



INSPIRE MULTI-ACADEMY TRUST

WHISTLEBLOWING POLICY

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WHISTLEBLOWING POLICY

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WHISTLEBLOWING POLICY

1. Purpose

The Academy Trust is committed to the highest possible standards of conduct and encourages individuals with concerns about wrongdoing within the Trust to come forward and report those concerns. This process is commonly referred to as “whistleblowing” and the aim of this policy is to give detailed advice and reassurance to persons who wish to “blow the whistle” by reporting wrongdoing to those who can make a difference.

All organisations face the risk of things going wrong or of unknowingly harbouring wrongdoers. The Trust believes it has a duty to identify such situations and take the appropriate measures to remedy the situation. By encouraging a culture of openness the Trust believes it can help prevent wrongdoing occurring both now and in the future.

2. Legal Basis

This policy acknowledges and incorporates the specific statutory rights and protection given to employees by the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998, which applies to certain kinds of disclosure termed “Protected Disclosure”. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 protects workers who make a “protected disclosure” from dismissal, selection for redundancy or being subjected to any other detriment in employment as a result of raising a concern about wrongdoing.

Consequently, if concerns are raised which fall into one of six categories of wrongdoing, this will be a “protected disclosure” provided that the specific requirements for that category of wrongdoing are met in that the concern is raised to the proper person or organisation. These six categories are:

- a) Crimes
- b) Failure to comply with legal obligations
- c) Miscarriage of justice
- d) Risks to Health & Safety
- e) Damage to the environment
- f) Covering up any of the above.

The legal requirements of making a “protected disclosure” about each of these categories of wrongdoing are different for each category. Further information about these requirements is set out in the attached Protected Disclosure Guidance (Annex 1).

3. Personal Protection

Provided that you are acting in good faith when making a disclosure and you have a **reasonable belief** that the information disclosed tends to show that wrongdoing has occurred, is occurring or is likely to occur in the future, it does not matter if you subsequently realise that you are mistaken. You do not have to specifically prove anything in order to have your concerns about wrongdoing investigated. The message the Trust wishes to give to you is 'if in doubt – raise it'. Employees are expected to co-operate fully with any resulting investigation.

If in doubt, you are encouraged to contact your Professional Association/Union, Legal Advisor or other independent professional or organisation that can support you in identifying if this is the appropriate procedure and with whom any issue should be raised.

4. Duty to Report

Failure to report concerns, including through being silent, imply complicity or negligence with regard to the wrongdoing. A concern may be about something that:

- a) Is unlawful, e.g. Fraud, bribery, corruption
- b) Is against the Trust's Articles of Association, master-funding agreement, financial regulations and/or other policies
- c) Falls below established standards or practice
- d) Amounts to improper conduct
- e) Amounts to a failure to comply with a legal duty, e.g. a breach of a statutory duty
- f) Amounts to a miscarriage of justice
- g) Is a health and safety risk, including risks to the public as well as other employees
- h) Damages the environment
- i) Comprises deliberately covering up of any of the above
- j) Some other matter not specified that you have or should reasonably be expected to have reasonable belief ought to be referred to this policy.

5. The Duty to Consider

The Trust will consider all allegations and the information received from a whistle-blowing disclosure, however the decision as to whether or not to investigate and the extent of that investigation, will remain the Trust's. The Trust undertakes to inform you of any decision to proceed as far as reasonably possible and appropriate.

External bodies have their own regulations and requirements including statutes which will guide and determine their decisions to investigate.

6. Application

This policy applies to all employees, Directors, Local Governors, contractors acting under the control of the Trust and supply/agency workers and Partnership organisations, which choose to adopt this policy. The provisions of this Policy are not directly available to members of the public. Members of the public, who wish to raise a concern about any aspect of the Trust's work, including wrongdoing, should follow the Complaints Procedure. All Directors, Governors, and Senior Leaders within the Trust are responsible for ensuring that all employees are made aware of this Policy. Personal employee issues would generally follow the Grievance Procedure.

If your concern is in relation to any wrongdoing to children and/or vulnerable persons, further information and guidance on how to raise such concerns can be found in the Trust's Safeguarding Policy and procedures.

Nothing in this policy prevents any person from making disclosures to the relevant Prescribed Bodies.

7. Procedure

7.1 Raising a Concern

Initial concern should be raised with a person of appropriate seniority within the Trust. The specific person will depend upon the nature of the concern. For example, if the concern is at a class level then a senior leader may be appropriate, if the concern is at a school/academy level then referral to the Leadership of the Trust may be appropriate. In most circumstances you should raise concerns with the line manager above the grade at which your concerns are focused.

If in doubt it is advisable to seek advice and support from your Union/Professional Association or other independent person. Suitable independent persons include ACAS and designated bodies.

All people involved with the Trust are encouraged to take such matters seriously and are encouraged to assist in identifying an appropriate person to consider any concern or allegation.

Although concerns about wrongdoing can be raised orally or in writing, the Trust would encourage you to put them in writing, setting out the background and history of the concern and giving names, dates, places and amounts where possible, providing as much information as you have available.

It is expected that in most circumstances the whistleblower will fully co-operate with any investigation that is instigated. If a risk to you is identified the Trust will consult with appropriate independent persons about adjustments and arrangements that can be implemented.

The Trust also encourages the use of names when raising concerns. It will also investigate ways of promoting anonymous referrals but no such formal system presently exists. Instead concerns expressed anonymously will be considered at the discretion of the Trust and in exercising this discretion; the Trust will take into account the seriousness of the issues raised, the credibility of the concern and the likelihood of corroboration from other sources. The Trust will also seek to ensure that anonymity does not promote 'witch-hunts'.

Confidentiality cannot automatically be assured except where external agencies, such as the Police, are involved. The Trust does assure that all concerns will be treated professionally and no victimisation will be tolerated on the basis of raising a reasonable concern.

The Trust does not expect proof that the wrongdoing has occurred, is occurring or is likely to occur in the future but you will need to show sufficient grounds for a concern to be investigated and that the information disclosed tends to show the wrongdoing.

The Secretary of State has prescribed a number of external organisations (see Annex 2) for the purpose of raising a concern about wrongdoing. You are advised to take advice as to when this is appropriate. For example where you consider that all senior tiers of the Trust are compromised:

Disclose of concern outside the Trust, must take care to ensure that no inappropriate disclosure of confidential or privileged information occurs. Examples of information that was given to the Trust in confidence (either explicitly or where it is clear from the circumstances that there is an expectation that the information will not be passed on) include.

- a) information that would enable a child or other vulnerable client to be identified
- b) commercially sensitive information, e.g. financial details of tenders, current spend on insurance provisions.
- c) third party personal financial information
- d) information that is held as part of court proceedings where the information has not been made public
- e) information that could affect national security
- f) legal advice given to the Trust

It is advised that formal legal advice is taken prior to disclosing such information, however be assured that the Trust is aware that in certain circumstances an individual will be legally obliged to disclose some confidential information.

Where confidential or privileged information is inappropriately disclosed, the discloser may be subject to disciplinary action in accordance with the Disciplinary Procedure.

7.2 The Trust's Response to Concern

The action taken by the Trust will depend upon the nature of the concern that is raised. In most instances, it is expected that in order to protect individuals and the Trust, initial enquiries will be made to decide whether a formal investigation is required and, if so, what form this investigation will take. At this stage, the person dealing with the initial whistleblowing disclosure, in consultation with the Executive Headteacher where deemed appropriate, will then take the decision to:

- a) Complete the investigation internally using an independent and impartial director, local governor or senior leader.
- b) They will also determine the terms of reference for the investigation; or
 - Refer the matter to an external body for them to investigate;
 - Refer the matter to the Trust's external Auditor; or
 - Refer the matter directly to the Police; or
 - Organise an independent inquiry; or
 - Refer the matter for consideration under any other existing Trust procedure as may be appropriate in the circumstances; or
 - Take no further action
- c) The Trust may also identify that some concerns about wrongdoing may be resolved by agreed action without the need for further investigation.

Within 10 working days, or if this is not possible as soon as reasonably practicable, on receipt of a concern about wrongdoing, the Trust will write to the person 'whistle-blowing', if known; with the following information:

- An acknowledgement that the concern has been received;
- An indication of what happens next;
- And when practically possible
- An estimate of how long it will take to provide a final response
- and why it will take this long
- If applicable, an explanation as to why it may not be appropriate to carry out a formal investigation
- If it is necessary to seek further information from the 'whistle-blower', a meeting will be arranged with them at which they will have the right, to be accompanied by their Trade Association/Union representative or work colleague who is not

- involved in the area of work to which the concern about wrongdoing relates or another advisory body such as the citizens advice bureau.
- Any meeting may be held away from the workplace and / or outside working hours if appropriate.

The Trust will attempt to resolve the matter within 20 working days, or if this is not possible as soon as reasonably practicable, after the concern has been raised. If the matter cannot be resolved within this time scale, the Trust will keep the 'whistle-blower' regularly informed of how the concern raised is being dealt with. Subject to legal constraints, the person raising the concern will be notified of the outcome of any investigation.

The outcomes of all formal Whistleblowing investigations will be reported to the appropriate committee of the Trust by the Executive Head Teacher who will ensure a record of all Whistleblowing cases are collated.

Where the Executive Head is subject to a concern the Investigating Officer in discussion with appropriate legal authority will identify an appropriate reporting procedure.

Where reporting to the Trust would compromise the Executive Head they shall see external legal advice and support prior to any disclosure to the Trust.

Where the concern has been lodged at a level below that of the Executive Head the person identified as Investigating/responding officer will report to the Executive Head in accordance with any internal procedures established and in the absence of an appropriate procedure either directly or through their line manager as appropriate.

Any person obstructing reporting of 'Whistle-blowing' investigation outcomes will be potentially subject to misconduct or capability proceedings.

It is recognised that instances may arise where a concern has been raised but not proven, that results in the whistle-blower and accused person/s resuming a working relationship together; victimisation or harassment/ stress and anxiety are all potential concerns. The Trust has a duty to use all its reasonable endeavours to mitigate and support a full return to work and healthy working relationship for all parties.

The Trust will use its policies and reasonable endeavours to support all parties involved in any 'whistle-blowing' allegation/investigation. All parties are also encouraged to involve their professional associations/unions and appropriate external support bodies.

7.3 Additional provision

A comprehensive training programme will be established by the Trust.

The Whistleblowing Policy will be reviewed periodically taking account of all incidents of whistleblowing to ensure that it continues to uphold the highest standards of conduct and openness.

ANNEX 1 PROTECTED DISCLOSURE GUIDANCE

The Six Categories of Wrongdoing – Requirements for Raising a Concern

Crime: You must have a reasonable belief that your concern tends to show that a criminal offence has been committed, is being committed or is likely to be committed.

Failure to Comply with Legal Obligations: You must have a reasonable belief that your concern tends to show that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject. The legal obligation must exist - it is not enough that you merely think the legal obligation exists.

Miscarriage of Justice: You must have a reasonable belief that your concern tends to show that a miscarriage of justice has occurred, is occurring or is likely to occur.

Risks to Health & Safety: You must have a reasonable belief that your concern tends to show that the health and safety of any individual has been, is being or is likely to be endangered.

Damage to the Environment: You must have a reasonable belief that your concern tends to show that the environment has been, is being or is likely to be damaged.

Covering up any of the above: You must have a reasonable belief that your concern tends to show that information tending to show any of the above has been is being or is likely to be deliberately concealed.

Notes: If by raising your concern, you commit an offence, this will not be a protected disclosure. If you raise a concern in the course of obtaining legal advice and a claim of legal professional privilege could be maintained in legal proceedings, this will not be a protected disclosure. You must raise your concern in good faith and have a reasonable belief that your concern is substantially true. You must not raise your concern for personal gain. You must raise your concern in accordance with this policy and statute.

ANNEX 2 LIST OF PRESCRIBED PERSONS

The following is an extract from the full list of Prescribed Persons containing the external organisations relevant to raising concerns into wrongdoing within the Trust.

The Charity Commissioners for England and Wales:

Matters in respect of which the person is prescribed: The proper administration of charities and of funds given or held for charitable purposes.

Contact:

Charity Commission Liverpool Head of Operations
2nd Floor, 20 Kings Parade
Queens Dock
Liverpool L3 4DQ
Tel: 0870 3330123 Fax: 0151 703 1556

Chief Executive of the Criminal Cases Review Commission:

Matters in respect of which the person is prescribed: Actual or potential miscarriages of justice (The Commission has responsibility for these matters in respect of England, Wales and Northern Ireland).

Contact: Criminal Cases Review Commission

Alpha Tower
Suffolk Street
37 Queensway
Birmingham B1 1TT
Tel: 0121 633 1800 Fax: 0121 633 1804 Email: info@ccrc.gov.uk

OFSTED:

Matters in respect of which the person is prescribed: To inspect and regulate care for children and young people, and inspect education and training for learners of all ages.

Contact:

Ofsted Royal Exchange Buildings
St Ann's Square
Manchester M2 7LA.
E mail: whistleblowing@ofsted.gov.uk Website: www.ofsted.gov.uk

The Commissioners for Her Majesty's Revenue and Customs:

Matters in respect of which the person is prescribed: Value added tax, insurance premium tax, excise duties and landfill tax, the import and export of prohibited or restricted goods. income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.

Contact:

Her Majesty's Revenue and Customs Cross Cutting Policy

Room 1E/04, 1 Parliament Street

London SW1A 2BQ

Tel: Freephone 0900 595000 Fax: free fax 0800 523 0506

Email: customs.confidential@hmrc.gov.uk

Comptroller and Auditor General of the National Audit Office:

Matters in respect of which the person is prescribed: The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services.

Contact:

The Comptroller and Auditor General

National Audit Office

157-197 Buckingham Palace Road

Victoria London SW1W 9SP

Tel: 020 7798 7999

The Director of the Serious Fraud Office

Matters in respect of which the person is prescribed: Serious or complex fraud.

Contact:

The Director of the Serious Fraud Office

Elm House

10-16 Elm Street

London WC1X 0BJ

Tel: 020 7239 7272 Fax: 020 7837 1689

The Environment Agency

Matters in respect of which the person is prescribed: Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.

Contact:

The Environment Agency

Rio House

Waterside Drive

Aztec

West Almondsbury

Bristol BS12 4UD

Tel: 0800 807060 (24 hour line) or enquiries 01454 624400 Fax: 01454 624409

Food Standards Agency

Matters in respect of which the person is prescribed: Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.

Contact:

Personnel and Establishments Division

Food Standards Agency Room

111C Aviation House

125 Kingsway London WC2B 6NH

Tel: 020 7276 8120 Fax: 020 7276 8132

Financial Services Authority

Matters in respect of which the person is prescribed: The carrying on of investment business or of insurance business, the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes, the operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies and industrial and provident societies, the functioning of financial markets, investment exchanges and clearing houses money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority.

Contact:

Director, Authorisation

Financial Services Authority

25 The North Colonnade

Canary Wharf

London E14 5HS

Tel: 020 7676 4646 Fax: 020 7676 9727 Email: whistle@fsa.gov.uk

Health and Safety Executive

Matters in respect of which the person is prescribed: Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work.

Contact:

Health and Safety Executive

Information Services

Caerphilly Business Park

Caerphilly South Wales CF83 3GG

Tel: 0845 345 0055 Fax: 0845 408 9566 Email: hse.infoline@natbrit.com

Local authorities

The local authority, under section 18 of the Health and Safety at Work etc. Act 1974, is responsible for the enforcement of the relevant statutory provisions.

Matters in respect of which the person is prescribed: Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work.

Contact:

The appropriate local authority

Information Commissioner

Matters in respect of which the person is prescribed: Compliance with the requirements of legislation relating to data protection and to freedom of information. (Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information) (Freedom of information legislation provides for the disclosure by public authorities of the information that they hold).

Contact:

The Office of the Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Tel: 01625 545700 Fax: 01625 524510 Email: mail@ico.gsi.gov.uk

The Pensions Regulator

Matters in respect of which the person is prescribed: Matters relating to occupational pension schemes and other private pension arrangements.

Contact:

The Pensions Regulator

Napier House

Trafalgar Place

Brighton BN1 4DW

Tel: 0870 6063636 Text phone: 0870 2433123 Fax: 0870 2411144

E-mail: customersupport@thepensionsregulator.gsi.gov.uk

Website: www.thepensionsregulator.gov.uk

The Office of Communications

Matters in respect of which the person is prescribed: the provision of electronic communications networks and the use of the electro-magnetic spectrum, broadcasting and the provision of radio and television services, media ownership and control and competition in communications markets.

Contact:

Chairman The Office of Communications

Riverside House 18

2a Southwark Bridge Road

London SE1 9HA

Tel: 020 7981 3000 Fax: 020 7981 3333

Office of Fair Trading

Matters in respect of which the person is prescribed: Matters concerning the sale of goods or the supply of services, which adversely affects the interests of consumers, competition affecting markets in the United Kingdom.

Contact:

Office of Fair Trading

Fleetbank House

2-6 Salisbury Square

London EC4Y 8JX

Tel: 020 7211 8000 Fax: 020 7211 8800

HM Treasury

Matters in respect of which the person is prescribed: The carrying on of insurance business

Contact:

HM Treasury Insurance Directorate

Parliament Street

London SW1P 3AG

Tel: 020 7270 1720 Fax: 020 7270 4694

Secretary of State for Trade and Industry

Matters in respect of which the person is prescribed: Fraud and other misconduct in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing.

Contact:

Vetting Section Companies Investigation Branch

Department of Trade and Industry

Kingsgate House

66-74 Victoria Street

London SW1H 0WU

Tel: 020 7215 3120 Fax: 020 7215 3112

Consumer safety

Contact:

Consumer Affairs Directorate V418

Department of Trade and Industry

1 Victoria Street

London SW1H 0ET

Tel: 020 7215 5496 Fax: 020 7215 0339

Local authorities who have responsibility for enforcement of consumer protection legislation.

Matters in respect of which the person is prescribed: Compliance with the requirements of consumer protection legislation.

Contact: The appropriate local authority

Local authorities which are responsible for the enforcement of food standards

Matters in respect of which the person is prescribed: Compliance with the requirements of food safety legislation.

Contact:

ADVICE AND INFORMATION

Advisory, Conciliation and Arbitration Service (ACAS) operates a nationwide network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge. Any worker who contacts ACAS will wish to bear in mind the distinction between seeking information about the provisions of the Public Interest Disclosure Act 1998, and the requirements attached to making a protected Disclosure.

Public Concern at Work

This is an independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

Professional Associations and Trade Unions

Citizens Advice