – we really want to know if something does not feel right to you and will make sure anything you raise with us is dealt with at the right level.