

# Whistleblowing Policy

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## Whistleblowing

### *Introductory Notes*

The Public Interest Disclosure Act 1998 came into force in 1999. It applies to all organisations. Its aim is to protect workers from victimisation when they blow the whistle inside and – where there is a good reason – outside an organisation. It encourages people to raise concerns about malpractice in the workplace. It helps ensure that organisations are able to focus on the message rather than the messenger, so that serious malpractice is not covered up.

Workers are often the first to realise that there may be something seriously wrong within the Federation. However, they may not voice their concerns because they feel that speaking out would be disloyal to their colleagues or the Federation. They may also be worried about being harassed or victimised. In these circumstances, some people might find it easier to ignore the issues, rather than report what may be just a suspicion of malpractice.

Because it can be hard to raise a concern, especially if it could have an impact on friends, colleagues or managers, this policy/procedure provides a framework for raising concerns about malpractice, either inside or outside the Federation, whilst protecting whistle blowers from the threat of victimisation or dismissal.

This policy document confirms that staff will be able to express their concerns without fear of being victimised, or penalised in any way. It aims to encourage and enable staff to raise concerns internally, rather than ignoring a problem or taking it outside the organisation. Please note that from 25 June 2013, a disclosure is only protected if the worker reasonably believes it is made in the public interest, and from that date co-workers also personally liable for acts of victimisation, and employers are vicariously liable for such acts unless reasonable steps were taken to prevent them.

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## 1. Policy

- 1.1 The Mossbourne Federation operates arrangements that meet legal requirements of whistle blowing legislation in both word and spirit.

## 2. Scope

- 2.1 This whistle blowing policy and procedure covers the ways in which concerns about malpractice may properly be raised within the Federation and if necessary outside, whilst protecting whistle blowers from dismissal and victimisation.

- 2.2 This policy applies to all employees, students on placement, volunteers, agencies and anyone else who has access to pupils or to the Federation. This includes contractors working on site, Federation suppliers and those providing services either to the pupils or the Federation.

## 3. Definitions

- 3.1 Whistleblowing inside the work place is defined as the reporting by workers or ex- workers of wrong doing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees. Workers may include volunteers, contractors and outside agencies or others.

- 3.2 Matters which can be raised under the terms of this Policy include:

- Conduct which has failed, or is likely to fail, to comply with a legal obligation;
- Disclosure related to miscarriages of justice;
- Actions which endanger the health or safety of any individual, including risks to children or the public as well as other workers;
- Damage to the environment;
- Theft or misuse of Federation property or assets;
- The unauthorised use of public funds;
- Possible fraud or corruption;
- Serious departure from professional standards;
- Sexual or physical abuse of children / service users / workers;
- Neglect or emotional abuse of children in the institution or
- Serious breach of the Federation, Learning Trust or Local Authority regulations. This is not a complete list.

- 3.3 Note that employees can use these procedures to report concerns about service provision, or the conduct of staff or other people. This might include something that:

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- Goes against orders and/or policies of the Federation, The Learning Trust, Local Authority or the Safeguarding Children Board;
- Falls below established standards or practice;
- Could be viewed as improper conduct; or
- Makes individuals feel uncomfortable and go against their experience of right and wrong.

#### **4. Key Principles**

- 4.1 The Federation Governors and managers are committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, staff are expected to tell governors or managers about any serious concerns they might have about any aspect of the Federation’s work or colleagues.
- 4.2 Disclosure will be protected by this policy if the whistle blower has a reasonable suspicion that malpractice has occurred, is occurring or is likely to occur, so long as worker reasonably believes it is made in the public interest.
- 4.3 The Federation will always seek to strike an appropriate balance between the right of the individual member of staff to speak freely and the right of the Federation or colleagues to protect themselves against false or malicious accusations.
- 4.4 All staff have a legal duty to pass on any concerns involving the safeguarding or protection of children to someone who can deal with it. This will include concerns about fellow professionals, or anyone who works with or comes into contact with, children. The Federation recognises that most cases will have to proceed on a confidential basis.
- 4.5 It is important that all staff raise their concerns as soon as possible rather than wait until they become more serious. The Federation’s Code of Conduct advises staff what kind of conduct is considered unacceptable. All staff are expected to have read and understood the code.
- 4.6 Although the Federation would prefer concerns not to be taken to an authority outside the Federation without first going through these internal procedures, there may be a good reason for doing so. For example, a whistleblower may reasonably believe that he or she will be victimised or that a cover up is likely if the matter is raised internally; or they may have already raised the matter internally and the been addressed. Other reasons might be that the individual is not be happy with the conclusions of the manager, that senior managers are involved, that there are serious health and safety issues or possible discrimination. The external sources which could be used include:

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- Chair of Governors
- The Learning Trust
- Children’s Social Care Services if the matter is about child protection or Safeguarding issues
- The police
- The Health & Safety Executive
- The Audit Commission
- The Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Department for Education (DfE)
- Ofsted

4.7 Staff who decide to take the matter outside the Federation need to be aware that they should be careful not to reveal any confidential information. Contracts of employment usually stipulate a duty not to disclose any matters that could be considered confidential. This prevents employees from publicly disclosing employers’ confidential information unless it is in the public interest to do so, or unless the Federation has failed to deal with the issue properly.

## 5. Confidentiality

5.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower. However, in order to investigate the matter properly, the investigating officer may need to ask for files or question other employees, so it is impossible to guarantee complete confidentiality.

5.2 While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential.

5.3 Some cases are clearly so serious that police may have to be involved. In these cases it may be necessary to reveal the identity of individuals.

5.4 Students may also have information which should be raised in the public interest. There are procedures/systems in place for them to air their concerns via pastoral staff, the Student Council, suggestion boxes and boxes outside Heads of Year offices.

## 6. Anonymous Allegations

6.1 It is far better for staff to put their name to any allegations, because anonymous allegations are not as powerful as those put forward by a named individual. However, the managers will investigate anonymous allegations as far as possible.

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## 7. **Untrue Allegations**

7.1 If allegations are made in good faith, but it is not confirmed by the investigation, no action will be taken against the whistle blower. If, however, the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual.

## 8. **Role of Trade Unions**

8.1 The management recognise that individuals may wish to seek advice and be represented by their trade union when following these procedures. We actively encourage trade union support for any member of staff who raises concerns.

## 9. **Raising Concern**

9.1 The person raising the concern should raise it with their line manager or with the Principal. They can do this in writing, or by talking to them about it. They have the right to ask for the matter to be treated confidentially. If the line manager is the person named in the complaint then it should be referred to the next senior manager, the member of staff nominated to receive complaints, or the Nominated Safeguarding Children Adviser (NSCA), or directly to the Principal.

9.2 If the line manager believes the concern to be genuine and that it is appropriate to use the Whistle Blowing Procedure, they will contact the Chair of the Governing Body.

9.3 If the individual feels unable to discuss the matter with their line manager or the Principal, they can take it directly to the Chair of Governors. If this is the case, the member of staff will be asked to justify why they feel unable to raise their concern in the normal way.

9.4 If it is alleged that the Chair of the Governing Body is involved in the malpractice, a senior manager should be contacted. The matter should then be raised, in writing, with the Executive Director, Learning and Standards, at The Learning Trust.

9.5 If the individual thinks that they might be victimised, or that there might be a cover up, or their concerns are being ignored, they may feel unable to raise the issue with any member of the Federation staff. In these cases, they should contact The Learning Trust, Principal Officer for Vulnerable Pupils, or other senior manager if the case involves possible child abuse. For any other issues, HR should be contacted.

9.6 The line manager (or other person investigating) should:

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- Interview the member of staff privately within seven working days, or straight away if there is a risk of loss of life, serious injury or if the matter involves child protection;
- Get as much information as they can from the person making the complaint about the malpractice. If it is a child protection or safeguarding issue, the manager will only need brief facts to decide whether to follow the specific child protection procedures, and what action to take;
- Discuss with the individual what further steps should be taken and keep informed of any actions;
- Advise on the best way forward if the matter does not fall under the Federation’s Whistle
- Report on all matters raised under this procedure to the Governing Body’s Responsible Officer.
- Whistleblowing Procedure;

9.7 A recognised Trade Union representative, work colleague or other person may be asked to attend the interview with the manager. The manager carrying out the interview may also ask another senior manager or HR advisor to join them if they wish.

9.8 Within ten working days of the interview, the manager should recommend to the Principal one or more of the following options. That the matter be:

- Investigated internally by the Federation;
- Investigated by external auditors appointed by the Federation;
- Reported to The Learning Trust;
- Reported to the Local Authority Designated Officer (LADO) under the Management of Allegations against Professionals Procedures;
- Reported to Children’s Social Care Services;
- Reported to the Police;
- Reported to the Department for Education; pursued by the whistle blower using other procedures if their concerns do not fall within these procedures; or
- Considered closed with no further action by the Federation.

9.9 The following examples can be considered grounds on which no further action need be taken:

- The manager is satisfied that there is no evidence and it is unlikely that malpractice, as defined by these procedures, has occurred, is occurring or is likely to occur.
- The manager believes that the individual is not acting in good faith.
- The matter is already (or has been) the subject of proceedings under one of the Federation’s other procedures or policies.
- The matter is already the subject of legal proceedings, or has already been reported to the Police, The Learning Trust, and Children’s Social Care Service, the external auditors, the DfE or another public authority.

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9.10 If it is alleged that the Principal is involved in the malpractice, the manager will refer the matter to the Responsible Officer of the Governing Body, usually the Chair of Governors, and to The Learning Trust Complaints Officer or Principal Officer for Vulnerable Pupils.

## **10. Responding to a Concern**

10.1 The Federation will always respond to concerns, but an investigation does not mean that we have accepted or rejected concerns.

10.2 Where appropriate the matters raised may be:

- Investigated by managers, internal audit;
- Through the disciplinary process;
- Investigated under other procedures such as child / adult protection;
- Investigated under procedures designed to deal with allegations made against professionals;
- Referred to the Police;
- Referred to the external auditor or other external investigation;
- The subject of an inquiry;
- Investigated under other forms of prosecution and inspection such as the protection of public health and safety or
- Referred to an independent investigator.

10.3 We will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it will take. If the matter falls within the scope of specific procedures (for example, child protection or discrimination issues) it will normally be considered under those procedures.

10.4 The person who receives the line manager's recommendations (Principal or Responsible Officer) must ensure that it is acted on fully unless there is a good reason for not doing so. If there is a good reason for ignoring the recommendation, it must be reported to the next meeting of the Governing Body.

10.5 The whistle blower's identity will be kept confidential unless they are happy to be named, or unless there are grounds to believe that they have acted maliciously. If there are no such grounds, the manager will only reveal the identity if:

- They have to do so by law;
- The information is already known or

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- It is revealed in confidence to a qualified lawyer in order to get legal advice; or the whistle blower has to provide evidence at a disciplinary hearing or other proceedings.

- 10.6 The whistle blower will be told the outcome of any investigations within 28 days.
- 10.7 The information will be sent in writing to the individual's home address.
- 10.8 If the individual has not had a response within 28 days, they may appeal to the Federation's external auditors, but they must inform the Manager before doing so.
- 10.9 The individual may discuss the matter in confidence at any time with a qualified Lawyer in order to get legal advice.
- 10.10 The Federation will ensure that the individual is protected from any form of victimisation or discrimination throughout the process.

## **11. Recording, Monitoring and Evaluation**

- 11.1 If there are any safeguarding or child protection issues, staff will need to follow the London Child Protection Procedures.
- 11.2 All staff should be made aware of the organisation's whistle blowing policy and feel able to voice concerns about the attitude or actions of colleagues.
- 11.3 If a member of staff believes that a reported allegation or concern of a safeguarding nature is not being dealt with properly, they should report the matter to the Local Authority Designated Officer (LADO).
- 11.4 If a member of staff believes that other concerns are not being dealt with appropriately they should contact HR. They can also contact their trade union.
- 11.5 The most senior member of staff dealing with the disclosure will keep records and monitor progress. These should be kept in a safe location.

## **12. If the Whistleblower Is Dissatisfied**

- 12.1 If any member of staff is unhappy with the response, they can take the matter to a higher level or one of the organisations listed in this policy. Although the managers cannot guarantee that they will respond to all matters in the way that they might wish, we will always try to deal with the matter fairly and properly. This policy should help all parties achieve their aims.

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### 13. Independent Advice

13.1 Any member of staff who is not sure whether to use these procedures, or who wants independent advice at any stage, can contact the charity Public Concern at Work. The issue needs to be of public concern and affect a third party. Their lawyers offer free confidential advice at any stage to people who are worried about something that is going on at work, or who are unsure about what to do next. They also advise people who have already raised concerns that have not been addressed and where the risk remains. They can be contacted on their website at [www.pcaw.co.uk](http://www.pcaw.co.uk) or by calling 020 7404 6609.

### 14. Review

14.1 The Governing Body will review the policy at least every two years to assess its progress and performance. All staff and people working within the Federation will be made aware of the policy.

### 15. References

15.1 All staff should use these procedures when raising concerns. This usually involves talking to their line manager in the first instances. If you feel unable to talk to your line manager about the problem, your next point of contact should be a higher level of management.

15.2 If a member of staff feels that they have to take the case outside the organisation, they can contact the people and organisations listed below.

Name	Role
Peter Hughes	Chief Executive Officer
Dipo Odunsi	Chief Operating Officer
Sylvie Pierce	The Chair of Governors
Robert Feld	The Responsible Officer
Amy Wood	Principal - Mossbourne Riverside Academy
Amy Wood	Principal - Mossbourne Parkside Academy
Matthew Toothe	Principal - Mossbourne Victoria Park Academy
Rebecca Warren	Principal - Mossbourne Community Academy

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### **The Learning Trust**

Tricia Okoruwa, Education Director, Head of Hackney Learning Trust Technology and Learning Centre, 1 Reading Lane, London E8 1GQ.  
Tel: 020 8820 7351  
E-mail: [Tricia.Okoruwa@learningtrust.co.uk](mailto:Tricia.Okoruwa@learningtrust.co.uk)

### **Local Authority Designated Officer (LADO)**

LADO Children & Young People's Service (CYPS) 205 Morning Lane, London E9 6LZ. Tel: 020 8356 4042

### **Public Concern at Work**

Suite 301 16 Baldwin Gardens, London EC1N 7RJ.  
Tel: 020 7404 6609  
Fax: 0207404 6576  
E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

### **Ofsted**

E-mail: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)  
Tel: 08456 404046 Monday to Friday - 8am to 6pm  
Department for Education Department for Education Castle View House, East Lane Runcorn, Cheshire WA7 2GJ.  
Telephone: 0370 000 2288  
Typetalk: 18001 0370 000 2288 Fax: 01928 738248  
<http://www.education.gov.uk>

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