



# Hull Collaborative Academy Trust

## Whistleblowing Policy

### 2020

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**Ratified by the Trust Board:**

**Review Date: March 2023**

Other related academy policies that support this Whistle Blowing policy include:- Child Protection, Complaints, Physical Intervention, Special Educational Needs and Disability, Staff Code of Conduct and Supporting Children with Medical Needs.

## **What Is 'Whistleblowing'?**

Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Governing Body, Trustees or by fellow employees. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Academy Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of those procedures and is not a substitute for the school's other policies. There are separate complaints policies/procedures for service users/pupils, and their relatives.

This Whistleblowing policy does not replace other policies and procedures including the following:

- i. Child Protection/Safeguarding
- ii. Complaints
- iii. Disciplinary
- iv. Grievance
- v. Physical Intervention/Positive Handling Plan
- vi. Staff Code of Conduct

## **Introduction**

The staff and directors of Hull Collaborative Academy Trust ('the Trust') seek to run all aspects of academy business and activity with full regard for high standards of conduct and integrity. If members of the Trust staff, parents, governors or the Trust's community at large become aware of activities which give cause for serious concern, the Trust has this Whistleblowing Policy; this acts as a framework to allow serious concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the Trust's disciplinary procedure.

The Trust is committed to tackling fraud and other forms of malpractice and treats these issues seriously. The Trust recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the academy environment but also has recourse to an external party outside the management structure of the Trust.

## When Might the Whistleblowing Policy Apply?

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistleblower should ask a few questions before taking action:

- is it, or do you believe it to be, illegal?
- is it, or do you believe it to be, against codes of practice issued by the Trust, the DfE or a professional body?
- does it contradict what the employee has been taught, or should have been taught?
- is it about an individual's behaviour or is it about general working practices?
- has the whistleblower witnessed the incident?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this Whistleblowing Policy e.g.

- manipulation of accounting records and finances
- inappropriate use of academy assets or funds
- decision making for personal gain.
- any criminal activity
- damage to the environment of the Trust
- dangerous practices
- abuse of position
- fraud and deceit or corrupt practices
- serious breaches of Trust procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- abuse or neglect of pupils or others
- other unethical conduct

Anonymous allegations will only be considered if the issues raised are:

- very serious
- the credibility of the allegation is considered to be high
- the likelihood of confirming the allegation is high

## **Procedure**

Hull Collaborative Academy Trust encourages the whistleblower to raise the matter internally in the first instance with their line manager (or the Chief Executive Officer, if the line manager is the one under suspicion; the Chair of the Board of Trustees if the CEO or a Trustees is under suspicion; the Accounting Officer (AO) and RSC (Regional Schools Commissioner Office) from the DfE (Department for Education), if the Chair of the Board of Trustees is under suspicion). This will allow them to right the wrong and give an explanation for the behaviour or activity.

### **If Independent advice is required at any point in the process there are a number of contacts listed in appendix A**

All matters will be treated in strict confidence and anonymity will be respected wherever possible. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible.

Whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. If the matter is taken outside of the Academy Trust individuals should be mindful of breaches to the Data Protection Act, 1998.

If the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the Trust, the matter should be directed in the first instance to the RSC Office with the DfE. The DfE will have its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistleblower. The DfE will ensure relevant officers are informed as appropriate and should advise the Board of Trustees of appropriate steps to take.

### **How Will the Matter be Progressed?**

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter as soon as possible ( within 5 working days). This process will assess whether the concern has foundation and can, or should be resolved internally.

The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of Trust staff, the Trust's AO and/or external auditors, legal or personnel advisors, the police or the DfE.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Chair of Trustees or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police.

Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied. In such cases any disciplinary action will be considered by the dismissal committee and if appropriate the dismissal appeals committee of the Trust. Where a case is proven on the balance of probability the matter will be reported to the full Board of Trustees, the DfE and, where appropriate the NCTL.

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of the Board of Trustees or, for financial impropriety, the Trust's Accounting Officer. If that fails to resolve matters then the employee should seek the assistance of "Public Concern at Work" on 0207 404 6609 [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). For any concerns taken outside of the Trust this policy will not apply and any employee raising issues on a wider basis, e.g. with the press, without following the procedure in this policy may be liable to disciplinary action.

Should the investigation uncover a criminal offence then the police will be involved as soon as this is known. If the concern is about a safeguarding matter the safeguarding policy should be referred to and the section detailing allegations against staff/volunteers should be followed.

### **Protecting the Whistleblower**

Wherever possible Hull Collaborative Academy Trust seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect him/her from reprisals. The Trust will not tolerate any attempt to harass or victimise the whistleblower, or attempts to prevent concerns being raised, and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

### **Conclusion**

Existing good practice within Hull Collaborative Academy Trust in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the Trust operates, ensure that cases of suspected fraud or impropriety rarely occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the Trust. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the Trust's disciplinary procedure, which should cover all of the potential areas of concern.

## Appendix

### **Independent advice**

1. If at any stage in the procedure employees are unsure about what to do and would like independent advice, they may like to discuss their concerns with someone at Public Concerns at Work (PCaW). PCaW is an independent charity staffed by lawyers that offer confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on whom else employees may contact and about what legal protection may be available. PCaW's legal helpline can be contacted on 020 7404 6609 or by e-mailing [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) . Their web site is; <http://www.pcaw.co.uk>
2. Professional associations, trade unions and the Citizens Advice Bureau can also offer advice concerning raising concerns.
3. The NSPCC operate a whistleblowing helpline for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

<https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>

Government advice about Whistleblowing can be found at:

<https://www.gov.uk/whistleblowing/what-is-a-whistleblower>