



# WHISTLEBLOWING POLICY

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First review date	2015
Last review date	October 2022
Review frequency	2 years
Next review	October 2024
Approved by	Board of Trustees

## **1. INTRODUCTION**

- 1.1 The aim of this procedure is to set out how the MILL Academy (the Trust) will deal with concerns raised by employees which relate to suspected wrongdoing or dangers at work.
- 1.2 Allegations of child abuse against teachers and other employees and volunteers will be dealt with in accordance with 'Keeping Children Safe in Education - statutory guidance for schools and colleges'.
- 1.3 This policy does not form part of any employee's contract of employment and may be amended at any time. This Policy applies to all the MILL Academy schools, Trustees, staff, students, members of Local Committees, other stakeholders including those contracted to provide services to the Trust and its schools and any members of the public.

## **2. POLICY STATEMENT**

- 2.1 As employees may be the first to realise that there may be something wrong within the Trust, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.2 The Trust is committed to maintaining the highest standards of honesty, openness, probity and accountability.
- 2.3 The aims of this Policy are:
  - i Provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken
  - ii Provide for matters to be dealt with quickly and appropriately and ensure that concerns are taken seriously and treated consistently and fairly
  - iii Reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern
  - iv Allow employees to take the matter further if they are dissatisfied with the Trust's response.
- 2.4 The Trust will ensure that your concerns are dealt with fairly and properly. Anyone found to be victimising you for whistleblowing will be subject to the Trust's disciplinary procedures.

## **3. LEGISLATION**

- 3.1 The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#). This policy has been written in line with the above

document, as well as government guidance on whistle-blowing. The policy also takes into account the Public Interest Disclosure Act 1998.

#### **4. PURPOSE OF THE POLICY**

- 4.1 This Policy is designed to allow you to raise serious concerns of a public-interest nature (as defined in paragraph 7.2) in relation to the Trust. It also describes how the Trust will investigate, and where appropriate, act upon your concerns.
- 4.2 The Trust will consider concerns that are not of a public-interest nature, or which fall into an area covered by other the Trust policies or procedures. These concerns will be considered under the relevant policy rather than the Whistleblowing Policy. Examples include:
- Grievances by staff connected with their employment.
  - Complaints by students about their courses of study or research and the service the Trust provides.
  - Appeals against assessment decisions.
  - Appeals from disciplinary procedures for staff and students.
  - Harassment and bullying.

#### **5. WHAT IS WHISTLEBLOWING?**

- 5.1 The Public Interest Disclosure Act 1998 (PIDA) came into force on 2 July 1999. It encourages people to blow the whistle about malpractice in the workplace and is designed to ensure that organisations respond by acting on the message rather than against the messenger.
- 5.2 The PIDA applies to employees blowing the whistle about crime, civil offences (including negligence, breach of contract, etc.), miscarriage of justice, danger to health and safety, fraud or financial irregularity or the environment, and the cover-up of any of these.
- 5.3 The PIDA gives legal protection to staff (including employment agency supplied workers and those on work experience) against being dismissed or penalised by employers as a result of disclosing information which, in the reasonable belief of that member of staff, is in the public interest and tends to show one or more specified types of malpractice, wrongdoing or dangers. This is known as 'whistleblowing'.
- 5.4 The PIDA protects disclosures to prescribed bodies such as the Health and Safety Executive, the Financial Conduct Authority, the Environment Agency, the Serious Fraud Office, the Office of Fair Trading, the Director of Public Prosecutions and HM Revenue & Customs, where the whistleblower has a reasonable belief that the information and their allegation is in the public interest.
- 5.5 Although not covered by the Act, the Trust extends the principle of protection to students against being penalised as a result of disclosing such information.

- 5.6 Wider disclosures (e.g. to the police, media, Members of Parliament and non-prescribed regulators) are protected only if, in addition to the tests for regulatory disclosures, they are reasonable and meet one of the three preconditions below and are not made for personal gain:
- i You believe you would be victimised if the matter was raised internally or with a designated regulator;
  - ii You believe a cover-up was likely and there was no regulator;
  - iii You had already raised the matter internally or with a prescribed regulator.
- Wider disclosures made without any one of these three preconditions will be regarded as a disciplinary matter by the Trust.

## **6. WHO IS COVERED BY THIS POLICY?**

- 6.1 This Policy makes provision for any member of the Trust staff, student, members of a Local Governor Committee and other stakeholders, including those contracted to provide services to the Trust and any members of the public who may have concerns arising from a visit to the Trust, to raise concerns about malpractice, impropriety or wrongdoing within the Trust and to do so with the knowledge that, if in the public interest, their action will be viewed positively. Whistleblowers will be protected from victimisation.

## **7. PROTECTED DISCLOSURES**

- 7.1 The Trust will provide protection if you raise legitimate concerns about specified matters, known as 'protected' disclosures (see 7.2).
- 7.2 A 'protected' disclosure is the disclosure of information made in the public interest. Whistleblowers are protected in law when the disclosure refers to the following:
- Criminal offence
  - Failure to comply with any legal or professional obligation or regulatory requirements
  - Miscarriage of justice
  - Danger to health and safety
  - Damage to the environment
  - Bribery
  - Financial fraud or mismanagement
  - Negligence
  - Breach of internal policies and/or procedures
  - Institutional discrimination or harassment
  - Professional malpractice
  - Public Examination fraud
  - Improper conduct or unethical behaviour
  - Unauthorised disclosure of confidential information
  - Deliberate concealment or covering up any of the above matters.

- 7.3 If you are uncertain whether something is within the scope of this Policy, you should seek advice from the Clerk to the Trustees, Chief Finance Officer or the HR Manager.
- 7.4 Separate policies and procedures are in place to cover areas such as:
- Equality and Diversity;
  - Health, Safety and Wellbeing;
  - Disability;
  - Bullying and harassment;
  - Financial Procedures (including Prevention of Fraud and Gifts and Hospitality);
  - Disciplinary Procedures;
  - Grievances;
  - Academic appeals;
  - Pay Policy.
- 7.5 The Whistleblowing Policy is not designed to permit or encourage questioning of legitimate financial or business decisions properly taken by the Trust. You may not use the Whistleblowing Policy to bring about the consideration (or reconsideration) or any matters of private interest which may be properly and appropriately addressed under other the Trust policies and procedures, such as those listed in 7.4.

## **8. CONFIDENTIALITY**

- 8.1 Staff, students and other stakeholders should feel able to voice whistleblowing concerns under this Policy. If you want to raise concerns confidentially, the Trust will make every effort to keep your identity secret. This may not be possible if it is incompatible with a fair investigation or if there is another overriding reason for the disclosure. If it is necessary for anyone investigating your concerns and/or the subject of your concerns to know your identity, the Trust will discuss this with you first.
- 8.2 You are encouraged not to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained and it is also difficult to establish whether any allegations are credible. The Trust will consider the seriousness of the issues you raise.
- 8.3 If you are a member of staff, advice can be sought from Protect (formerly Public Concern at Work) <https://protect-advice.org.uk>, the independent whistleblowing charity which offers a confidential helpline.

## **9. HOW TO RAISE A WHISTLEBLOWING CONCERN**

### **9.1 To whom and how should a report be made?**

In the first instance you should raise any concerns informally with your line manager, Head of Department, tutor, or a member of the Leadership Team at your School. The person notified may be able to agree a way of resolving the concerns quickly and

effectively or may refer the matter to the Reporting Officer for whistleblowing concerns.

If your concerns have not been or cannot be resolved informally, you should put them in writing to the Chief Finance Officer, as the Trust's Reporting Officer. The Reporting Officer will acknowledge receipt of the report within five working days and keep a record of action taken.

In cases of disclosure relating to the Chief Finance Officer disclosure should be made to the Chief Executive Officer, who will be the Reporting Officer in such a case.

In cases of disclosure relating to a Headteacher, the Reporting Officer will advise the Chair of the Board of Trustees and keep them informed.

## 9.2 Investigation and outcome

Preliminary enquiries will be carried out by the Reporting Officer in order to ascertain whether a full investigation is necessary. The preliminary enquiries will take no longer than ten working days.

If, after preliminary investigation, your concerns are judged by the Reporting Officer to be not of a public-interest nature, no further action will be taken. In this case, the Reporting Officer will notify the Chair of the Board of Trustees of your concerns and of the decision to take no further action. If the Chair of the Board of Trustees disagrees with the Reporting Officer's decision, then an investigation will be undertaken and the Chair will appoint another person to manage the investigation.

When appropriate, you will be informed of the final decision to take no further action.

If the Reporting Officer or Chair of the Board of Trustees decides that an investigation should be undertaken, the investigation will be carried out internally or the matter will be referred to an external body for investigation.

If your concerns are referred to an external body, the external body's practice and procedure will supersede the Trust's procedure for investigation.

Subject to any legal requirements, the Reporting Officer will aim to keep you informed of the progress of the investigation, likely timescale and any final action taken. However the need for confidentiality may prevent the Reporting Officer from giving specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If an investigation is undertaken, the person or persons you have identified as the subject of your concerns will be informed of each allegation made against them and of any evidence.

When the investigation has been concluded the Reporting Officer or Chair of the Board of Trustees will let you know the outcome and submit a report to the Board of Trustees.

If the Trust concludes that you have made a malicious allegation or with a view to personal gain, you will be subject to disciplinary action.

## **10. APPEALS - IF THE WHISTLEBLOWER IS NOT SATISFIED**

- 10.1 The Trust cannot guarantee the outcome you may be seeking when you raise your concerns, but we will deal with your concerns fairly and in an appropriate way. If you are not satisfied with the way in which your concerns have been handled there is a right of appeal on one of the following three grounds only, to the Chief Executive (or Chair of the Board of Trustees if your allegation relates to the Chief Executive):
- i you believe that the procedures have not been followed properly; or
  - ii you have evidence of prejudice or bias; or
  - iii you have further evidence which was not available at the time when you originally raised your concerns.
- 10.2 The Chief Executive (or Chair of the Board of Trustees) will decide if the case meets the grounds for appeal set out above and if it does, an independent member of the Board of Trustees will be appointed to hear the appeal.
- 10.3 The Chief Executive will let you know the outcome of the appeal and will submit a report to the Board of Trustees.

## **11. OUTLINE PROCEDURE:**

<b>STEP 1</b>	You should raise your concerns informally with your line manager, Head of Department, tutor, or a member of the Strategic Leadership Team at your School in the first instance
<b>STEP 2</b>	If your concerns are not resolved by Step 1, write to the Chief Finance Officer as Reporting Officer, to report your concerns. Reporting Officer to acknowledge receipt of report within 5 working days.
<b>STEP 3</b>	Reporting Officer to carry out preliminary enquiries to ascertain whether full investigation is necessary. Preliminary enquiries to take no longer than 10 working days.
<b>STEP 4</b>	If Reporting Officer considers concerns to be not of a public interest nature, no further to be action. Board of Trustees to be notified of decision. If the Chair of the Board disagrees with decision then an investigation will be undertaken. You will be notified of the Chair's decision.
<b>STEP 5</b>	If an investigation is to be undertaken, the matter will be referred to an external body. The Reporting Officer will aim to keep you informed of progress.

<b>STEP 6</b>	When the investigation has been concluded the Reporting Officer or Chair of The Board of Trustees will inform you of the outcome and submit a report to the Board of Trustees.
<b>STEP 7</b>	If you are not satisfied there is a right of appeal (on the grounds stated in point 8.1 only) to the Chief Executive. The Chief Executive or Chair of the Board of Trustees will appoint an independent member of the Board of Trustees to hear the appeal and you will be informed of the outcome and a report submitted to the Trustees Board.

## **12. RAISING CONCERNS OUTSIDE THE TRUST**

- 12.1 The aim of this procedure is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally.
- 12.2 The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body, such as a regulator. It will very rarely if ever be appropriate to alert the media.
- 12.3 Employees are strongly encouraged to seek advice before reporting a concern to anyone external.
- 12.4 If an employee is not satisfied with the Trust's response, the senior manager dealing with the case should ensure that they are made aware with whom they may raise the matter externally:
- [Protect](#) – Tel: 020 3117 2520
  - Recognised trade union
  - External auditor
  - Relevant professional bodies or regulatory organisations
  - Solicitor
- 12.5 Concerns about safeguarding practices can be raised externally using the [NSPCC whistleblowing](#) helpline. Employees can call 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- 12.6 The senior manager dealing with the case should stress to the employee that if they choose to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

## **13. THE BOARD OF TRUSTEES RESPONSIBILITY**

- 13.1 A record of all whistleblowing disclosures and any subsequent actions will be made by the Reporting Officer, who will retain such material for a period of not less than seven years. In all cases, a report detailing all disclosures and the outcomes of any



investigations will be made to the Board of Trustees as a means of allowing them to monitor the effectiveness of the policy.

- 13.2 This Policy and procedures will be reviewed by the Trust every 2-years or earlier if there are relevant changes to legislation or statutory guidance.

**14. APPLICATION OF THIS POLICY AT THE TRUST SCHOOLS**

- 14.1 The Board of Trustees through the Clerk will advise each school's Headteacher and Local Committee of the policy and any subsequent changes to it. The policy will become effective in all Schools from the date that this policy is approved.

- 14.2 The policy or an electronic link to the policy shall be made available to all staff. The School shall make all staff aware of the existence of the policy and it shall be made available to staff in any staff handbooks and in induction packs.