



Tenacitas  
Trust

# Whistleblowing Policy

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## 1.0 Introduction

Whistleblowing is defined as: *'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees'*.

Statutory protection for employees who whistle-blow is provided by the **Public Interest Disclosure Act 1998 (PIDA)**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns, conduct or practice within the Trust which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

The whistle-blower must reasonably believe they are making the disclosure in the public interest

i.e. it affects others such as pupils in the school or members of the public. This means that personal grievances and complaints are not usually covered by this policy and should be dealt with through the Grievance Policy or Complaints Policy.

This policy applies to all Trust staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the Academy.

## 2.0 Aims and Scope of Policy

The Trust is committed to high standards in all aspects of its constituent academies and will treat whistleblowing as a serious matter. In line with the Trust's commitment to openness, probity and accountability, employees are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

This policy aims to:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with Trust standards and policies so that s/he is encouraged to act on those concerns.
- Provide members of staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

This policy covers whistleblowing relating to alleged:

- Unlawful conduct.
- Miscarriages of justice in the conduct of statutory or other processes.
- Failure to comply with a statutory or legal obligation.
- Potential maladministration, misconduct or malpractice.
- Health and safety issues including risks to the public as well as risks to pupils and members of staff.
- Action that has caused or is likely to cause danger to the environment.
- Abuse of authority.
- Unauthorised use of public or other funds.
- Fraud or corruption.
- Breaches of financial regulations or policies.
- Mistreatment of any person.
- Action that has caused or is likely to cause physical danger to any person or risk serious damage to school property.
- Sexual, physical or emotional abuse of members of staff or pupils.
- Unfair discrimination or favouritism.
- Racist incidents or acts, or racial harassment.
- Any attempt to prevent disclosure of any of the issues listed.

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle-blow.

### **3.0 Safeguard against Reprisal, Harassment and Victimisation**

The Trust will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of them having raised a concern in accordance with the Whistleblowing Policy, will be subject to investigation under the Trust's Staff Disciplinary (Misconduct) Policy.

### **4.0 Confidentiality**

The Trust recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed; however, investigation into the concern could reveal the source of the information, and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistle-blower is likely to be called to give evidence in court.

### **5.0 Anonymous Allegations**

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless, anonymous allegations may be considered under the whistleblowing Policy, especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward, the Trust will take the following factors into account:

- The seriousness of the issue raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources and obtaining information provided.

## **6.0 Untrue and Malicious/Vexatious Allegations**

If a member of staff makes an allegation in good faith, but it is not confirmed by further inquiry, the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Trust will consider taking disciplinary action against the member of staff concerned.

## **7.0 Allegations Concerning Safeguarding/Child Protection Issues**

If a member of staff raises a concern related to a safeguarding/child protection issue, the Principal, (or CEO if it concerns the Principal) should urgently consult the LADO. The member of staff can also make a direct referral to Children’s Social Care, either before or after raising their concern. Refer to the Trust’s Safeguarding Policy.

## **8.0 Procedure for Making a Whistleblowing Allegation**

Concerns should be expressed, in writing, to the Principal (or CEO if it concerns the Principal). It is expected that the person receiving the allegation will become the Investigating Officer, however, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

Your concern should be in writing, for the avoidance of doubt. You should set out the background and history of the concern, giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing, you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

If you feel you cannot express your concerns within the Trust, it is open to you to raise your concern with an organisation listed in Section 13.0 of this policy.

Whistleblowers may find the process of reporting a concern/allegation difficult and uncomfortable. The Trust will take all reasonable steps to support the whistleblower, including access to the Employee Assistance Programme (EAP). The whistle-blower may also be referred to the charity Protect (previously known as Public Concern at Work) [for information and advice.](#)

## **9.0 Response to Whistleblowing**

The matter raised may need to be:

- Investigated internally by the Trust.
- Passed to the police if it relates to alleged criminal activity.
- Passed to the person in the EFSA who deals with complaints about financial management or financial propriety in schools.
- Referred to the LADO if there is a concern relating to child protection.

At this stage, concerns/allegations are neither accepted nor rejected.

## **10.0 Timescale for Response**

The whistle-blower will normally receive a written response within 5 school days (except in the case of anonymous allegations). The response will:

- Acknowledge that the concern has been received.
- Indicate how it is proposed to deal with the matter.
- Give an estimate of how long it will take to provide a final response.
- Advise whether any enquiries have been made.
- Advise whether further enquiries will take place.
- Inform the whistle-blower of support available whilst matters are investigated (see below).
- Maintain confidentiality wherever possible, but also explain that it may not be possible that you can remain anonymous.

The Investigating Officer will:

- Look into the allegation – seeking evidence and interviewing witnesses as necessary.

- Maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistle-blower can remain anonymous.
- If appropriate, bring the matter to the attention of the person in the EFSA who deals with complaints about financial management of schools.
- If appropriate, for concerns of criminal behaviour, refer the matter to the police.
- If appropriate, for concerns of child protection, refer the matter to the LADO.

*The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue.*

If the Investigating Officer needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The target is to complete the inquiry within 15 school days from the date of the initial written response, although the enquiry may extend beyond this timescale.

## **12.0 The Inquiry Report**

Following completion of the inquiry process, the Investigating Officer will make a written report and, if necessary, action will be taken. The whistle-blower will also be notified of the outcome.

If the investigation was carried out by a person other than the Principal or CEO, the written report must be submitted to the Principal and CEO to determine what further action (if any) is required.

When considering further actions, the Principal and CEO of the Trust **must** act on any recommendations made in the report. If an agreement on further actions cannot be reached, a panel of three Trustees (excluding the CEO) will be convened to consider the report and agreed actions.

Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonymised) will be made available to all Trustees.

In the case of fraud, theft or financial irregularity, the Trust must notify the EFSA where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year. Any unusual or systematic fraud, regardless of value, must also be reported.

### 13.0 Taking the Matter Further

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the Trust's Complaints Policy or raise your concerns with other organisations e.g.

Local Authority

Department for

Education EFSA

LADO - Allison Francis – Southend LA Designated Officer

Information Commissioner

Health and Safety Executive

Children's Commissioner for

England Protect Helpline: (020)

3117 2520

A list of prescribed bodies is available via - [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](#)

Additionally, if you have concerns about a child, you can contact the NSPCC in the following ways: Call: 0800 028 0285 – line is available from 8:00 a.m. to 8:00 p.m.

Monday to Friday.

Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Post: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH

### 15.0 Data Protection

When an individual makes a disclosure, the Trust will process any personal data



collected in accordance with its data protection policy. Data collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.