



Minerva
Learning Trust

Whistleblowing Policy

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Contents

Changes to this edition	1
1. Purpose	2
2. Aims	3
3. Application	3
4. Whistleblowing	4
5. Roles and Responsibilities	4
6. Safeguarding	5
7. Confidentiality.....	5
8. Anonymous or False Allegations.....	6
9. Raising a Concern	6
10. Investigation	7
11. Recording, monitoring and evaluation.....	8
12. Appeal Process	8
13. Access to External Bodies.....	8

Changes to this edition

- 1 Added 'fully' in the first sentence under Purpose
- 2 Added 'Employees are encouraged to voice any concerns that they have in a professional, responsible way and this policy sets out the ways in which individuals may raise concerns.
- 3 Added in a further aim regarding clarity of roles at 2.4
- 4 Added in a new section regarding roles and responsibilities at section 5
- 5 Added in a new section regarding safeguarding at section 6
- 6 Updated the terminology to provide consistency around the use of employee/worker in the document

1. Purpose

The Board of Directors at Minerva Learning Trust is fully committed to ensuring that standards within the Trust and its schools are high and that all statutory regulations and requirements are complied with.

Employees are encouraged to voice any concerns that they have in a professional, responsible way and this policy sets out the ways in which individuals may raise concerns.

The Trust will take seriously any concerns relating to malpractice within the organisation and believes it is important that all members of the school community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

2. Aims

- 2.1 To provide an internal process for making a disclosure under the Public Interest Disclosure Act 1998 which enables all workers to feel confident in raising concerns at an early stage in the knowledge that these will be taken seriously and investigated appropriately.
- 2.2 To provide guidance on wider disclosure in the event that the employee feels there is no internal authority that can be contacted or they believe that the concern they have raised has not been taken seriously or acted upon correctly.
- 2.3 To provide reassurance to workers that they will be protected from possible reprisal or victimisation if they have made a disclosure in the public interest.
- 2.4 To provide clarity regarding roles and responsibilities within the Trust for managing disclosures made under the whistleblowing policy.

3. Application

- 3.1 This policy applies to all workers of the Trust, apprentices, casual workers, and agency workers engaged by the Trust or its schools.
- 3.2 This policy is for concerns where the interests of other people or the organisation are at risk and which are not covered by other procedures. It only applies if the concern is being raised in the public interest and not purely the interest of the individual concerned. Where the concern is about an employee's personal position in the school or the way they have been treated personally, this should be raised through the Trust's Grievance Procedure.

4. Whistleblowing

4.1 Whistleblowing is the term used when an employee or worker passes on information concerning alleged wrongdoing such as unlawful conduct, financial malpractice, causing a danger to children and young people, potential failures in safeguarding, causing a danger to staff, the public or environment, contravening the Trust or School policies or the Trust Code of Conduct, deliberate concealment of any of these alleged activities.

The wrongdoing disclosed must be in the “public interest”. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

4.2 The law allows workers to raise what it defines as a ‘protected disclosure’ which the worker believes to be in the public interest.

5. Roles and Responsibilities

5.1 The Trust Board is responsible for approving this policy, monitoring its effectiveness and ensuring it is published on the Trust website.

5.2 The Chief Executive Officer is responsible for ensuring:

- employees and others do not suffer a detriment in the application of this policy and that anyone making a disclosure of wrongdoing or malpractice, in good faith, is protected against victimisation.
- Matters raised are treated seriously, swiftly, consistently, fairly and professionally
- Matters raised are addressed promptly and thoroughly investigated by an appropriate senior person
- Employees who, in good faith, raise a concern which turns out to be unfounded will not be penalised for being genuinely mistaken

5.3 The HR Team are responsible for ensuring that all employees of the Trust are aware of this policy. The team will also ensure that:

- The policy is implemented fairly and consistently
- Employees are aware of the protection available to them if they report areas of malpractice or wrongdoing and who to approach to report a concern
- Whistleblowers are treated with dignity and respect and offered access to appropriate support

5.4 Headteachers, Senior Leaders and Managers are responsible for ensuring they encourage employees to voice any concerns they have and provide confidence that disclosures will be managed appropriately under this policy.

- 5.5 All employees of the Trust have a responsibility to raise any concerns they have and provide the Trust with the opportunity to resolve any issues that arise. It is expected that, wherever possible, employees raise concerns prior to malpractice or wrongdoing occurring however where this isn't possible the employee should raise the matter at the earliest opportunity.

6. Safeguarding

- 6.1 All employees must act on any concerns or information that gives them concern about the safety and wellbeing of a child, children or young people arising from circumstances or events in or outside of school.
- 6.2 Safeguarding concerns may relate to:
- the conduct or behaviour of another employee, worker, contractor or volunteer towards an individual child, children or young people.
 - information which suggests an individual may be unsuitable to work with children or young people
 - a belief that the Trust Board, Local Governing Body, Executive Team or Senior Leaders in the Trust have failed to take appropriate action in response to a safeguarding concern raised.

7. Confidentiality

- 7.1 All concerns will be treated in confidence and the Trust is committed to protecting the identity of the whistleblower as far as possible where the employee has asked for this. There may however be occasions where it may not be possible to do this (for example, if the Trust is legally obliged to share information, for the purposes of seeking legal advice or if the employee is asked to give evidence).
- 7.2 The Trust recognises that raising concerns against a fellow colleague is not an easy thing to do and there may be concerns about jeopardising someone's career however the welfare of the children in our schools is paramount. Employees are able to raise concerns in confidence and this will be handled sensitively.
- 7.3 Confidentiality is important throughout any investigation and continues to be so once the investigation is on-going or completed. The Trust expects all employees to follow all guidelines relating to confidentiality but this should not prevent them from raising a genuine concern in the public interest.

8. Anonymous or False Allegations

- 8.1 All those making disclosures under this policy are encouraged to put their name to concerns made as it will generally aid a more thorough investigation however the Trust will consider anonymous allegations and investigate these as far as possible in line with this policy.
- 8.2 The Trust encourages all employees to voice their concerns safe in the knowledge that those who make allegations that do not prove to be true will not be reprimanded however the Trust may act against an employee if they have knowingly made false or malicious allegations or allegations for personal gain

9. Raising a Concern

- 9.1 Where an employee has a concern about another member of staff it should be reported, either in person or in writing, to a member of the School leadership team, the designated safeguarding lead in the school, a member of the Trust Executive Team or Chair of the Trust Board depending on the circumstances and who is involved in the alleged malpractice.
- 9.2 The Trust or the school, depending on the allegation, will investigate all allegations and concerns but the act of investigation does not indicate that the Trust or the school has accepted the allegations as true.

Usually the first course of action will be one of the following:

- A referral to the Trust HR Director and/or independent investigator
- An investigation by managers, internal audit or through the disciplinary process
- An investigation under other procedures such as safeguarding
- An investigation under procedures designed to deal with allegations made against professionals
- A referral to the police
- A referral to the external auditor or other external investigation
- An investigation under other forms of prosecution and inspection such as the protection of public health and safety

Any concerns that fall under specific procedures will be followed up as described in the specific policy e.g. safeguarding issues will be followed up as described in the Trust's or school's safeguarding policy

10. Investigation

- 10.1 Once an allegation has been brought to their attention, the manager/leader concerned will usually discuss the circumstances with the Director of HR or their representative and hold an interview with the person making the allegation. This will be in confidence and will take place at the earliest opportunity and usually within one working day if there is a concern that someone may be at risk of harm as a result of the alleged practice.
- 10.2 During the interview the investigating manager/Director of HR will:
- Gather as much information about the basis of the allegation as they can and will record what is discussed;
 - Discuss the next action points and steps that will be taken with the worker who has raised the allegation and ensure that they fully understand what is going to happen. If the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined;
 - Provide support to the worker who has raised the allegation. It is recognised they may be worried about their position, getting someone else into trouble or what they suspect may be happening; and
 - Ensure the worker is able to be accompanied by a trade union representative or colleague when being interviewed or in subsequent meetings.
- 10.3 On completion of the interview, the investigating manager will consider whether there is a cause for concern which requires further investigation or if there is no further action to be taken. This may be because:
- It is felt there is not enough evidence to warrant a continued investigation and that it is unlikely any malpractice has occurred or will occur;
 - There is a belief that the whistleblower is not acting in good faith or can demonstrate there is a genuine concern raised in the public interest; and
 - The matter has already been raised and is being investigated separately.
- 10.4 The whistleblower will be informed of the outcome of the investigation, subject to confidentiality, in writing to their home address usually within five working days of completion of the investigation.

11. Recording, monitoring and evaluation

- 11.1 All employees concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions held and any outcomes or action points that have been decided.
- 11.2 All whistleblowing allegations will be recorded in a central record and reported to the Trust Board on a termly basis. This will enable the Trust to cross reference these with other complaints and monitor any patterns across the Trust as well as ensuring action is taken to address concerns and monitor the effectiveness of the procedure. The Headteacher will report any allegations on completion of the investigation to the Local Governing Body for information.

12. Appeal Process

- 12.1 If the employee who raised the concern disagrees with the decision in respect of their allegations, they may, within 10 working days of receiving the outcome, request in writing that the Chief Executive, or if they have previously been involved, the Chair of the Trust Board, reviews the decision stating the grounds for making this request.

13. Access to External Bodies

- 13.1 All workers are encouraged and expected to follow the internal procedure outlined in this policy however the Trust understands that in some cases you may feel it necessary to take your concerns to external agencies.

They should only approach external agencies regarding their concerns without discussion internally first if:

- They feel that they are being discriminated against and that there is no internal authority that can be contacted within the Trust;
 - They reasonably believe they will be victimised if they follow internal procedures for whistleblowing; and
 - They believe that the concern that they have raised has not been taken seriously or acted upon correctly.
- 13.2 If, having exhausted internal procedures, an allegation is found to be unsubstantiated, the worker has the right to access an appropriate official and independent external body.

An appropriate body may be the Trust auditors, the ESFA, Ofsted, an MP or local Councillor, the police, relevant professional bodies or a relevant voluntary organisation.

- 13.3 Such a step, however, may have serious implications for the Trust and should only be taken after very careful consideration. Advice may be sought from 'Protect' (formerly Public Concern at Work), a registered charity which advises on serious malpractice in the workplace and can advise workers whether they can or should take the concern further. They can be contacted on 020 3117 2520 or through the contact form on their website www.pcaw.org.uk.
- 13.4 The NSPCC whistleblowing helpline is available as an alternative route for workers who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Workers can call 0800 028 0285 – this line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk. Alternatively, they may write to the NSPCC, Weston House, 42 Curtain Road, London, EC2A 3NH.
- 13.5 The media and social media are not appropriate mechanisms for raising whistleblowing concerns and employees should be mindful of Trust policies regarding use of social media, code of conduct and data protection. Should a worker resort to this, then it may be very damaging to the organisation and may result in disciplinary action against the individual concerned.