

# Chorus Education Trust

## Whistleblowing Policy and Procedure

**Important:** this document can only be considered valid when viewed on the Trust or School website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.

<b>Version number:</b>	1.1
<b>JCC Consultation date:</b>	January 2022
<b>Accepted by Trust:</b>	February 2022
<b>Next review:</b>	January 2024
<b>Name and job title of author:</b>	A Allen, Chief Operating Officer
<b>Target audience:</b>	Students / Staff / Trainees / Parents / Governors / Trustees / Visitors
<b>Related documents:</b>	Disciplinary Procedure Grievance Procedure Fraud section of Finance Policy Equality and Diversity Policy Safeguarding and Child Protection Policy Retention Schedule

(Approved Chorus and school policies can be accessed by employees in the central shared drive policies file, or employees should speak to school HR or PA's)



## Contents

Policy Statement.....	3
1. Scope .....	3
2. Roles and Responsibilities .....	3
3. Equality and Diversity .....	4
4. Principles.....	4
5. Safeguarding .....	5
6. Whistleblowing Routes .....	6
7. Monitoring Compliance with and effectiveness of the policy and procedure.....	8
8. Review.....	8

## Policy Statement

Chorus Education Trust is fully committed to an ethos of openness, accountability and transparency, where employees are encouraged to voice any concerns they have in a professional, responsible, effective way. It is important to the organisation that issues such as suspected fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. All individuals are therefore encouraged to raise any concerns they may have about the conduct of others at the Trust or the way in which the organisation is run. This policy details the way in which individuals may raise concerns they have and how those concerns will be dealt with.

### 1. Scope

This policy and procedures apply to all employees and officers of the Trust. This policy does not cover issues such as an employee's concerns regarding their own pay or working hours, working conditions or volume of work as those issues should be addressed via other policies and procedures (e.g. The Trust's [Grievance Procedure](#)).

The law on whistleblowing is contained in the **Employment Rights Act (ERA 1996)** as amended by the **Public Interest Disclosure Act 1998 (PIDA)**.

### 2. Roles and Responsibilities

The **Trust Board** is responsible for monitoring the effectiveness of this policy, ensuring that an appropriate framework is in place to enable staff and others to raise concerns. The **CEO** is responsible for ensuring that staff and others do not suffer a detriment in the application of this policy and procedure. The CEO will also ensure that:

- Any individual who makes a disclosure of wrongdoing or malpractice in good faith is protected against victimisation.
- Anyone who victimises a whistleblower will be subject to the Trust's [Disciplinary Procedures](#).
- Any matters raised will be treated seriously, swiftly, consistently, fairly and professionally.
- Any matter raised will be promptly and thoroughly investigated by an appropriate senior person.
- The whistleblower's identity will, so far as is possible, remain confidential.
- Any employee or worker who knowingly makes false allegations against a colleague will be subject to the Trust's [Disciplinary Procedure](#).
- **Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.**

The **Human Resources Department** is responsible for ensuring that all employees and officers of the Trust are aware of this policy. The team will also ensure that:

- the policy is implemented fairly and consistently.

- whistleblowers are treated with dignity and respect and offered access to appropriate support.
- whistleblowers are encouraged to access additional support via their trade unions and the employee assistance programme.

**Leaders and managers** must ensure they deal with whistleblowing issues swiftly, respectfully, thoroughly and professionally, whilst upholding confidentiality as far as possible.

All **employees and officers of the Trust** have a responsibility for raising any concerns they have, thus providing the Trust with the opportunity to resolve any issues that arise. It is expected that wherever possible employees and officers of the Trust raise concerns prior to malpractice or wrongdoing occurring. However, where this isn't possible, it is expected that employees and officers of the Trust raise concerns at the earliest opportunity in line with this policy and procedure.

### 3. Equality and Diversity

The Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines. An equality impact assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged.

### 4. Principles

Everyone should ensure they have an awareness and understanding of the importance of preventing and eliminating wrongdoing at work. Employees and officers of the Trust should be watchful for illegal or unethical conduct and report anything of that nature. Any matter raised under the procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation will be shared with the worker who raised the issue. The law provides protection for workers who raise legitimate concerns about specified matters and these are called qualifying disclosures. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation, or;
- concealment of any of the above;

is being, has been, or is likely to be, committed.

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The worker has no responsibility for investigating the matter as it is the organisation's responsibility to ensure that an investigation takes place.

No worker will be victimised for whistleblowing. This means that the continued employment and opportunities for future promotion or learning and development of the worker will not be prejudiced because they have raised a legitimate concern.

Victimisation of a worker for whistleblowing will be viewed as a disciplinary offence. If misconduct is discovered as a result of any investigation under this procedure, the Trust's *Disciplinary Procedure* may be used in addition to any appropriate external measures. Maliciously making a false allegation will be viewed as a disciplinary offence.

An instruction to cover up a potential wrongdoing will be viewed as a disciplinary offence. If told not to raise or pursue a concern, even by a person in authority such as a manager, workers must not agree to remain silent and should escalate the issue to either a more senior manager or the Human Resources Department.

## 5. Safeguarding

All workers must act on any concerns or information that gives them concern about the safety and wellbeing of a child or children arising from circumstances or events in or outside of school. Safeguarding concerns may relate to the conduct or behaviour of a worker towards an individual child or children; information that suggests a worker is unsuitable to work with children, or; belief that the senior leadership team or the Trust Board or a Local Governing Body (LGB) has failed to take appropriate action in response to a safeguarding concern raised. (Please refer to the *Safeguarding Policy and Procedures*.)

Workers should raise such concerns with their manager in the first instance, however if this is not viewed to be appropriate the worker may wish to raise their concern(s) with a member of the school Senior Leadership Team, the central Trust team, the LGB or the Trust Board. If the worker is concerned that members of those groups may be implicated, they should contact the Local Authority Designated Officer:

- Sheffield <https://www.safeguardingsheffieldchildren.org/sscb/safeguarding-information-and-resources/referring-a-safeguarding-concern-to-childrens-social-care>
- Derbyshire <https://www.derbyshirescb.org.uk/home.aspx>

If the concern is that a worker has or may have 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 or; behaved towards a child or children in a way that indicates that they would pose a risk of harm to children, the CEO, a member of the Trust Board, the Trust or school Senior Leadership Team, the LGB or the Trust Board will contact the Local Authority Designated Officer to discuss how the allegation should be investigated. The Local Authority Safeguarding Children Board Guidance and DfE Statutory Guidance should be followed.

All concerns will be treated with the strictest confidence by all concerned. The Trust will protect the identity of whistleblowers as much as possible; however, it may not always be possible to do so. Where this is the case the Trust will discuss this with the whistleblower and aim to seek their agreement.

All staff involved in any related investigations must maintain confidentiality during and after its conclusion. Records will be kept in line with the Trust *Records Retention Schedule*, compliant with GDPR and the *Data Protection Act 2018*.

## 6. Whistleblowing Routes and Response to a Disclosure

### 6.1 Whistleblowing Routes

In the first instance, unless the individual reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the individual does not wish to approach their line manager, any concerns should be raised with the individual's line manager. If they believe their line manager is involved, or for any reason do not wish to approach their line manager, the individual should report the matter to the Human Resources Department or a member of the school Senior Leadership Team, or central Trust team. If appropriate, the line manager will undertake a preliminary investigation and must then discuss the matter with the Human Resources Department and/or the CEO/Head of School. The Trust will consider and decide whether the disclosure falls under the whistleblowing criteria and will decide how the disclosure will be investigated.

Please see [section 6.3](#) of this document for external whistleblowing routes.

### 6.2 Responding to a disclosure

In order to protect individuals, the Local Governing Body, the Trust and the Trustees, initial enquiries will be made to decide whether an investigation is appropriate and if so, what for it should take. Concerns or allegations which fall within the scope of specific procedures (eg Child protection, discrimination etc) will normally be referred for consideration under those procedures. If this is the case we will inform the whistleblower of that. Some concerns may also be resolved without the need for investigation.

The length of time it takes for us to respond will depend on the nature of the issue disclosed. If it is an urgent matter of Health and Safety or Safeguarding (as examples) we will contact the whistleblower immediately. Whatever the nature of the disclosure, the COO/Head, COO/BSSM, Trustees/Local Governing Body (as appropriate) will aim to acknowledge receipt within **10 working days** to:

- Acknowledge the concern has been received
- Indicate how we propose to deal with the matter
- Estimate how long it will take to deal with
- Advise if any initial enquiries have been made
- Advise whether further investigations will take place and under the scope of which process or procedure.

A more thorough investigation may then be undertaken as appropriate. This will include an interview and statement from the individual who raised the issue(s), potentially other witness statements alongside the collation of any relevant evidence. Employees have the right to Trade Union representation for support in any formal meetings, the Trust aims to give **10 working days notice** of meetings. The manager investigating the issue will report to a panel made up of the CEO, and two Trustees/Members/Governors, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

Where appropriate the matters raised may:

- Be investigated by management, internal audit, or HR

- Be referred to the police
- Be referred to the external auditor
- Be referred for independent enquiry.

If disciplinary action is required, the manager investigating the issue will investigate the matter with assistance from the Human Resources Department and the findings will be shared with the CEO (if there are allegations against the CEO the Human Resources Department will work directly with the Trust Board).

### 6.3 The investigating procedure

Concerns raised under this procedure may be resolved by the person to who it was initially reported. This could be the Line Manager, or Head for example.

If appropriate, the line manager will undertake a preliminary investigation and must then discuss the matter with the Human Resources Department and/or the CEO/Head of School. The Trust will consider and decide whether the disclosure falls under the whistleblowing criteria and will decide how the disclosure will be investigated.

This policy protects employees raising issues where there is genuine reasonable belief for a serious cause for concern. Although whistleblowers are not expected to prove the truth of any allegation, they will need to demonstrate sufficient reason for expressing concern. If the disclosure is found to be intentionally false, disciplinary action may be considered.

Where the disclosure is considered to come under the whistleblowing policy, and the Trust has assigned an investigator, the investigating manager will contact the whistle blower **within 10 working days** of the acknowledgement to advise them on:

- Confidentiality
- How the person disclosing may be required to contribute to the investigation – whistleblowers may be asked for more information and or to provide a witness statement
- Who will investigate and an estimate of the timescales for the investigation
- The right of employee trade union or work colleague representation at any meeting
- The whistleblower will be **updated every month** unless this is not practical.

On conclusion of any investigation, the individual will be advised of the outcome of the investigation (including the actions that the Trust Board has either taken or intends to take) wherever possible. If no further action is to be taken, the rationale for this decision will be shared with the individual. The Trust is bound by Data Protection and Human Rights legislation in respect of allegations and may not be able to disclose information.

If the individual reasonably believes that appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made, including:

- HM Revenue and Customs.
- Financial Conduct Authority.
- Competition and Markets Authority.

- Health and Safety Executive.
- Environment Agency.
- The Police
- Serious Fraud Office

Whistleblowers can also make a disclosure to Ofsted:

<https://www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted/sharing-concerns-and-information-with-ofsted-about-childrens-social-care-services> by telephone (0300 123 3155), via email ([whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)) or in writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

Trade unions are able to provide advice and guide their members on whistleblowing procedures.

## 7. Monitoring Compliance with and effectiveness of the policy and procedure

Effectiveness and compliance of this Policy and Procedure will be monitored via the reporting and auditing of case resolution as issues arise.

A central school and Trust record of Whistleblowing disclosures will be retained including dates, issues, findings and outcomes. All records will be kept in line with the Trust *Records Retention Schedule*, compliant with GDPR and the *Data Protection Act 2018*.

## 8. Review

This Policy and Procedure will be reviewed within two years of the date of implementation with recognised trade unions at local secretary level.