



# Whistleblowing Policy and Procedure

September 2020

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## DOCUMENT CONTROL

### Who is this policy for?

This policy applies to all worker/employees of the Trust.

### This Policy Statement

The aim is to provide employees/workers with an avenue to raise concerns internally and receive feedback on any action taken

### Review date

This policy will next be reviewed before September 2021.

### Revision History

REVISION	DATE	DESCRIPTION	AUTHOR
1		Update references and consolidate guidance	Emma Mayor
2			

# 1. INTRODUCTION

**1.1** Delta Academies Trust is committed to achieving the highest possible standards of service, openness, accountability and ethical standards.

**1.2** Whistleblowing is the reporting by workers/employees or ex-workers/employees of certain types of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law, child safeguarding concerns or any other illegal or unethical act on the part of the Members, Board of Trustees, management, an Academy Advisory Body (AAB), the Trust or by fellow employees.

**1.3** Some examples of malpractice or illegal or unethical practice that may be reported under the Whistleblowing Procedure include:

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- A miscarriage of justice has been/is likely to occur;
- The health or safety of any individual has been/is likely to be endangered;
- The environment has been/is likely to be damaged;
- Public funds are being used in an unauthorised manner;
- The Academy/Trust's governance arrangements have or are not being observed or are being breached by members, Trustees, AAB members, students or staff;
- Sexual or physical abuse of any employee or student is taking place (subject to the Child Safeguarding Procedure in the case of children);
- Discrimination is occurring to any member of staff or student as defined within the Equalities Act 2010 (where it has not been successfully addressed through the Harassment and Bullying Policy);
- Any other form of improper action or conduct is taking place;
- Public examination maladministration;
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

**1.4** This policy does not remove a worker/employee's rights to raise their concerns directly with the Police, or other external body, if they become aware, or suspect, illegal activity is taking place within the Trust, including the abuse of a child or children. Nor does this policy negate the statutory rights of a worker/employee. However workers/employees would be encouraged to also raise this with someone at an appropriate level within the Trust so that the Trust is able to offer full co-operation with the Police. In the case of child safeguarding this matter should be referred to the

Academy's Designated Safeguarding Lead (the Academy's Child Protection and Safeguarding Policy can be found on the Academy/Trust website).

**1.5** The Trust has prepared this policy and procedure so as to enable workers/employees to raise their concerns about such malpractice(s) at an early stage and in the right way. The Trust would rather that workers/employees raised the matter when it is just a concern rather than wait for concrete proof. This policy is intended to cover concerns which fall outside the scope of other policies which deal with standards of behaviour at work, including disciplinary, grievance, bullying and harassment policies.

## 2. AIMS

**2.1** The Whistleblowing Policy and Procedure aims to:

- Encourage workers/employees in the Trust and its academies to feel confident in raising serious concerns and to question and act upon their concerns;
- Establish a fair and impartial investigative procedure;
- Provide ways for employees in the Trust and its academies to raise those concerns and get feedback on any action taken as a result;
- Ensure that workers/employees in or working in the Trust and its academies get a response to their concerns;
- Ensure that workers/employees working in the Trust and its academies are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure workers/employees in the Trust or its academies that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

**2.2** It is not intended to be used where other more appropriate procedures are available for example:

- Grievances – see Grievance Policy and Procedure
- Harassment or Discrimination – see Harassment and Bullying Policy and Procedure
- Child Safeguarding – see Child Protection and Safeguarding Policy
- Parental Complaints – see Complaints Policy and Procedure

If a worker/employee is unsure of which procedure to use, advice can be sought from their Line Manager/HR or the worker/employee's trade union representative.

## 3. SCOPE

**3.1** This policy and procedure may be used by all worker/employees of the Trust. The term worker/employee broadly includes employees, contractors, agency workers/employees, trainees, volunteers, and a person who is or was subject to a contract to undertake work or services for the Trust. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to a third party, if relevant to the employee's secondment, can also be raised under this procedure.

**3.2** Academy Advisory Body members and Trustees may also use this policy to raise concerns.

## 4. ASSURANCES TO WORKERS/EMPLOYEES

### **To ensure worker/employees have the right to disclose a concern**

**4.1** Workers/employees have the right to disclose a concern/issue if the Trust does not deal with a matter they have raised. However, the duty of fidelity is implied by the law in every contract of employment and prohibits workers/employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Trust fails to properly consider or deal with the issue.

### **To protect and safeguard workers/employees**

**4.2** If a worker/employee makes a disclosure, either internally or externally, on one or more of the matters listed in this policy and they have a reasonable belief that the concern is real and they are acting in good faith, the worker/employee will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers/employees who raise a concern in good faith.

**4.3** If a worker/employee requests that their identity is protected, the Trust will not disclose it unless required to do so in law. If the situation arises where the Trust is unable to resolve the concern without revealing the worker/employees' identity (for instance because the worker/employee's evidence is needed in court), the Trust will discuss with the worker/employee how the matter should proceed. However, it must be stated that if a worker/employee chooses not to disclose their identity it will be much more difficult for us to look into the matter or to protect your position or to give the worker/employee feedback.

**4.4** No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation. However, this policy does not provide protection to workers/employees who disclose information to the media or the press under the guise of 'whistleblowing'. It is important that if the worker/employee has a genuine concern, you follow the stages of this policy to ensure its resolution.

**4.5** Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee/worker.

**4.6** Support will be provided to the worker/employee in order to minimise any difficulties, which the employee/worker may experience. This may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with the worker/employee and the worker/employee has the right to be represented, if the worker/employee so wishes.

## **5. STAGE ONE – HOW TO RAISE CONCERNS**

**5.1** If the worker/employee is unsure whether to use this Whistleblowing Procedure or the worker/employee wants independent advice at any stage, the worker/employee is advised to contact:

- If applicable the worker/employee's trade union; or
- The independent charity 'Protect' (formerly Public Concern at Work) on 020 3117 2520. Their lawyers can give the worker/employee confidential advice at any stage about how to raise a concern about serious malpractice at work.

**5.2** As soon as the worker/employee becomes reasonably concerned the worker/employee should firstly raise the issue either orally or in writing. It would help with any subsequent investigation if the background/history of the concern, including relevant dates and the reason why the situation gives particular cause for concern was included. Concerns should be raised with the worker/employee's line manager or academy Principal/Head of Academy (unless s/he is the potential transgressor, in which case write to one of the following individuals:

- Chief Executive
- Executive Leadership Team
- Chief Finance and Operations Officer
- Chief Compliance Officer
- Human Resources Director

- Chair of the Delta Trust Board

All of the above individuals are contactable at Delta Academies Trust, Spawd Bone Lane, Knottingley, WF11 0EP, marking your correspondence as confidential.

**5.3** Concerns should be raised as early as possible, as this will make it easier to take action and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can be viably dealt with after a long period of time will depend on the circumstances.

**5.4** Anonymous disclosures will be considered, but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the employee, or giving feedback on the action being taken.

**5.5** Any Manager who is approached by an employee with a concern must always take concerns seriously, without judgment or condemnation. The Manager must consider the concern fully and sympathetically and recognise that raising a concern can be difficult for some people. Managers can seek advice from their own Manager and/or support specialists where appropriate.

**5.6** On receipt of a concern at work raised by an employee, the manager is required to acknowledge receipt and seek guidance from the appropriate member of the Executive Leadership Team.

## 6. HOW THE TRUST WILL RESPOND

**6.1** Once the worker/employee has reported their concern, an investigating officer (someone who has no previous involvement) will be appointed who will look into it to assess initially what action should be taken. They will aim to interview the worker/employee within 10 working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury or illegal activity that need immediate Police involvement and will:

- Obtain as much information as possible from the worker/employee about the grounds for the belief of malpractice;
- Consult with the worker/employee about further steps which could be taken;
- Inform the employer of appropriate routes if the matter does not fall within the Whistleblowing Procedure;
- Report all matters under this procedure to the Executive Leadership Team or member of the Trust Board.

**6.2** At this meeting the worker/employee may be accompanied by a trade union representative or a work colleague. There may also be a note taker present at the meeting.

**6.3** Within 10 working days of the above meeting the investigating officer will recommend to the Chief Executive Officer one or more of the following:

- The matter should be investigated within the Trust's internal procedures;
- The matter should be investigated by the external auditors appointed by the Trust;
- The matter should be reported to an external agency e.g. DfE, EFA, exam board;
- The matter should be reported to the Police;
- The matter should be reported to the Local Authority Designated Officer;
- No further action is required.

However, please note that this list is not exhaustive.

**6.4** The grounds on which no further action is taken may include:

- The investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The investigator is satisfied that the concern has not been raised in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the DfE or other public authority.

**6.5** Usually, within 10 working days of a concern being raised, the person investigating will write to the person raising the concern:

- Confirming that the concern has been investigated (or a timescale for this if complex);
- Confirming (where appropriate) what action the Trust intends to take;
- Supplying information on support available to you.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.



## 7. STAGE TWO - HOW CONCERNS CAN BE TAKEN FURTHER

**7.1** Worker/employees of the Trust and its academies who are not satisfied, at any stage of the process, with the action taken by the Trust and feel that it is right to question the matter further, may consider the following possible contact points:

- The employee's trade union;
- The Citizen's Advice Bureau and/or law centre/firm;
- Relevant professional bodies or regulatory organisations (e.g. exam boards);
- The Information Commissioner;
- A relevant voluntary organisation;
- The Police;
- The Health and Safety Executive;
- The Local Authority Designated Officer or Safeguarding Children's Board;
- Ofsted;
- The Education Funding Agency;
- The Department for Education;
- Her Majesty's Revenues and Customs (HMRC).

Please note that this is not an exhaustive list.

## 8. WHISTLEBLOWING AND CHILD PROTECTION/SAFEGUARDING

**8.1** All staff and volunteers in our academies must comply with 'Keeping Children Safe in Education', which includes taking action to protect a child who may be at risk of harm or in need of services, and to make appropriate referrals to children's social care. Any member of staff should press for re-consideration if they believe a child is not being safeguarded. Safeguarding issues raised by a whistleblower will be handled in line with the relevant LSCB child protection procedures.

**8.2** This section should be read in conjunction with:

- The Academy's Child Protection and Safeguarding Policy & Procedures
- Delta Trust 'Dealing with Allegations against Staff' Policy
- The relevant LSCB procedures
- Keeping children safe in education (DfE 2019)

- What to do if you're worried a child is being abused (DfE 2015).

### **Concerns about a child**

**8.3** In the first instance, the person with the concern should discuss this with the Designated Safeguarding Lead – action may already have been taken and/or the designated staff may have sought confidential advice from partner agencies such as children's social care or the police. If the individual is not satisfied with the outcome of this discussion, they should report their concerns to the Principal/Head of Academy or the nominated safeguarding AAB member.

**8.4** If the individual still has concerns about the safety or welfare of the child, they should follow the process described in the Safeguarding Policy and follow the Four R's process, details of which are included in the Safeguarding Policy. For the avoidance of doubt the Four R process requires the following:

- **R** – refer to Designated Safeguarding Lead
- **R** – request an update of action from Designated Safeguarding Lead
- **R** - if concerns remain report concerns to the following: email [safeguarding@deltatrust.org.uk](mailto:safeguarding@deltatrust.org.uk) or telephone a member of the Trust Executive Leadership Team
- **R** – ring social care (contact details can be found in the Safeguarding Policy or on the Local Authority website).

**8.5** Other referral processes could involve contacting:

- Delta Trust HR manager
- The person with responsibility for safeguarding at Board level
- The relevant Local Authority Designated Officer (LADO)
- If the incident or concern is so serious as to warrant a police investigation, or a child has been placed at immediate risk of harm, the Police.

**8.6** Any professional with concerns about child protection or safeguarding can also contact the NSPCC whistleblowing helpline on 0800 028 0285.

**8.7** If the child is in danger or at immediate risk of harm, anyone can make a referral to children's social care Wakefield Social Care Direct 0345 8503 503. The Designated Safeguarding Lead should be informed as soon as possible that a referral has been made.

## **Concerns about a colleague/adult in school**

**8.8** This relates to concerns that a member of staff, volunteer or other adult in school may have harmed a child/children or behaved in a way that suggests they may be unsuitable to work with children. In line with the Trust 'Dealing with Allegations Against Staff' policy, anyone who has concerns about the behaviour of another adult in school should report this to the Designated Safeguarding Lead and Principal/Head of Academy in the first instance, unless the concern relates to one of those individuals.

**8.9** Concerns about the Designated Safeguarding Lead should be reported to the Principal/Head of Academy. If the allegation or concern relates to the Principal/Head of Academy - or there is reason to believe that the Principal/Head of Academy is not taking the appropriate action/the individual does not believe their concerns are being taken seriously - they should email [safeguarding@deltatrust.org.uk](mailto:safeguarding@deltatrust.org.uk) or telephone a member of the Trust Executive Leadership Team.

## **9. RECORDS**

**9.1** Please see the Trust Personal Data Retention Policy for more information on how long documentation in reference to this policy should be retained and secure disposal arrangements.

## **10. REVIEW**

**10.1** This policy will be reviewed by the Trust annually, or earlier if there are changes to the relevant legislation.