



# Whistleblowing Policy

Audience:	Trust employees, contractors and volunteers, Local Governing Bodies, Regional Boards and Trustees
Approved:	Trustees – March 2019
Policy owner:	Director of HR
Policy model:	Compliance
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## REACH2 Whistleblowing Policy



At REAch2, our actions and our intentions as school leaders are guided by our Touchstones:

- Integrity** We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour
- Responsibility** We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements
- Inclusion** We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style
- Enjoyment** Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved
- Inspiration** Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full
- Learning** Children and adults will flourish in their learning and through learning discover a future that is worth pursuing
- Leadership** REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual

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## POLICY OVERVIEW

REAch2 Academy Trust is committed to achieving the highest possible standards of service and ethics and this policy enables workers to raise their concerns of serious wrongdoing without fear of reprisal. This policy applies to all individuals working for REAch2 Academy Trust at all levels and grades, whether they are employees, contractors, trainees, volunteers, casual or agency staff. Although legislation only applies to paid workers, this policy reflects best practice and extends to volunteers and governors, current and former workers.

REAch2 Academy Trust therefore envisages this policy being used in relation to potential whistle blowers, as well as parties who may be cited in a whistleblowing disclosure.

## INTENDED IMPACT

Whistleblowing is the exposure of any kind of information or activity which relates to suspected serious wrongdoing, is deemed illegal, unethical or not correct within an organisation. This may include, but is not limited to, information relating to one or more of the following:

- A criminal offence has been, or is being committed;
- A person has failed or is failing, to comply with a legal or regulatory
- A miscarriage of justice has occurred, or is occurring;
- The health and safety of an individual has been, or is being endangered;
- The environment has been, or is being damaged;
- Fraud, corruption, bribery or blackmail;
- Administrative malpractice;
- Failure to properly safeguard assets;
- Obstruction or frustration of the exercise of academic freedom;
- Academic or professional malpractice (including, for instance, violation of intellectual
- Property rights or failure of integrity in research);
- Suppression or concealment of any of the above matters.

The distinction between a grievance and whistleblowing is important and REAch2 has attempted to distinguish the kinds of activity which should be reported via the Whistleblowing Policy in the list above. A grievance is a matter of personal interest and does not impact on the wider public. REAch2 is very clear - we would prefer for issues to be raised and for consideration to be given to which policy applies – than for issues not to be raised at all.

A whistleblower is a person who raises a genuine serious concern in good faith relating to any of the above. The whistleblower may or may not be directly affected by the matter.

## ROLES AND RESPONSIBILITIES

### The Trust's commitments to individuals who whistleblow

Making a disclosure is a professional duty. However, we recognise it may still be a difficult, stressful and anxious situation for many people. Whistleblowing is about doing the right thing with integrity. The Trust encourages openness and will support anyone who raises a genuine concern in good faith under this Policy, even if they turn out to be mistaken.

The whistleblowing procedure must always be applied fairly and in accordance with employment law and the REAch2 Equal Opportunities Policy. Those who step forward to do the right thing will be fully supported throughout the process and afterwards.

Individuals making a disclosure will be encouraged to seek the advice and support of their Trade Union or professional association. Whistleblowing may be a stressful process and REAch2 is keen to make sure that any whistleblower has appropriate professional support.

They will be provided with clear lines of communication where they can get support from within the organisation. Whistleblowers will be provided with the contact information for an external, independent and confidential support helpline if required.

Subject to the Trust's data protection obligations, individuals making a disclosure will receive feedback about the outcome of their disclosure.

If it is discovered that an individual has made malicious allegations, in bad faith or with a view to personal gain, the individual may be subject to disciplinary action.

#### Protection for whistleblowers

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This can be seen at <http://www.opsi.gov.uk/acts/acts1998> . It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

An individual will be eligible for protection if they honestly think what they're reporting is true and they think they're telling the right person. A whistleblower should also believe that their disclosure is in the public interest.

Victimisation or intimidation of a whistleblower will not be tolerated in the Trust and may be considered gross misconduct. Any perceived victimisation or intimidation of an individual/s making a disclosure will be formally investigated as a potential disciplinary matter.

#### The Responsible Officer

The Internal Auditor is responsible for the maintenance and operation of this policy.

## IMPLEMENTATION

### Making the disclosure

#### 1. Who should you disclose to

- All disclosures should be made to the Internal Auditor.
- If the whistleblower has concerns about making a disclosure to the Internal Auditor, they may refer it to their union representative, who will bring the disclosure to the Internal Auditor's attention on their behalf.
- An employee will be encouraged to take advice from their Trade Union or professional association before deciding who to make the disclosure to but there is no requirement to do so.
- An individual may make a disclosure to an appropriate external body, or trade union representative, if they feel there is no one in the Trust they can trust with the information.

Even where extreme circumstances are thought to exist, individuals should not approach the media with details of the suspected wrongdoing. This may prevent an independent, objective investigation.

#### What information should be provided with the disclosure?

- A disclosure should be specific providing as much detail as possible to enable the disclosure to be fully investigated.
- In making a disclosure an individual should make clear why they think a wrongdoing has occurred or is occurring.
- If there is evidence to support the disclosure it should be made available.
- If there is no evidence to support the disclosure but the individual still suspects that there may have been wrongdoing that is fine. They must be clear about why they suspect that wrongdoing has occurred or is occurring.

#### Anonymous disclosure

Disclosures can be made anonymously to the Internal Auditor. However, it is much more difficult to investigate anonymous disclosures and it will not be possible to provide feedback to the whistleblower.

#### Receiving a disclosure

- If a disclosure is made which may constitute whistleblowing, then the issue must be dealt with seriously and sensitively.
- The Internal Auditor will provide with a copy of this policy to the whistleblower. It is also available on the REAch2 website and intranet.
- The Internal Auditor will reassure the whistleblower that their disclosure will not affect their position at work.
- This may be a difficult or anxious time for the whistleblower, they will be reassured that they will be protected and supported by the Trust. If they are a member of a Trade Union or professional association they may wish to take advice before proceeding but they don't have to.
- The whistleblower will be asked for an outline of their concerns.

- A meeting, or telephone call, with the whistleblower will be arranged as soon as reasonably possible and within five working days at most to gather all of the information.
- The Internal Auditor will make every effort to maintain confidentiality about the identity of the whistleblower.

#### Disclosure Meeting

- The whistleblower may have a Trade Union or professional association representative accompany them at the meeting / telephone conversation.
- The priority at this stage is to listen to the whistleblower and to gather all of the information available in order to fully understand the nature of the concern and who may be involved.
- The Internal Auditor will provide a summary of the meeting to the whistleblower.
- To be provided with evidence is very helpful. However, it is legitimate for a whistleblower to share a concern or suspicion for which they do not have evidence. In this case, the Internal Auditor will try to ascertain the basis for the suspicion.
- The whistleblower should be reassured that to disclose a genuinely held suspicion that later proves to be wrong is fine. There are no negative consequences for someone who discloses a genuinely held suspicion whether right or wrong.
- Once all the information is collated, the Internal Auditor will determine the next steps.
- If the appropriate action involves other people then the Trust also has a duty of care and confidentiality towards them. It will not be possible therefore to feedback to the whistleblower about specific processes or actions applied to other individuals. It is possible under some circumstances that the whistleblower may be asked to be a witness if formal procedures are instigated.
- The whistleblower will be given clear timescales on when they can expect feedback on the outcome of their disclosure.

#### Assessment of the disclosure / Role of the Internal Auditor

The Internal Auditor will consider the information provided and determine the next steps depending on the circumstances, the evidence available and the context of the disclosure. An example of next steps is provided as follows but this is not an exhaustive list:

- The Internal Auditor may determine that the disclosure meets the whistleblowing criteria and that a further fact finding exercise, an investigation or a formal disciplinary investigation is required, in which case:
  - The Internal Auditor will initiate the appropriate internal investigation processes.
  - The Internal Auditor inform the whistleblower that a formal investigation into their concern has been initiated.
- The Internal Auditor may determine that there has been a breach of criminal law, in which case the police will be informed immediately. No further attempt to collect evidence or take witness statements will be taken as such actions may undermine a police criminal investigation by tainting evidence. The Internal Auditor will contact the Police as soon as the disclosure is made and will inform the Chief Executive Officer (CEO), or the Chair of the Trust Board if the CEO is implicated.
- The Internal Auditor may determine that the disclosure meets the whistleblowing criteria and is sufficiently serious, or urgent, that they take it immediately to the Chair of the Trust Board.

- The Internal Auditor may decide it is inappropriate to share the disclosure with the Chair of the Trust Board, eg if the disclosure concerns / involves the Chair, and may take the disclosure to another trustee, or to an external agency, as appropriate.
- The Internal Auditor may determine that the disclosure was a misunderstanding of the legitimate actions of other staff, in which case the Internal Auditor will provide feedback to the whistleblower and provide the necessary information, evidence and support to satisfy them that the behaviours that they were concerned about were legitimate and appropriate.
- The Internal Auditor may determine that the disclosure constituted a personal grievance rather than whistleblowing, in which case the Internal Auditor will inform the Director of HR to take the necessary steps to provide the whistleblower with the appropriate support and guidance to pursuing a grievance and to understand the difference between grievance and whistleblowing.
- The Internal Auditor may determine that the disclosure was potentially malicious. A determination of a disclosure being potentially malicious requires a high standard of evidence to justify the determination. The Trust seeks to encourage whistleblowing in good faith and to that end whistleblowers must be reassured that a disclosure made in good faith will never lead to a detrimental position for their employment. A knowingly false disclosure however would constitute a misconduct in itself. In this case, the Internal Auditor will ask the Director of HR to make the necessary arrangements for a disciplinary investigation to be initiated.

The Internal Auditor will maintain a central record of all disclosures and the actions and outcomes that were taken and provide a summary report to the Chief Executive Officer and to the Trust's Risk and Audit Committee.

#### The Role of the Risk and Audit Committee

The Internal Auditor will provide a report to the Trust's Risk and Audit Committee setting out the circumstances and actions taken for any whistleblowing disclosures. The identity and confidentiality of the whistleblower will be protected in these reports.

The Risk and Audit Committee will consider the wider implications and lessons to be learned for the Trust. These considerations will include whether policy and procedures could be improved to better protect the interests of the Trust in the future.

The Risk and Audit Committee has the authority to initiate further investigations if they consider it necessary.

#### Feedback to whistleblowers

Feedback will be provided to the individual who raised the disclosure. They will be told when the process has been concluded and what the conclusion was. This will be within the limits of law and duty of confidentiality to others.

### Independent information and advice for employees concerned about blowing the whistle

Independent information and advice for individuals concerned about whistle blowing can be obtained from their trade union or professional association, also from the 'Public Concern at Work' website <http://www.pcaw.org.uk>

### Training and Development

Training opportunities for staff on the process of making a disclosure will be available, at least, annually. This Whistleblowing Policy will form part of all staff inductions.

All line managers will have access to training on this policy and what to do should a disclosure be made to them so they are familiar with the process.