

Maiden Erlegh Trust
WHISTLEBLOWING POLICY



MAIDEN ERLEGH
TRUST

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PART A: POLICY

1. Policy Statement

The Trust is committed to achieving the highest possible standards of probity and integrity regarding its practices.

The Trust recognises that it is important for all employees to have a means by which they can raise serious concerns about any aspect of the operation of the Trust, including safeguarding. The Trust further acknowledges its obligations under the Public Disclosure Act (1998) to ensure mechanisms are in place through which concerns relating to matters of public interest can be raised.

The Trust encourages employees to raise any concerns internally at the earliest opportunity rather than disregarding issues or raising the matter externally.

The Trust will address concerns seriously and undertake as much investigation as is necessary given the circumstances – this may include referral to external agencies.

The Trust will endeavour to advise an employee of any actions / outcome arising from a complaint where appropriate.

The Trust will provide reasonable support to an employee who raises a concern.

The Trust will ensure that where a concern is raised, an employee will be protected from detriment, harassment and victimisation. It is recognised that in certain cases it may be appropriate to consider concerns raised on a confidential or anonymous basis.

This policy and procedure explains:

- The mechanism for raising concerns
- The range of responses the Trust may take upon receipt of concerns
- The support and protection available to employees.

2. Scope

This Policy and Procedure applies to all employees of Maiden Erlegh Trust, agency workers, volunteers, contractors and others working on Trust premises.

Public Concern at Work defines whistleblowing as:

‘The raising of a concern either within the work place or externally, about a danger, risk, malpractice or wrong doing which affects others.’

The Whistleblowing Procedure provides a means for employees to raise concerns about conduct or situations which they believe are inappropriate. Concerns may include, but are not limited to:

- Conduct which is, has been or is likely to be an offence or breach of law
- Conduct that has occurred, is occurring or is likely to occur - as a result of which the Trust fails to comply with a legal obligation

- Acts or potential acts of fraud / corruption or the misuse of public funds / resources
- Miscarriages of justice
- Past, current or likely health and safety risks
- Concerns about any aspect of service provision
- Concerns of a safeguarding / child protection nature
- Unethical or unprofessional conduct that causes concern
- The deliberate concealment of information relating to concerns listed above

Concerns relating to an individual's own employment should be raised through the Trust's grievance and harassment procedures.

Employees may raise concerns about the practice of anyone who works for or on behalf the Trust including:

- All employees
- Governors and Trustees
- Volunteers
- Contractors

Concerns that employees have can be raised either individually or collectively. If collective concerns are raised each member of staff should be prepared to give their own account during any investigation, should this be required.

There is no time limit for raising a concern – however employees are encouraged to do so at the earliest opportunity since it may be difficult to address a matter if a significant time has elapsed.

3. Responsibilities of the Trust

- To foster a culture where employees can feel confident in raising concerns
- To ensure concerns are fully considered, investigated as necessary and action taken as appropriate
- To ensure that employees raising concerns receive feedback on any action taken where appropriate
- To make employees aware how they can take matters further if they are not satisfied
- To reassure employees that they will be protected against detriment and reprisal should they raise a concern

4. Responsibilities of the Employee

- To raise concerns only where there is reasonable suspicion for doing so
- Not to knowingly raise a false allegation with malicious or vexatious intent

- To engage with internal / external actions to address any concerns – by attending meetings and / or participating in any investigation

5. Trade Union Representation

Employees may wish to consult and seek guidance from their Trade Union representative before making a disclosure under this procedure

Employees may be accompanied to any meeting by a Trade Union representative or workplace colleague who is not involved in the area of work to which the concern relates.

6. Responsible Officer and Monitoring of Complaints

The Trustees have overall responsibility for the maintenance and operation of this policy and procedure.

The Headteacher and Local Advisory Boards of each school within the Trust will ensure the effective implementation of the whistleblowing arrangements, providing training as appropriate, and undertake an annual audit of the whistleblowing arrangements reporting the outcome to the Trust.

The Headteacher and Local Advisory Board will consider:

- The number and types of concerns raised and the outcomes of the investigations.
- Feedback from individuals who have used the arrangements
- Any complaints of victimisation
- Any complaints of failures to maintain confidentiality
- Any relevant litigation
- The level of staff awareness, trust and confidence in the arrangements.

Any reporting will not identify the parties to the complaint.

PART B: PROCEDURE

7. Raising a Concern

Wherever possible employees should initially raise concerns openly with their line manager or the Headteacher.

In instances of serious concern or where the complaint involves the line manager or Headteacher complaints may be raised with the Chair of the Local Advisory Board.

Should the Headteacher have concerns – these should be raised with the Chair of the Local Advisory Board in the first instance.

Please refer to Appendix 1 for the appropriate contacts

Concerns may be raised verbally or in writing.

A concern raised in writing should:

- Set out the background and history of the concern - giving names, dates and places where possible
- Give the reason why the employee is particularly concerned about the situation
- For clarity it would be helpful for the employee to state that they wish their concerns to be addressed under the whistleblowing procedure

An employee is not expected to prove the validity of their concern; however, they will need to demonstrate that there is a reasonable suspicion to support their complaint.

An employee may invite a Trade Union representative to support them in raising a concern or raise the matter on their behalf or at a subsequent meeting to explore the complaint.

8. How the Trust will respond

Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the employee who has raised the concern.

On occasion it may not be appropriate for the person who receives the complaint to progress the concern and the matter may be referred to another individual within the Trust or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation.

Where it is not possible to resolve the matter informally, the action taken by the Trust will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Action under a different Trust policy or procedure
- Referral to the Trust's auditors
- Referral to another regulatory authority
- Referral to the police
- Referral to another relevant external organisation

Within 10 working days of receipt of any concern the person progressing the matter will write to the employee to:

- Acknowledge that the concern has been received
- Indicate how and through whom the Trust proposes to address the matter including whether further investigation or referral to another organisation will be made
- Give an estimate of how long the investigation will take
- Indicate whether further information will be sought from the employee and the arrangements for obtaining this where known

The form of further contact between the employee and the person progressing the complaint will depend on the nature of the matter raised and the follow up action required.

In instances where an investigation is prolonged or referral to an external agency takes place – arrangements will be made to provide the employee with situational updates as far as is practicable.

On occasion the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred, is occurring, or is likely to occur
- The matter is / has been the subject of internal proceedings under another Trust policy
- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- The complaint was false malicious or vexatious complaint

9. Notification of the Outcome of the Concern

The Trust recognises that an employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances however, it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback, the employee will be advised that the matter has been addressed or concluded as far as is practicable.

Where a matter is not to be considered further the employee who raised the complaint will be advised of this in writing.

10. Safeguarding Concerns

All school staff have a duty to report any concerns they have about any member of staff, supply teacher, volunteer, contractor or governor either about a safeguarding issue or other unlawful activity. This is referred to as Whistleblowing and applies to incidents both in school and out of school.

You have a duty to report if you believe that a member of staff, supply teacher, volunteer, contractor or governor has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Allegations will be dealt with in accordance with national guidance and agreements, which are implemented by the local authority.

The Headteacher of the school, rather than the designated member of staff will handle such allegations, unless the allegation is against the Headteacher, when the Chief Executive Officer and the Chair of the Local Advisory Board will handle the allegation. If the allegation is against the Chief Executive Officer, the Chair of Trust Board and Director of Inclusion and Safeguarding will handle the Trust's response.

The person dealing with the allegation will gather information about the allegation, and report these without delay to the Local Authority Designated Officer (LADO) if he/she considers they meet the threshold.

The Trust has a separate document 'Procedures for dealing with allegations against employees and adults working or volunteering in schools' which covers this area in more depth.

11. How the matter may be taken further

This procedure is intended to provide employees with a mechanism to raise concerns internally within the Trust.

Should this process be exhausted and the employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of the Trust.

Appropriate contacts are listed at Appendix 1.

An employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of the Trust, an employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

12. Protection and Support for Employees

The Trust will take reasonable measures to support and protect employees who raise concerns.

Protection from Detriment

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an employee believe they have been subject to detriment or retribution they should report this to the Chair of the Local Advisory Board who may address the matter in accordance with the Trust's disciplinary procedure.

No action will be taken against an employee where concerns raised are subsequently unproven.

However disciplinary action may be taken against individuals who knowingly make false, malicious and / or vexatious allegations.

Should an employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) – protection from detriment may be lost and the employee may be subject to the Trust’s disciplinary procedures.

Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for the Trust to assess and investigate the issue. However, it is recognised that there may be some circumstances where an employee would prefer to raise a concern in confidence. Employees should make the Trust aware of this when raising their concern.

Where appropriate every effort and consideration will be given to arrangements to maintain the employee’s confidentiality – including off site meetings where appropriate.

Every effort will be made not to reveal the employee’s identity, without their prior consent, if this is their wish.

However, in certain cases, it may not be possible to maintain confidentiality if the concern is subject to an external / police investigation where disclosure is required. An Employee will be advised should there be a possibility that their confidentiality cannot be maintained.

Anonymous Concerns

Employees are encouraged to put their name to any allegation where possible.

Anonymous allegations will be considered and investigated at the Trust’s discretion.

In exercising the discretion, the following factors may be considered:

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources

It should be noted that it may be more difficult to address the concern, support an employee or advise them of the outcome where a concern is reported anonymously.

Support

Employees who raise a concern may wish to make use of the confidential counselling service provided by the Trust, if appropriate.

Employees may also wish to consult their professional association or Trade Union if they are a member.

Should an employee be required to give evidence in criminal or disciplinary proceedings – consideration will be given to appropriate support.

13. Other Concurrent Processes

Where a complaint is raised under the whistleblowing procedure this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy.

However, each case will be considered on its merits to ensure that the Trust is acting reasonably.

14. Record Keeping

Notes may be taken of all meetings with the employee held under this procedure. Where notes are taken a copy will be made available to the employee.

All records will be treated as confidential and processed in accordance with the Data Protection Act (1998) which provides individuals with the right to request and have access to certain data.

A central record of whistleblowing must be maintained by the Local Advisory Board. This record will include, a summary of the concern raised, action taken and the resulting outcome. Senior staff or Governors who receive whistleblowing concerns must ensure the concern is recorded.

Appendix 1: Contacts

Internal Contacts	Contact Details
Chief Executive Officer	Mr Jonathon Peck via Vicky Boatman v.boatman@maidenerleghtrust.org
Executive Director of Education	Mr Andy Johnson via Vicky Boatman v.boatman@maidenerleghtrust.org
Chair of the Trust	Mr Nick Jones trustees@maidenerleghtrust.org
Local Headteachers	
Local Advisory Board Chairs	

External contacts	Contact Details	
Department for Education	0370 000 2288 www.education.gov.uk	
Ofsted	Piccadilly Gate, Store Street, Manchester, M1 2WD Telephone: 0300 123 3155 whistleblowing@ofsted.gov.uk	Concerns relating to regulation and inspection of establishments and agencies for children.
Office of Qualifications and Examinations Regulation	Casework Manager, Ofqual, Spring Place, Business Park, Herald Avenue, Coventry CV5 6UB Telephone: 0300 303 3346 Public.Enquiries@ofqual.gov.uk	Concerns about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009
National Society for the Prevention of Cruelty to Children (NSPCC)	Telephone: 0808 800 5000 help@nspcc.org.uk	Concerns relating to child welfare and protection.
Data Protection and Freedom of Information	Information Commissioners Office helpline Telephone: 0303 123 1113	Concerns about compliance with the requirement of legislation relating to data protection and to freedom of information.
Education and Skills Funding Agency (ESFA)	Online enquiry form Telephone 0370 000 2288 Counter Fraud and Investigation Team Education and Skills Funding Agency Bishopsgate House Feethams Darlington DL1 5QE	Allegations of suspected fraud and financial irregularity.

<p>Equality Advisory Support Service</p>	<p>Address: FREEPOST Equality Advisory Support Service FPN4431 Web: http://www.equalityadvisoryservice.com/ Telephone: 0808 800 0082</p>	<p>Discrimination concerns</p>
<p>The Health and Safety Executive (Regional Office)</p>	<p>Address: Priestley House, Priestley Road, Basingstoke, Hampshire. RG24 9NW Web: www.hse.gov.uk Telephone: 0300 003164</p>	<p>Concerns about matters relating to those industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998 and which are about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.</p>
<p>The Environment Agency (South East Regional Office)</p>	<p>Address: Kings Meadow House, Kings Meadow Road, Reading. RG1 8DQ Web: www.environment-agency.gov.uk Telephone: 0370 8506506</p>	<p>Concerns about acts and 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 in rivers, inland fisheries and migratory salmon or trout.</p>