

Hope SENTAMU LEARNING TRUST

WHISTLEBLOWING POLICY

THIS POLICY APPLIES TO THE HOPE SENTAMU LEARNING TRUST BOARD, THE CENTRAL TEAM,
ALL TRUST SCHOOLS/ACADEMIES AND THE WORKFORCE DEVELOPMENT TEAM

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Policy updates

Date	Page	Policy updates
Feb 2022		The policy has been substantially revised following Union consultation

Signed by:

_____ Chief Executive Officer Date: _____

_____ Chair of the Resources
Committee Date: _____

1. Introduction

- 1.1. The Hope Sentamu Learning Trust (HSLT) is committed to the highest possible standards of openness, honesty, integrity and accountability. The Trust acknowledges that employees are often the first to realise that there may be something seriously wrong within the organisation and that the Trust needs to encourage employees and others with concerns to come forward and voice them.

2. Aims

- 2.1. This policy aims to:

- Encourage employees to feel confident in raising concerns;
- Reassure employees that, when they make a disclosure they will be protected from reprisals or victimisation;
- Provide avenues for an employee to raise concerns and receive feedback on any action taken;
- Ensure that employees get a response to the concerns they have raised from the Trust and, if not satisfied, explain how they may take the matter further.

3. Scope

- 3.1. This policy applies to all Trust employees, including centrally employed staff, Volunteers, Governors, Trustees and Members. Groups of employees, service users and contractors may also raise concerns using this policy. The term employee is used throughout for ease of reference.
- 3.2. This policy does not form part of the employee's contract of employment and the Trust may amend it at any time, following consultation with the Trade Unions.

4. Legal framework

- 4.1. This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- Education and Skills Funding Agency (ESFA) (2021) 'Academy Trust Handbook 2021 (as amended)'
- DfE (2021) 'Keeping children safe in education (as amended)'
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

- 4.2. This policy operates in conjunction with the following Trust policies:

- Disciplinary Policy and Procedure (*available internally via the Google Drive: HSLT Policies and Procedures* ■ [Disciplinary Policy and Procedure_V1.0_09.04.18.pdf](#))
- Complaints Policy and Procedures (*available on the HSLT website: the [Complaints Policy and Procedures](#) or available internally via the Google Drive: HSLT Policies and Procedures* ■ [Complaints Policy and Procedure_V1.1_2021.07.08.pdf](#))
- Data Protection (UK GDPR) Policy and Data Retention Schedule (*available on the HSLT website: the [Data Protection \(UK GDPR\) Policy and Data Retention Schedule](#)*)

5. The Public Interest Disclosure Act

- 5.1. The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.
- 5.2. Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees.

6. External Disclosures

- 6.1. This policy is intended to provide employees with an avenue to raise concerns within the Trust and to give the reassurance employees need to raise such matters internally. If employees are not satisfied with the response, and feel it is right to take the matter outside the Trust they should contact a prescribed person or body (guidance is available from [GOV.UK - Blowing the whistle: list of prescribed people and bodies](#)). This includes a list of public bodies, which can deal with particular areas of concern e.g. Education, Finance etc. A disclosure can also be made to a solicitor or the Police.
- 6.2. An employee should tell the prescribed person or body if they think that the Trust:
 - Will cover the issue up;
 - Treat them unfairly if they complain;
 - Hasn't responded satisfactorily after a concern has been raised.

7. Independent Advice

If an employee is unsure whether or how to raise a concern they can contact the independent voluntary organisation 'Protect' visit: <https://protect-advice.org.uk/> to complete an online form or call: 020 3117 2520. For staff who do not feel able to raise concerns regarding child protection failures internally, support is available via the National Society for the Prevention of Cruelty to Children (NSPCC) Whistleblowing Helpline on: 0808 800 5000, email: help@nspcc.org.uk or fill in the online form (via: <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/report/report-abuse-online/>), or the Local Authority Designated Officer.

8. Roles and responsibilities

- 8.1. All employees have a responsibility for whistleblowing and should ensure that they disclose any suspected danger or wrongdoing.
- 8.2. The Local Governing Committee of each School/Academy should:
 - Minute and record the adoption of the Whistleblowing Policy and Procedure
 - Inform every employee of the school's/academy's whistleblowing arrangements
 - Appoint at least one member of staff (usually the Headteacher/Principal / Safeguarding Lead) and at least one governor who other members of staff can contact if they wish to report concerns.

Please click on the link below to see the current list of Whistleblowing Link Governors:

[Local Governing Committee Whistleblowing representatives](#)

- 8.3. The Trust Board has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

9. What is whistleblowing?

- 9.1. **Whistleblowing** is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.
- 9.2. As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:
 - A criminal offence has been committed, is likely to be committed or is being committed
 - A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
 - A miscarriage of justice has occurred, is occurring or is likely to occur
 - The health or safety of any individual has been, is being or is likely to be endangered
 - The environment has been, is being or is likely to be damaged
 - Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed
- 9.3. A whistleblower is a person who raises a genuine concern relating to any of the above. If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy.
- 9.4. In the **public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

- 9.5. This policy should not be used for complaints relating to an employee's own personal circumstances, such as the way they have been treated at work. In those cases employees should use the Trust's Grievance Procedure.
- 9.6. Whistleblowing concerns often relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider.
- 9.7. This policy and procedure is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the Trust nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Public Interest Disclosure Act (PIDA).

10. Protection and support for whistleblowers

- 10.1. It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust encourages openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken. The Trust recognises that the decision to make a disclosure can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice or from other employees. The Trust will not tolerate bullying, harassment or victimisation and will take action to protect employees when they raise a concern using this policy.
- 10.2. Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal (including selection for redundancy), disciplinary action, threats or other unfavourable treatment connected with raising a concern. Employees who make a disclosure that is deemed to be in the public interest are protected from suffering a detriment in their employment under the Public Interest Disclosure Act (PIDA).

11. Confidentiality

- 11.1. The Trust will not disclose any information which would allow the employee to be identified, subject to legal obligations and constraints, when they raise a concern and do not want their name to be disclosed. If the situation arises where the Trust is not able to resolve the concern without revealing an employee's identity (e.g. a statement by the employee may be required as part of the evidence) the Trust will discuss this with the employee on how to proceed.

12. Anonymous Allegations

12.1. This policy strongly encourages employees to put their name to their allegation. Concerns expressed anonymously will be much more difficult for the Trust to consider or to protect an employee's position or to give feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered after an initial fact finding exercise at the discretion of the Trust.

12.2. In exercising discretion, the factors to be considered would include:

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

13. Untrue or Malicious Allegations

13.1. If an employee makes an allegation that they reasonably believe is true but is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes malicious or vexatious allegations, following further investigation disciplinary action may be taken against them.

14. How to make a disclosure

14.1. As a first step, concerns should be raised with an immediate Manager, where possible. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if it is believed that management is involved, the employee should approach either the Headteacher/Principal, Chair of Governors, Chief Executive or Chair of Trust Board as appropriate, in the first instance. Contact details of the appointed governor for each school and Trustee for the Trust in relation to raising whistleblowing concerns can be found using the following link: [Local Governing Committee Whistleblowing representatives](#) or is available from Human Resources.

14.2. Concerns can be raised verbally but are better raised in writing. Employees are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If an employee does not feel able to put their concern in writing, they can telephone or meet the appropriate person.

14.3. The earlier an employee expresses the concern, the easier it is to act. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.

14.4. Employees may also invite their Trade Union representative to raise a matter on their behalf.

15. How the Trust will respond

15.1. The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police or other appropriate body.

15.2. In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

15.3. Within **ten working days** of a concern being received, the Trust will write to the employee:

- Acknowledging that the concern has been received;
- Indicating, in overall terms, how it proposes to deal with the matter;
- Giving, where possible, an estimate of how long it will take to provide a final response;
- Telling the employee whether any initial enquiries have been made; and
- Telling the employee whether further investigations will take place, and if not, why not.

15.4. The amount of contact between those considering the issues and the employee, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.

15.5. When any meeting is arranged, the employee may be accompanied by a Trade Union representative or a work colleague who does not have a conflict of interest.

15.6. The Trust recognises that employees need to be assured that the matter has been properly addressed and as such, where possible, the Trust will provide information in this regard.

16. Monitoring and review

16.1. The Trust's Resources Committee will review this policy on an annual basis - in consultation with the Trade Unions. The Local Governing Committee will then adopt the policy. The next scheduled review date for this policy is recorded on the cover page.