

## Whistleblowing Policy

### Policy Monitoring, Evaluation and Review

This policy is effective for all schools within The Mead Educational Trust, the Teaching School, the SCITT and all other activities under the control of the Trust and reporting to the Trust Board.

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### Revision History:

Version	Date	Author	Summary of Changes
5.0	September 2023	LEJ	No legislative changes have been introduced since 2021. However, a review of the whistleblowing framework was announced in March 2023 and is expected to be concluded in Autumn 2023 but unlikely any legislative changes will be implemented in short-term. Style changes to incorporate standard TMET policy format, clauses and wording.
4.0	December 2021	SPK	Section 4.2 - Trade Union Official added. Section 7 - Re-write to include more detail around investigation process and indicative timescales. Section 7 - Anonymous complaints included. Section 10 - Contact details updated
3.0	April 2020	CBR	Section 4.2 & 11 – Chair of trustees added in line with Academies Financial Handbook
2.0	June 2019	MWR	Updated contact information Updated references to RMET with TMET
1.0	September 2017	DST	New Policy

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## **1. Policy Statement**

- 1.1 TMET is committed to the highest possible standards of honesty and integrity, and all employees are expected to maintain these standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is therefore essential in order to prevent such situations occurring or to address them if they do occur.
- 1.2 TMET recognises the legal rights of employees to be free from detriment when making a 'protected disclosure' to prescribed persons or bodies under the Public Interest Disclosure Act 1998 and any other subsequent legislation, as incorporated into the Employment Rights Act 1996.
- 1.3 TMET is committed to the provision of adequate resources to fulfil the aims of this policy.
- 1.4 This policy has been implemented following consultation and agreement with the recognised trade unions.
- 1.5 This policy does not form part of any employee's contract of employment. It may be amended at any time following consultation with the recognised trade unions and ratification by the People and Culture Committee.

## **2. Scope and purpose**

- 2.1 This policy applies to all employees of the Trust, Trustees and Academy Councillors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as employees in this policy).
- 2.2 The aims of this policy are:
  - 2.2.1 To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
  - 2.2.2 To provide employees with guidance on how to raise concerns.
  - 2.2.3 To reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

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

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that wrongdoing or dangers at work. This may include:

- 3.1.1 criminal activity
- 3.1.2 miscarriage of justice;
- 3.1.3 danger to health and safety;
- 3.1.4 damage to the environment;
- 3.1.5 failure to comply with any legal or professional obligation or regulatory requirements;
- 3.1.6 bribery;
- 3.1.7 financial fraud or mismanagement;
- 3.1.8 negligence;
- 3.1.9 breach of internal policies and procedures including the Code of Conduct;
- 3.1.10 conduct likely to damage our reputation;
- 3.1.11 unauthorised disclosure of confidential information;
- 3.1.12 other unethical behaviour
- 3.1.13 the deliberate concealment of any of the above matters.

3.2 A whistle-blower is a person who raises a concern in good faith relating to any of the above. Employees who have any concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) should report it under this policy.

3.3 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 TMET's Grievance Procedure.

3.4 Employees who are uncertain whether something is within the scope of this policy should seek advice from a member of the Academy, Trust's leadership team or a Trade Union representative.

3.5 Employees who have concerns in relation to safeguarding and/or the welfare of pupils should consider whether the matter is better raised under TMET's Safeguarding and Child Protection Policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the is policy may still apply.

#### **4. Raising a Whistleblowing Concern**

4.1 TMET hopes that employees will be able to raise any concerns with their principal/line manager. Employees may report their concerns in person or in writing. They may be able to agree a way of resolving any concerns quickly and effectively. Anonymous complaints will be dealt with as described in section 7.

4.2 However, where the matter is more serious, or employees feel that their principal/line manager has not addressed their concerns, or they prefer not to raise it with them for any reason, or they are the subject of the complaint, then employees can raise the matter with any of the following:

- 4.2.1 The Principal/Executive Principal. This is the member of the senior team who is responsible for managing whistleblowing complaints.
- 4.2.2 The Chief Executive Officer.

- 4.2.3 The Chair of the Academy Council.
- 4.2.4 The Chair of the Board of Trustees
- 4.2.5 A Trade Union Official

4.3 Contact details for these individuals are set out at the end of this policy.

4.4 Arrangements will be made to meet with the employee as soon as possible to discuss their concern. Employees may bring a colleague or union representative to any meetings under this policy. However, the employee's companion must respect the confidentiality of the disclosure and any subsequent investigation.

4.5 A written summary of the concerns raised will be made and a copy will be provided to the employee after the meeting. The employee will also be given an indication of how it is proposed to deal with the matter.

## **5. Confidentiality**

5.1 The Trust hopes that employees will feel able to voice whistleblowing concerns openly under this policy. However, if an employee wants to raise their concern confidentially, every effort will be made not to disclose their identity. If it is necessary for anyone investigating the concern to be made aware of the employee's identity, this will be discussed with the employee beforehand.

5.2 The Trust does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if information is not made available from the employee. It is also more difficult to establish whether any allegations are credible.

5.3 Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If employees are in any doubt they can seek advice from 'Protect', the independent whistleblowing charity, which offers a confidential helpline. Contact details are provided at section 11.

5.4 Where anonymous complaints are received, a determination will be made about whether to investigate based on:

- 5.4.1 the seriousness of the issue raised;
- 5.4.2 the credibility of the concern; and
- 5.4.3 the likelihood of confirming the allegation from other sources.

5.5 The Trust will keep a central record of disclosures made under the Whistleblowing Policy.

5.6 The Trust will comply with data protection requirements in terms of any records made and kept.

## **6. External disclosures**

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for employees to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The Trust strongly encourages employees to seek advice before reporting a concern to anyone external. 'Protect' hold a list of prescribed regulators for reporting certain types of concern; their contact details are provided at section 11.
- 6.3 Whistleblowing concerns usually relate to the conduct of TMET employees, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows employees to raise a concern with a third party, where they reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the Trust encourages employees to report such concerns internally, in the first instance. Employees should contact their principal/line manager or one of the other individuals set out in paragraph 4.2 for guidance.

## **7. Investigation and outcome**

- 7.1 Once a concern has been raised, an initial assessment will be carried out by the appropriate person within the Trust dependent on the nature of the disclosures/complaints. Employees will be informed of the outcome of this initial assessment within 5 school days of the concern being raised, advised on how the Trust propose to deal with the matter and whether further investigations will take place; and if not, why not. Employees may be required to attend additional meetings in order to provide further information.
- 7.2 The Trust will take all whistleblowing disclosures/complaints seriously, including any that are made anonymously. Where disclosures/complaints are made anonymously, it will obviously not be possible to either acknowledge the complaint or provide any feedback. In cases where anonymous disclosures/complaints are received via email, the matters will be investigated, but only an acknowledgement sent to the sender. No feedback/outcome will be communicated in such cases.
- 7.3 In some cases, an investigator or a team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter will be appointed. The investigator(s) will collate findings on the matter and may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing. This will be sent to the Principal and/or CEO for action.
- 7.4 The amount of contact between the whistle-blowers and the individuals considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the whistle-blower will be interviewed to ensure that their disclosure is fully understood. Any meeting can be arranged away from the workplace, if

requested and a colleague or union representative may accompany the employee/whistle-blower in support.

- 7.5 The Trust will aim to conclude the investigation in a timely way, usually within 20 school days of receipt of the concern. However, a complicated matter may take longer to investigate and, if this is the case, the employee/whistle-blower will be informed of the likely timescale.
- 7.6 Following the investigation, the person handling the concern will confirm in writing the outcome of the investigation with details of the actions taken to investigate the complaint, the reasons for the decision and, if appropriate, any actions to be taken to resolve the complaint. However, the need for confidentiality may on occasion prevent the provision of specific details of the investigation or any disciplinary action taken as a result. Employees/whistle-blowers should treat any information about the investigation as confidential.
- 7.7 In the event that the Trust concludes that an employee/whistle-blower has made false allegations maliciously, or with a view to personal gain, the employee/whistle-blower may be subject to disciplinary action.

## **8. Protection and support for Employees**

- 8.1 It is understandable that whistle-blowers may be worried about possible repercussions. The Trust aims to encourage openness and will support all employees who raise concerns in good faith under this policy, even if the concerns raised are upheld or not.
- 8.2 Employees must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee/whistle-blower believes that they have suffered any such treatment, they should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied, the employee should raise it formally using TMET's Grievance Procedure.
- 8.3 Employees must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

## **9. Links with Other Policies**

- 9.1 TMET Grievance Procedure
- 9.2 TMET Disciplinary Policy
- 9.3 TMET Safeguarding and Child Protection Policy

## **10. Review of Policy**

- 10.1 This policy will be reviewed as required by the Trust in consultation with the recognised trade unions and subject to ratification by the TMET People and Culture Committee. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

## 11. Contacts

Whistleblowing Officers / Organisations	Your Principal, or other person at 4.2
Protect (formerly known as Public Concern at Work) (Independent whistleblowing charity)	Helpline <b>020 3117 2520</b> <a href="http://Protect-advice.org.uk">Protect-advice.org.uk</a>
NSPCC	Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a> Tel: 0808 800 5000
Sarah Ridley – Chief Executive Officer	Email: <a href="mailto:sridley@tmet.uk">sridley@tmet.uk</a>
Tony Glover – Chair of Board of Trustees	Email: <a href="mailto:chairoftrustees@tmet.uk">chairoftrustees@tmet.uk</a>
ASCL	Email: <a href="mailto:HOTLINE@ASCL.ORG.UK">HOTLINE@ASCL.ORG.UK</a> Website: <a href="https://www.ascl.org.uk/">https://www.ascl.org.uk/</a> Tel: 0116 299 1122
COMMUNITY	Name: Letitia McCalla Email: <a href="mailto:lmccalla@community-tu.org">lmccalla@community-tu.org</a> Tel: 01332 377022 Service Centre Helpline: 0800 389 6332
GMB	Name: Sarah James, GMB Midlands Regional Organiser  Email: <a href="mailto:Sarah.James@gmb.org.uk">Sarah.James@gmb.org.uk</a> Tel: 0330 165 5585
NASUWT	Name: Steve Lloyd, East Midlands Regional Organiser Email: <a href="mailto:steve.lloyd@mail.nasuwt.org.uk">steve.lloyd@mail.nasuwt.org.uk</a> Name: Alan Hackett, National Executive Member for the East Midlands Email: <a href="mailto:alan.hackett@exec.nasuwt.org.uk">alan.hackett@exec.nasuwt.org.uk</a>



Whistleblowing Officers / Organisations	Your Principal, or other person at 4.2
NAHT	Name: Robert Smith, East Midlands Regional Head Email: <a href="mailto:robert.smith@naht.org.uk">robert.smith@naht.org.uk</a> Tel: 07738 411465 Website: <a href="https://www.naht.org.uk/">https://www.naht.org.uk/</a>
NEU	Name: Tim Clamp, Leicestershire Secretary Email: <a href="mailto:timothy.clamp@neu.org.uk">timothy.clamp@neu.org.uk</a> Tel: 0115 838 6707 Name: Deborah Smith, Regional Officer Email: <a href="mailto:Deborah.Smith@neu.org.uk">Deborah.Smith@neu.org.uk</a> Tel: 07947 423998
UNITE	Name: Katie Morris Email: <a href="mailto:katie.morris@unitetheunion.org">katie.morris@unitetheunion.org</a> Tel: 0116 253 2020
UNISON LEICESTER CITY	Name: Samuel Randfield Email: <a href="mailto:unison.leicestercity@virgin.net">unison.leicestercity@virgin.net</a> Tel: 0116 299 5103