



# EBOR ACADEMY TRUST

Policy Number

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Whistleblowing Policy

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## 1. INTRODUCTION

1.1 Ebor Academy Trust (EAT) is proud of its track record of probity and high ethical standards. However, we are not complacent and recognise that malpractice can occur. Any person at one time or another may have concerns about what is happening at work. Most concerns are easily resolved.

1.2 EAT wants everyone to feel able to raise concerns, such as perceived malpractice, at an early stage and in the right way. EAT would rather these were raised early, when the matter is just a concern.

1.3 This Whistle-blowing Policy is primarily for concerns where the interests of others or the EAT itself are at risk and there is a public interest in making the disclosure. The kinds of issues described in paragraph 1.5 are examples.

1.4 If concerns are about someone's own employment position, then it is more likely that the Grievance or the Dignity at Work Procedure should be used, this can be obtained from EAT Templates Folder on Google Drive. Sometimes concerns may have elements of both. For example, being told to take an excessive number of students on a school trip without the appropriate staffing levels which would affect staff and the wider school community.

### 1.5 WHAT IS 'WHISTLEBLOWING'?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Bribery;
- Financial fraud or mismanagement;
- Negligence;
- Breach of EAT internal policies and procedures;
- Conduct likely to damage the EAT reputation;
- Unauthorised disclosure of confidential information;
- Concerns about the harm or risk of harm to children;
- The deliberate concealment of any of the above matters.

This policy applies to all individuals working at all levels of EAT, including officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this policy)

## **2. PROTECTING THE WHISTLEBLOWER**

Under the Public Interest Disclosure Act 1998 a Whistleblower is protected from detriment and unfair dismissal. EAT will support and not discriminate against concerned staff who apply the Whistleblowing procedure, provided any claim is made in good faith, even if they turn out to be mistaken.

## **3. WHEN SHOULD WHISTLEBLOWING PROCEDURES BE USED?**

- 3.1 If a member of staff has concerns about wrongdoing at EAT and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done
- 3.2 Each individual member of staff should feel able to speak freely on such matters but have the right to protect themselves against unfounded false or malicious accusations.
- 3.3 Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
- 3.4 Whistleblowing is not appropriate for dealing with issues between a member of staff and EAT which relate to their own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.
- 3.5 Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.
- 3.6 Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Headteacher or Designated Safeguarding Lead.

## **4 THE PROCEDURE**

- 4.1 Any issue raised will be kept confidential while the procedure is being used.
- 4.2 The Representor (the person raising the concern) should raise their concern with their line manager, or the appointed Whistleblowing representative who is either the Director of Risk and Governance or Trustee TBA. This may be done orally or in writing. Staff are discouraged from making anonymous disclosures as this may make the investigation difficult or impossible to conduct.
- 4.3 The person with whom the matter is raised is referred to as the "Assessor".

The Assessor will:

- 4.5.1. Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to others;
- 4.5.2 Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- 4.5.3 Consult with the Representor about further steps which could be taken;
- 4.5.4 Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
  - 4.5.5. Other than in the case of paragraph 4.4, report all matters raised under this EAT procedure to the Director of Audit and Compliance, the CEO or Chair of Trustees.
- 4.6 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague who must respect confidentiality of the disclosure and any subsequent investigation. The Assessor may be accompanied by a member of EAT staff to take notes which will be made available after the meeting and propose how to deal with the matter.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.
- 4.7 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
  - 4.7.1 The matter be further investigated internally by the EAT;
  - 4.7.2 The matter be further investigated by external consultants appointed by the EAT;
  - 4.7.3 The matter be reported to an external agency;
  - 4.7.4 Disciplinary proceedings be implemented against a member of staff;
  - 4.7.5 The route for the Representor to pursue the matter if it does not fall within this procedure; or
- 4.8 That no further action is taken by EAT. The grounds on which no further action is taken include:
  - 4.8.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;

- 4.8.2 The Assessor is satisfied that the Representor is not acting in good faith;
- 4.8.3 The matter is already (or has been) the subject of proceedings under one of EAT's other procedures or policies;
- 4.8.4 The matter concerned is already (or has been) the subject of legal proceedings or has already been referred to an external agency.
- 4.9 The recommendation of the Assessor will be made to the Representor. However, should it be alleged that the Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the CEO.
- 4.10 The CEO will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Board of Trustees.
- 4.11 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
  - 4.11.1 Where the Assessor is under a legal obligation to do so;
  - 4.11.2 Where the information is already in the public domain; or
  - 4.11.3 On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 4.12 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview.
- 4.13 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 4.14 If the Representor has not had a response within the above time limit or such reasonable extension as EAT requires, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.
- 4.15 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **5 MALICIOUS ACCUSATIONS**

- 5.1 A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the EAT's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

## **6 INFORMING EXTERNAL AGENCIES**

- 6.1 Within EA Tall staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly

disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless EAT fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

6.2 Whistleblowing to an external agency without first going through the internal procedure is a breach of the EAT's Code of Conduct.

6.3 Whistleblowing to the media is not appropriate or permitted in any circumstances.

## **7 CONFIDENTIAL EMPLOYEE ENQUIRIES**

Staff may, on a confidential basis, seek prior guidance from the Headteacher if they wish to establish whether any course of conduct on their part or on the part of another member of staff may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Headteacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the EAT or any person under these procedures.

## **8 MONITORING, EVALUATION AND REVIEW**

8.1 The Board of Trustees will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout EAT.

This policy was adopted for full implementation on July 2020.