



**South East Cornwall Multi Academy Regional Trust**

# **Confidential Reporting ('Whistleblowing') Policy**

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04/2019	Policy adopted
28/02/20	Circulated to JCNC, LGCs and Trust Board for review
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## **Contents**

Introduction	3
Aims and Scope of this Procedure	3
Confidentiality	4
Anonymous Allegations	4
Untrue Allegations	4
External Disclosures	4
How to Raise a Concern	5
How the Trust Board will respond	5
The Responsible Officer	6
How the Matter can be taken further	6
Contacts	7
Whistleblowing Officers (all of whom are governors)	7
How a Whistleblowing disclosure should be dealt with	8

## **Introduction**

This procedure is intended to supplement, rather than to replace, the existing complaints, disciplinary and grievance procedures. It is intended to cover disclosures of serious concerns that fall outside the scope of other procedures. A "qualifying disclosure" means any disclosure of information which, in the reasonable belief of the worker making the disclosure:

- a) that a criminal offence has been committed, is being committed or is likely to be committed,
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- d) that the health or safety of any individual has been, is being or is likely to be endangered,
- e) that the environment has been, is being or is likely to be damaged, or
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The Trust Board of South East Cornwall Multi Academy Regional Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees who have serious concerns about any aspect of any of the Academy's work or work undertaken by the trust or its constituent academies to come forward and voice those concerns.

This procedure makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious problems within the academies rather than overlooking a problem or "blowing the whistle" outside. It must be noted that any clauses in settlement agreements do not prevent workers from making disclosures in the public interest.

## **Aims and Scope of this Procedure**

This procedure aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible victimisation if you have a reasonable belief that you have made any disclosure in good faith;
- reassure you that you should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken;
- the Trust conducts an annual process to review policies to ensure equality such that no groups or individual with protected characteristics and unintentionally disadvantaged by the policy or practice.

## **Confidentiality**

All concerns will be treated in confidence and your identity will not be revealed without your consent. At the appropriate time, however, you may need to provide a statement or act as a witness which will of necessity reveal your identity. At this stage, you will be expected to co-operate fully with the investigation and disclose all relevant information.

## **Anonymous Allegations**

This procedure encourages you to put your name to your concern as anonymous allegations may often be difficult to substantiate/prove.

Concerns expressed anonymously are much less powerful but will be investigated unless the Whistleblowing Governor in consultation with the Chair of Trust Board agrees there is insufficient evidence to proceed.

You should be aware that the ability to ask follow up questions or provide feedback will be limited if the whistleblower cannot be contacted. It may be possible to overcome these challenges by using telephone appointments or through an anonymised email address. If a disclosure is made anonymously, it means that it can be more difficult for you to qualify for protection as a whistleblower. This is because there would be no documentary evidence linking the worker to the disclosure for the employment tribunal to consider.

## **Untrue Allegations**

If you raise a concern in good faith, but it is not subsequently confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **External Disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. It should be noted that if you choose to approach the media about your concern, you can expect in most cases to lose your whistleblowing law rights. It is only in exceptional circumstances that a worker can go to the media without losing their rights.

Public Concern at Work holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of our staff, Governors or Trustees, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first.

## **How to Raise a Concern**

As a first step you should normally raise concerns with your line manager. The line manager should take appropriate action. However, if this line of communication is not satisfactory or appropriate then you should approach a more senior colleague such as the Headteacher or Deputy Headteacher. Alternatively, you could approach the school's Whistleblowing Governor, the Chair of the Trust Board or the Chair of the Local Governing Committee.

You should make sure to the best of your ability, that the facts you are basing your concern on are correct. If a third party has made you aware of an issue you wish to raise, double-check with them that your interpretation is correct. It would be helpful to prepare a written statement of the facts which includes the name of the school concerned, date of incident and names of those involved. You do not need to provide evidence for the concerns raised to be investigated but this will facilitate the matter for all concerned.

The matter will then be passed to the Whistleblowing Governor who will double-check the information provided.

Concerns may be raised verbally or in writing.

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have reasonable grounds to raise them.

Where employees fail to report their concerns due to deliberate concealment of information they may become themselves implicated and consequently the Trustees may treat failure by an employee to report such matters as a serious matter which could lead to disciplinary action.

You may wish to obtain assistance in putting forward your concern from a Trade Union representative or a colleague. You may choose to be represented by a Trade Union representative or colleague at any meetings which are required.

The Prescribed Persons Order 2014: There are other ways, some of which are set out in law, that a worker may make a disclosure without losing their rights under whistleblowing law. One option for external disclosures of this type is prescribed persons. Prescribed persons are mainly regulators and professional bodies but include other persons and bodies such as MPs.

If you decide to blow the whistle to a prescribed person rather than your employer, you must make every reasonable effort to ensure that you have chosen the correct person or body for your issue. The link below provides an up to date list.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

## **How the Trust Board will respond**

In order to protect individuals and the Whistleblowing Trustee, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. At this stage the Trust Board can agree to delegate the matter to the Local Governing

Committee. Concerns or allegations which fall within the scope of specific procedures (for example Child Protection issues) will normally be referred for consideration under those procedures.

The person with whom you have raised your concern will inform the relevant Trustee of the facts. The Trustee, or Chair of the Local Governing Committee if it has been delegated to them, will write to you within five working days to acknowledge receipt and then will follow up within ten working days with the following:

- an indication of how the concern will be dealt with;
- an estimate of how long it will take to provide a full response;
- whether any initial enquiries have been made;
- whether further investigations will take place, and if not, why not.

The Whistleblowing Trustee, or Chair of the Local Governing Committee if it has been delegated to them, will inform you in writing of the outcome of any investigation, or any action taken, subject to the constraints of confidentiality and the law.

## **The Responsible Officer**

SMART's Whistleblowing Trustee has overall responsibility for the maintenance and operation of this policy within the Trust. They will maintain a record of concerns raised and the outcomes and will report as necessary to the Trust Board. The recording and reporting procedure will be in a form which ensures your confidentiality in the initial stages but this may not be possible if the concerns cannot be addressed without your identity being provided. Your identity will not be revealed without your consent.

## **How the Matter can be taken further**

This procedure is intended to provide you with a route within the Trust to raise concerns but if you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following:

- your Trade Union
- our external auditor
- your local Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the police
- the Local Government Ombudsman

You have a duty to the Trust not to disclose confidential information. This does not prevent you from raising concerns with an independent body referred to above, or any of the contacts stated below.

## Contacts

### **Whistleblowing Officers (all of whom are governors)**

**SMART Whistleblowing Trustee – 01579 325732**

Richard Newton-Chance [richard.nchance@smart-trust.net](mailto:richard.nchance@smart-trust.net)

**Dobwalls Community Primary School - 01579 320527**

Alan Johnson [Alan.Johnson@smart-trust.net](mailto:Alan.Johnson@smart-trust.net)

**Landulph School – 01752 845572**

Helen Ansell [H.Ansell@landulphcloud.net](mailto:H.Ansell@landulphcloud.net)

**Liskeard School and Community College - 01579 342344**

Dean James-Robbins [DJamesRobbins@liskeard.net](mailto:DJamesRobbins@liskeard.net)

Sally Berne [SBerne@liskeard.net](mailto:SBerne@liskeard.net)

**Looe Community Academy - 01503 262625**

Keith Simmons [ksimmons@looeca.net](mailto:ksimmons@looeca.net)

**Saltash Community School - 01752 842715**

Tim Parkman [Tim.Parkman@smart-trust.net](mailto:Tim.Parkman@smart-trust.net)

**Trewidland Primary School - 01503 240275**

Andrew Fowler [Andrew.Fowler@smart-trust.net](mailto:Andrew.Fowler@smart-trust.net)

The Trust's external auditors – Bishop Fleming – 01752 262611

**The ESFA (Education and Skills Funding Agency)**

Cheylesmore House, Quinton Road, Coventry CV1 2WT · 0845 377 5000

Protect – helpline: 020 7404 6609 – <https://protect-advice.org.uk/>, a registered charity which advises on serious malpractice within the workplace in accordance with the provisions of the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

## How a Whistleblowing disclosure should be dealt with

	<b>Actions by Whistleblowing Governor/Trustee</b>	<b>Comments by Whistleblowing Governor</b>
1.	On receiving a disclosure, ascertain if the person who has made the disclosure wishes to remain anonymous. If so, their attention needs to be drawn to the policy which advises that this may not be possible if legal action is required. (See Confidentiality and Anonymous Allegations paragraphs) Make sure that they have a copy of the current policy.	
2.	Obtain contact details for the person who has made the disclosure and ascertain their preferred method of communication.	
3.	Check whether the disclosure should be dealt with under another policy.	
4.	Make a factual record of the details, or ask the person making the disclosure to provide this if appropriate. This should include the school concerned, the date of the incident or incidents, names of those involved and details of the disclosure.	
5.	Contact the Whistleblowing Trustee and arrange to discuss the next stage. The Trustee can delegate this to the Chair of the Local Governing Committee if they feel this is appropriate. The Whistleblowing Trustee decides whether further investigation is necessary and appoints someone to carry this out.	
6.	Acknowledgement of receipt is sent to the person who made the disclosure within 5 working days then within ten working days additional information is provided including - <ul style="list-style-type: none"> <li>• indication how the concern will be dealt with;</li> <li>• estimate how long to provide a full response;</li> <li>• whether any initial enquiries have been made;</li> <li>• whether further investigations will take place, and if not, why not.</li> </ul>	
7.	The Whistleblowing Trustee considers all the information now available and decides on the next course of action. They can consult with one other Trustee at this stage. Care should be taken not to inform all Trustees if that could compromise future proceedings which could require a panel who have no prior knowledge of the situation.	
8.	The Trustee, or Chair of the Local Governing Committee if it has been delegated to them, should inform the person who has made the disclosure in writing of the outcome of any investigation, or any action taken, subject to the constraints of confidentiality and the law.	
9.	A detailed record should be kept at all stages of this procedure, including names, dates and times of any conversations.	