



# Whistleblowing Policy

<b>Policy Code:</b>	HR7
<b>Policy Start Date:</b>	November 2023
<b>Policy Review Date:</b>	November 2024

## Community Inclusive Trust - **Whistleblowing Policy**

## **1. Legal Framework**

1.1. This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- x Public Interest Disclosure Act 1998
- x Employment Rights Act 1996
- x ESFA Academy trust handbook
- x DfE (2023
- x
- x

1.2. This policy operates in conjunction with the following school policies:

- x Disciplinary Policy
- x Records Management Policy
- x Complaints Policy
- x Data Protection Policy

## **2. The Public Interest Disclosure Act**

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the remit of the prescribed person or body and the information and any



**5. Harassment and Victimisation of Staff**

- 5.1. The Trust recognises the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school or Trust as a whole; however, the Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.
- 5.2. Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.



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Protect website can be accessed here ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)), or they can be contacted on 020 3117 2520.

- 8.8. Once an individual has raised a concern, the Trust will be responsible for investigating it.
- 8.9. If any employee feels unable to make a disclosure directly to their employer there are other prescribed bodies that can be approached. Dependent on the nature of the disclosure the following are examples of prescribed bodies relating to schools and young people:
  - x Ofsted
  - x
  - x NSPCC
  - x Secretary of State for Education
  - x Education and Skills Funding Agency (ESFA)

- 9.4. The Director of HR will explain the following to anybody raising a concern:
- x How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the Trust giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
  - x wrongdoer.
  - x The Trust will do everything in its power to protect the complainant from discrimination.
  - x If the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.
- 9.5. disciplinary action may be brought against them.
- 9.6. If an investigation is carried out, the whistleblower will be informed of the final outcome.
- 9.7. A record will be kept of the seriousness of the issues raised and the credibility of the concern.
- 9.8. It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
- x Be investigated by management, an internal audit or through the disciplinary process.
  - x Be referred to the police or an external auditor.
  - x Form the subject of an independent inquiry.
- 9.9. If the investigating officer needs to talk to the whistleblower, the whistleblower is permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.
- 9.10. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and to assist in monitoring the procedure.
- 9.11. The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

## **10. What the Trust asks of Whistleblowers**

- 10.1. The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:
- x Do not talk about the concern outside the Trust unless it is to report the concern through the proper external channels, e.g. the LA or Ofsted.





**Appendix A – from Protect (<https://protect-advice.org.uk/what-is-whistleblowing/>)**

What is the difference between whistleblowing and raising a grievance?

This can be a really tricky distinction. If you are unsure whether your concerns are best raised as whistleblowing concerns or as grievances, have a look at the differences between the two processes, outlined below:

<b>Whistleblowing</b>	<b>Grievances</b>
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x



**Appendix B – from Protect (<https://protect-advice.org.uk/what-is-whistleblowing/>)**

**When does bullying become a whistleblowing concern?**

Bullying is a very difficult matter to tackle. If you are being bullied yourself, you should raise this as a grievance.

However, there can be instances when bullying may become a whistleblowing matter and there are some factors which may indicate this:

- x How many people are affected? If the bullying affects the whole team (or a large number of employees), this might suggest a bullying culture and it may be more appropriate to
- x What is the impact of the bullying? Does the bullying culture have a wider impact on the work you deliver? As an example, a bullying culture within a hospital may impact the quality of care provided to patients if the bullying culture is affecting a substantial number of the team and is resulting in high numbers of work-related stress and sickness.
- x Who is instigating the bullying? If it is a senior member of staff, then it is more likely that the concern should be raised as a whistleblowing concern.
- x How serious is the bullying? Is the bullying a one-off isolated incident, or is it a series of events which may suggest a deliberate campaign of bullying? If the latter, then this suggests intentional wrongdoing.

culture in their team, if no one else comes forward and if there is no record of grievances that have previously been filed about the matter, then this can make it difficult for your employer to investigate and act. It is important that your colleagues who are also affected should be willing to participate in any subsequent investigation, otherwise it may be more effective to raise this as a collective grievance or by enforcing your own rights in the workplace by seeking the advice of a trade union or from ACAS.