



Drapers' Multi-Academy
Trust

Whistleblowing Policy

Version 1

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1. Introduction

It is important to the Drapers' Multi Academy Trust [the MAT] that any suspected fraud, misconduct, malpractice or wrongdoing by workers or employees of the MAT is reported and appropriately dealt with. The MAT is committed to creating an open and supportive environment where individuals feel able to report any genuine concerns regarding alleged wrongful conduct of the employer, or concerning the conduct of a fellow employee, or any third party.

This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the management structure of the MAT to a prescribed body as described below. All concerns/disclosures will be handled consistently and fairly and appropriate action will be taken by the MAT to resolve the issue in accordance with this policy.

This policy applies to all employees, governors and directors of the MAT. Volunteers and other individuals engaged to work at or provide services to the MAT, including agency workers and contractors, are encouraged to use this policy as appropriate.

This policy is designed to deal with whistleblowing within MAT schools and the MAT Central Team. If the matter cannot be dealt with locally, then it may be referred to the Chief Executive Officer or the Chair of the MAT Board.

The Law

The law provides protection for employees or workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that there has been or is likely to be:

- a breach of any legal obligation;
- a miscarriage of justice;
- a criminal offence;
- a danger to the Health and Safety of any individual;
- damage to the environment; or
- deliberate concealment of information about any of the above.

Some examples of qualifying disclosures in the school context may include:

- Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds, decision making for personal gain, abuse of position to influence decisions);
- breaches of acceptable professional and ethical standards;
- breaches of the MAT's or school's health and safety policy entailing danger to staff or pupils; and
- breaches of any MAT policy, including the MAT's Code of Conduct.

It is not necessary for the employee or worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

For the purposes of this policy the term 'whistle-blower' refers to the individual making the disclosure.

The whistle-blower must reasonably believe they are making the disclosure in the public interest (i.e. it affects others such as pupils in the MAT or members of the public). This means that personal grievances and complaints (e.g. a concern about their own contractual terms) are not usually covered by this policy and should be dealt with under the MAT's grievance procedure.

2. Roles & Responsibilities

Principals/Chair of the Local Governing Body/Chief Executive Officer/MAT Board Directors

The Principal, or where the concern/complaint is about the Principal, the Chair of the Local Governing Body are expected to act swiftly and constructively in the investigation of any concerns in accordance with this policy.

Where concerns are raised with outside agencies the Principal/Chair of the Local Governing Body/CEO/MAT Board of Directors must fully cooperate with any resulting investigation(s).

Where concerns are raised about the MAT Central Team, the CEO will act swiftly and constructively in the investigation of any concerns in accordance with this policy.

The Principal/Chair of the Local Governing Body/CEO/MAT Board of Directors will make every effort to meet any request of anonymity where possible.

The Principal/Chair of the Local Governing Body/CEO/MAT Board of Directors, where possible, should inform the complainant of the outcome of the investigation. See section 5.

Employees

All employees are expected to bring to the attention of a senior manager any serious impropriety or breach of procedure. All employees who report concerns under the whistleblowing procedure must be prepared to justify and support their claim in writing.

Senior managers include:

- Principals
- Members of the Senior Leadership Team
- Chief Executive Officer
- Chair of the MAT Board
- MAT Executive Team
- Chair of the Local Governing Body

Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

3. Raising a concern/disclosure

Initial concern

Concerns/disclosures should normally be raised initially with the whistle-blower's line manager. Where the concerns relate to the whistle-blower's line manager, the concern/disclosure should be brought to the attention of a more senior manager.

Concerns/disclosures against MAT staff from outside the MAT (except the Principal) should be made in the first instance to the Principal of the school. Concerns that involve or are about the Principal should be raised with the Chair of Governors.

Concerns/disclosures about the Chair of Governors, or any individual governor, or the whole governing body or any member of the MAT Board should be raised with the Chair of the MAT Board.

Concerns/disclosures about any member of the MAT Executive Central Team should be raised with the CEO.

Concerns/disclosures about the CEO should be raised with the Chair of the MAT Board.

If the whistle-blower considers the matter too serious or sensitive to raise it internally they may refer the matter to an external prescribed body. A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body will qualify for protection under the Act. A list of prescribed bodies is available at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf

In the event that the whistle-blower feels a disclosure should be referred to an external prescribed body some of the relevant bodies are set out below:

| Nature of disclosure: | External reporting/Prescribed body: |
|--|--|
| Fraud or financial malpractice (see 6.2 below) | Education & Skills Funding Agency https://www.gov.uk/government/organisations/education-and-skills-funding-agency |
| Data protection issues | Information Commissioner https://ico.org.uk/ |

| | |
|--------------------------|--|
| Health and Safety issues | Health and Safety Executive http://www.hse.gov.uk/ |
|--------------------------|--|

If a concern is raised verbally it should be followed up in writing wherever possible. The whistle-blower has no responsibility for investigating the matter - it is the MAT's responsibility to ensure that an appropriate investigation takes place.

Where the complaint is serious, for example involving fraud, theft or other alleged potential gross misconduct by an employee, the whistle-blower should quickly report it, but not disclose to the employee or other colleagues to preserve confidentiality.

The timescales for handling a concern/disclosure will differ depending on the circumstances, but will normally be acknowledged within 5 working days.

4. Safeguarding

If a member of staff believes a colleague has:

- Behaved in a way that has harmed a child, or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.

For all of the above please speak to your Principal immediately or in the absence of the Principal, another senior leadership staff member

Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003).
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003).
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc.
- Possession of indecent photographs / pseudo-photographs of children.

In addition, this process should be applied when there is an allegation that any person who works with children has:

- Behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon.
- As a parent or carer, has become subject to child protection procedures.
- Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk

of harm to child/ren for whom the member of staff is responsible in their employment/volunteering).

For all of the above please speak to your Principal or in the absence of the Principal, another senior leadership staff member

If a member of staff is worried about the conduct of the Principal, or they believe that a reported allegation/concern is not being dealt with properly, then please see below table of alternative contacts:

| Nature of disclosure: | External reporting/Prescribed body: |
|--|--|
| Child Protection/ Safeguarding issues | Local Authority Designated Officer 01708 431653 The whistle-blower should be mindful of the school's Safeguarding and Child Protection Policy NSPCC Whistleblowing helpline: 0800 028 0285 Email: help@nspcc.org.uk |
| Child Protection/ Safeguarding issues | www.nspcc.org.uk/Helpline |

Whistle-blowers also need to be aware of the procedures described in the school's Safeguarding and Child Protection Policy.

5. Investigation

An investigating officer will be appointed to investigate the concern/disclosure. This investigation may involve the whistle-blower and other individuals involved providing written statements. Any investigation will be undertaken out promptly and confidentially.

If a whistle-blower wishes to remain anonymous this should be raised with the line manager/manager/governor/CEO or Chair of the MAT Board to whom the initial disclosure is made. In some cases this may be possible, but in more serious cases where disciplinary action may have to be taken against others this may be more difficult. The MAT is committed to protecting the well-being of the whistle-blower whilst this policy is followed.

The whistle-blower's statement (where available) will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistle-blower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation. Where a meeting is held, the whistle-blower may be accompanied by a trade union representative or work colleague and where possible the dates/times will be agreed to facilitate this.

Outcome of the investigation

The person who carried out the investigation will take any necessary action, which may include reporting the matter to the Principal/appropriate manager/Chair of the Local Governing Body/MAT Board Directors/CEO/Chair of the MAT Board or an appropriate prescribed body (if this has not already taken place).

On conclusion of any investigation, the whistle-blower will be advised the outcome of the investigation (in as much detail as is deemed appropriate by the Principal/manager in the circumstances) and what action is to be taken or is proposed. If no action is to be taken, the reason for this will be explained.

Where a concern/disclosure is raised anonymously the MAT will not ordinarily be able to provide feedback to the whistle-blower and any action taken as a result of an anonymous disclosure may be limited. The MAT will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistle-blower wishes to seek feedback from the MAT an appropriate anonymised email address should be provided.

Further action

Where having raised an initial concern and the whistle-blower has a genuine belief that the MAT has failed to take appropriate action or investigate the issue properly, then whistle-blower may wish to pursue the matter further. They may report their concern to the Principal, Chair of the Local Governing Body, MAT Board of Directors, CEO or in exceptional circumstances, to an appropriate prescribed body (if this has not already been reported).

The Principal, Chair of the Local Governing Body, MAT Board Directors, CEO or the Chair of the MAT Board may arrange for further investigations to be undertaken, make any necessary further enquiries and/or make their own report.

On the conclusion of any further investigation, they will take appropriate action which may include reporting the matter to a prescribed body if this has not taken place at an earlier stage in the process.

6. Other issues

Concerns / disclosure raised by member of the public

Where concerns / disclosures are received from members of the public, the MAT's Complaints Policy will be followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker in which case the disciplinary policy may need to be invoked.

Criminal issues/fraud

In the event of the allegation being of a very serious nature, for example relating to a fraud or other potential gross misconduct offence, there may be a need to involve the MAT's auditors and/or the police or other appropriate authorities. This should

normally be agreed initially by the Principal, Chair of the Local Governing Body or MAT Board Directors / CEO / Chair of the MAT Board should, in turn, and where appropriate, keep the Education and School Funding Agency (ESFA) informed in view of any possible implications concerning public money.

The MAT must notify the Secretary of State via the ESFA of any instances of fraud, theft or irregularity where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year. Any unusual or systematic fraud, regardless of value, must also be reported.

Advice may need to be sought from the MAT's legal advisers before involving the police in any such internal complaint or allegation.

7. Protecting Whistle-blowers

Any whistle-blowers who make protected disclosures in line with this procedure have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. This means continued employment and opportunities for promotion or training will not be affected because the whistle-blower has raised a legitimate concern.

Whistle-blowers should report any harassment or victimisation to an appropriate manager as soon as practicable. The MAT will take all reasonable steps to prevent/address such harassment or victimisation. Such conduct will be dealt with under the MAT's disciplinary policy.

Whistle-blowers may find the process of reporting an issue/wrongdoing difficult and uncomfortable. The MAT will take all reasonable steps to support the whistle-blower which may include:

- A work mentor.
- Access to the MAT's Employee Assistance Programme (EAP)
- Occupational Health referral.
- Agreed temporary or permanent redeployment elsewhere in the school or MAT.
- The Whistleblowing Charity – Public Concern at Work - www.pcaw.org.uk

8. Malicious allegations/disclosures

If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest, this will be taken as a serious matter and may potentially lead to disciplinary action in accordance with the MAT's disciplinary policy.

Where other individuals engaged by the MAT make a malicious allegation, the MAT will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract/arrangements with the individual/s.

If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the Principal and the MAT's HR Manager to invoke the disciplinary process.

9. Data Protection

When an individual makes a disclosure, the MAT will process any personal data collected in accordance with the MAT's data protection policy. Data collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.