



## *Herts & Essex Multi-Academy Trust*

<b>Policy Title</b>	Whistleblowing Policy
<b>Author(s)</b>	Herts for Learning/Harriet Wyatt
<b>Committee Responsible</b>	Personnel Committee
<b>Governor Link</b>	Irene Graham
<b>Date approved by Committee</b>	3 March 2020
<b>Date approved by Full Governing Body</b>	14 July 2020
<b>Review Date</b>	As required/every three years

# Whistleblowing Policy

*All references in this document to 'The Hertfordshire & Essex High School' or 'the school' stand equally for HEMAT and any of its schools.*

#### **Enquiries & comments**

**Any enquiries and comments about this publication may be made to:**

**Telephone:** 01279 654127 | **e-mail:** [admin@hertsandessex.herts.sch.uk](mailto:admin@hertsandessex.herts.sch.uk)

## **Contents**

- 1.** Introduction
- 2.** Scope
- 3.** What is whistleblowing?
- 4.** Protections for whistleblowers
- 5.** Obligations to the whistleblower
- 6.** Confidentiality
- 7.** The school's commitment
- 8.** Obligations for the Governing Body
- 9.** Whistleblowing procedure
  - Stage 1 – Disclosure
  - Stage 2 – Investigation
  - Stage 3 – Report to Governors
  - Stage 4 – Escalation
- 10.** Data Protection
- 11.** Contacts

## **1. Introduction**

This policy has been produced in consultation with the professional associations/trade unions.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the school to voice those concerns and feel secure in doing so.

It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. The school encourages all individuals to raise any concerns they may have about the conduct of others or the way in which the school is run.

The school is committed to the principles of honesty and integrity. A culture of openness and accountability is critical to ensuring these values are authentically lived by.

This policy applies to all employees, workers, agency staff, contractors, service providers, volunteers, and governors of the school.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

It is important to the school that any fraud, misconduct or wrongdoing by employees or governors of the school is reported and properly dealt with. The governing body will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the school, which are in the public interest. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## **2. Scope**

If your concern relates to how you have been treated this should be raised under the grievance or bullying and harassment policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy the school's disciplinary policy will be used.

The school encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

## **3. What is whistleblowing?**

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing related to a "qualifying disclosure".

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety

- an act causing damage to the environment
- a breach of any other legal obligation
- concealment of any of the above

is being, has been, or is likely to be, committed.

It is not necessary for a whistleblower to have proof of such an act for the protections of this policy to apply. They must only have a reasonable belief.

Potential whistleblowers should have reasonable grounds for believing the information they are disclosing is accurate.

Where a disclosure fails to show that one of the six categories of wrongdoing has been or is likely to be occur, it cannot amount to a qualifying disclosure for the purposes of the whistleblowing legislation

Potential whistleblowers are encouraged to seek support from a senior manager or their trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

#### **4. Protections for whistleblowers**

This policy has been written to take account of the Public Interest Disclosure Act 1998 and other relevant legislations, which protects workers making disclosures.

A whistleblower who makes a qualifying disclosure has the right not to be dismissed, subjected to any detriment or victimised, because they have made a disclosure.

Victimisation of a whistleblower for raising a qualifying disclosure will be a disciplinary offence.

The school will not dismiss anyone on the basis that they have made an appropriate lawful disclosure in accordance with the law and this policy.

Whistleblowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS ([www.acas.org.uk](http://www.acas.org.uk)).

#### **5. Obligations for the whistleblower**

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistleblower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the school's Code of Conduct.

It is not appropriate to whistle blow to the media in any circumstances and may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence.

## **6. Confidentiality**

The school encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, the school will make every effort to keep their identity secret.

The school will consult with the whistleblower before divulging their identity to any party, including an investigator.

The school does not encourage anonymous disclosures as this may make it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

## **7. The school's commitment**

Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially.

Whilst the school will aim to keep the employee informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed

## **8. Obligations for the Governing Body**

An appropriate representative of the school (Executive Headteacher or Chair of Trustees) will inform Hertfordshire County Council as the maintaining authority of any qualifying disclosures at the earliest opportunity.

Concerns regarding financial irregularity will be reported to the Shared Internal Audit Service (SIAS); where concerns relate to child protection these will be handled in keeping with the school's Safeguarding and Child Protection Policy and reported to the Local Authority Designated Officer (LADO) where the threshold is met.

## **9. Whistleblowing procedure**

### **Stage 1 – Disclosure**

The whistleblower should initially raise their concern to their line manager. They may do this orally or in writing.

If the concern relates to the line manager or any person to whom they report (other than the Executive Headteacher) the whistleblower should raise the issue with the Executive Headteacher.

If the concern relates to the Executive Headteacher, the whistleblower should raise this with the Chair of the Personnel Committee in the first instance, and progress on to the Chair of Trustees if necessary.

## **Stage 2 – Investigation**

The school will arrange an investigation into the concerns raised. This will take place as soon as is reasonably practicable.

The investigation may involve the whistleblower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistleblower is entitled to be accompanied by a recognised trade union representative or a work colleague (so long as the work colleague is not involved in the issue).

## **Step 3 – Report to Governors**

The investigator will report to the Chair of Trustees before any further action is taken. The Chair of Trustees will decide on potential outcomes including, but not limited to:

- invoking the school's disciplinary process, or other relevant policy
- referral to the police, Hertfordshire County Council department, government department or regulatory agency
- no further action.

On conclusion of any investigation, the whistleblower will, as far as is practicable and where it is reasonable to do so, be told the outcome of the investigation and what the school has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

## **Step 4 – Escalation.**

If, on conclusion of stages 1, 2 and 3 the whistleblower reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Health and Safety Executive
- the Environment Agency
- Her Majesty's Chief Inspector of Children's services and skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulator.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) website. Alternatively, an employee may contact their professional association or trade union representative for guidance.

## 10. Data Protection

When an individual makes a disclosure, the school will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## 11. Contacts

Should it not be possible to deal with your concerns via your line manager, the Executive Headteacher or Chair of Trustees contact the independent whistleblowing charity **Protect**

Helpline [020 3117 2520](tel:02031172520)

E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

*Herts & Essex Multi-Academy Trust and its Governing Body are committed to ensuring consistency of treatment and fairness, and will abide by all relevant equality legislation.*