



WHISTLEBLOWING POLICY 2018

Date	October 2018
Written By	Andrea Curtis
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THE HAWKSMOOR LEARNING TRUST WANTS YOU TO BE CONFIDENT THAT YOUR CONCERNS WILL BE TAKEN SERIOUSLY AND THAT YOU WILL BE PROTECTED FROM VICITIMISATION OR BULLYING OR HARRASSMENT IF YOU RAISE A CONCERN. IF YOU HAVE A CONCERN ABOUT THLT PROVISION PLEASE READ THIS POLICY.

1. HOW TO SHARE CONCERNS.

REPORTING TO THLT

If you have any concerns about the THLT or any member of the THLT, please read this policy. You may think this policy does not apply to the concern you have – IT DOES, we can give confidential advice about ANY concern you may have regarding the THLT Trust or its members.

If you want to informally / confidentially discuss this policy or your concerns, you can contact:

Head teacher or Line Manager within your school

Andrea Curtis (THLT Executive Principal) on 01327 351466 or acurtis@nicholashawksmoor.co.uk

Or

Karen Falvey (THLT Chair of Board of Trustees) on 01327 351466 or email CoT@THLT.academy

Public Concern at Work on 0207 404 6609 or helpline@pcaw.co.uk

PCAW are an independent charity and information provided to PCAW is protected under the Public Interest Disclosures Act. Their helpline is where their lawyers provide confidential advice free of charge. The details of such discussions will not be released to anyone else within the THLT without your express consent and meetings can be held at a time and place of your choosing.

2. Introduction.

At THLT Trust Schools, we are relentlessly driven by our pursuit of excellence and high expectations of learning, behaviour and respect for every member of our community. The right to be safe, free from bullying, harassment, prejudice or harm is a non-negotiable for any member of the THLT community (adults and children alike) and everyone should feel able to share their concerns with confidence knowing they will be protected and supported.

Core Values

We believe that every member of the THLT community, whether this is as a member of staff, a pupil, a trustee, a governor, a parent/ carer, has the right to be safe and a culture of vigilance and confidence to share genuine concerns without worry of retribution, victimization or harassment must be in place across all areas of the THLT community. If anyone is concerned about the safety or behavior of another member of the community, there is a duty of care to report this and therefore all members must know who to share their concerns with. Everyone needs to feel they will be listened to, respected and their concerns responded to in a fair, consistent, confidential and appropriate manner in line with policies, procedures and legislation. A culture and full awareness and understanding of 'it can happen here'.

Definition:

A **whistleblower** is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) s/he should report it under this policy. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) miscarriages of justice;
- (c) danger to health and safety, including risks to the public as well as employees;
- (d) damage to the environment;
- (e) failure to comply with any legal or professional obligation or regulatory requirements;

- (f) bribery;
- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) breach of our internal policies and procedures;
- (j) conduct that is an offence or breach of law or conduct likely to damage our reputation;
- (k) unauthorised disclosure of confidential information;
- (l) public examination fraud;
- (m) any form of unethical conduct
- (n) sexual, physical and/or emotional abuse
- (o) behaviour deemed inappropriate towards children
- (p) the deliberate concealment of any of the above matters.

Aims

This policy seeks to provide a process that gives anyone with a concern about THLT the confidence to raise a concern and bring that concern to our attention.

- It aims to:
 - Encourage and enable any person to feel confident in raising serious concerns and to question and act upon concerns
 - provide avenues for any person to raise concerns and receive feedback on any action taken
 - ensure everyone making a referral receives a response to their concerns
 - describe how to take the matter further if dissatisfied with the school or THLT's response
 - reassure anyone making a referral that they will be protected from reprisals or victimisation
- For the avoidance of doubt, if you have concerns that any person may be being mistreated / abused you can discuss your concerns in confidence with those listed in section 1 or section 9 of this policy.
- This policy should not be used for complaints about an employee's personal circumstances, such as the way s/he has been treated at work. In these cases, an employee should use the school's Grievance Procedure (or anti-harassment and bullying policy as appropriate); if the matter relates to salary, the salary review procedures documented in the school's pay policy. However, advice can be obtained from the contacts in section 1.1 of this policy if you have any doubts.

- For the avoidance of doubt this policy applies to all employees, contractors, consultants and agency staff and other stakeholders who are acting on behalf of, or in partnership with, the THLT.
- Any disclosure of information that, in the reasonable belief of the worker, is made in the public interest, shall be deemed a qualifying disclosure.
- In accordance with the Public Interest Disclosure Act 1998, THLT protects any employees who make genuine disclosures in 'the public interest' from detriment and/or dismissal.

Scope of the Policy

- The THLT actively encourages employees, customers, contractors, employees of subsidiaries, stakeholders or any other person with serious concerns about any aspect of the THLT's work, staff or conduct to come forward and voice those concerns.
- THLT operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of inappropriate conduct is obliged and encouraged to report this activity.
- It is recognised that certain cases will have to proceed on a confidential basis but in accordance with the Freedom of Information Act, this policy seeks to provide a transparent method for dealing with concerns. Whistle-blowers can have confidence through this policy that they have the fullest protections afforded by the Public Interest Disclosures Act.
- The Public Interest Disclosure Act gives legal protection to employees, trainees, agency staff and contractors against being dismissed or penalised by employers as a result of publicly disclosing certain serious concerns provided that they are disclosed under procedures identified in the Act. The Act applies to people at work raising reasonably held and genuine concerns in good faith about crime, civil offences (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and the cover up of any of these. It applies whether or not the information is confidential and extends to malpractice occurring overseas.
- Every member of the THLT community has a responsibility to protect the THLT's interests through the proper adherence to this policy.
- This policy is designed to enable everyone, including employees, trainees, agency staff and contractors, to raise concerns or disclose information at a higher level than that which the individual believes shows malpractice. A disclosure in good faith to a head or trustee will be protected if an individual

has a reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. Disclosures will also be protected if made externally, for example to prescribed regulators such as the Charity Commission, HSE or Inland Revenue, provided that they comply with the provisions of the Act. Under the Act, employees of a charity may make a disclosure to the Charity Commission where the matter relates to the proper administration of the charity and of funds given or held for charitable purposes and they have reasonable grounds for concern.

- Allegations of child abuse against teachers and other staff and volunteers are dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges.
- An open and transparent method for dealing with concerns in accordance to the Freedom of Information Act are upheld whilst ensuring the rights for confidentiality and sensitivity are duly considered.

3. Raising Concerns.

THLT actively encourages anyone with concerns to share them and we will listen carefully to the concern and respond in a sensitive and appropriate way depending upon the nature of the concern.

Anyone concerned about any issue of malpractice, including radicalisation or extremism, should:

1. Raise it with their Line Manager or Head of School.
2. Should you be unhappy with the response or feel unable to share it with your line manager or Head, then you should share your concerns with the Chair of the Local Academy Board.
3. If you still are concerned or feel unable to approach anyone stated in 1 or 2, you should contact the Executive Principal (Andrea Curtis)
4. If you are a member of the Trust and have any concerns, you should report them to the Executive Principal.
5. If it concerns the Executive Principal or THLT, then you should share it with the Chair of Trustees, Karen Falvey.
6. If the concern involves any of the above, you should contact the PCAW or alternative external source.

Who you should contact is provided in Section 1.1 and more details about the procedures for sharing concerns are outlined in **Appendix one**. The procedures for support and confidentiality are detailed in **Appendix two**.

Anonymous Sharing of Concerns

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the schools and/ or THLT. In exercising this discretion, the factors to be taken into account would include:

- Seriousness of the issue
- Credibility of the concern
- Likelihood of being able to obtain the necessary information

Untrue Allegations

Any individual who makes an allegation in good faith which is not subsequently confirmed by the investigation, will have no action taken against them and will continue to have protection under this policy from victimisation or harassment.

If, however, an individual makes malicious or vexatious allegations, disciplinary action may be taken against them.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the individual who raised the concern, who will be informed that the Investigating Officer deems the matter to be concluded and that it should not be raised again unless new evidence becomes relevant.

4. Responding to Concerns.

THLT will always respond to concerns in a professional, fair and transparent way ensuring the actions taken are appropriate to the nature of the concern. There will be an initial investigation and depending upon the outcome of the findings, a more detailed investigation may be conducted. The procedures that will be taken in response to concerns shared are stated within **Appendix three**.

5. Taking the matter further.

This policy is intended to provide an avenue to raise concerns within the school and then, if required, with the Trust. THLT endeavors to ensure everyone using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied and feel it right to take the matter outside THLT, the matter can be raised with:

- Public Concern at Work on 0207 404 6609 or helpline@pcaw.co.uk

Any individual has the right and responsibility to refer a concern to the Police if they suspect a criminal act.

6. Roles and Responsibilities.

The responsibility for the operation of this policy rests with the Head Teachers to ensure all staff are fully aware of its provisions. The Executive Principal must be advised of all concerns raised (but in a form which THLT does not endanger confidentiality) so that an annual report to the Board of Trustees can be compiled. Further details of the roles and responsibilities of staff within schools and the THLT Trust are outlined in **Appendix four**.

7. Monitoring, Sharing and Publicising.

The THLT Trust has a responsibility for registering the nature of all concerns raised and to record the outcome. An annual report, which will identify any patterns of concern and assess the effectiveness of the policy, will be presented to the Board of Trustees.

The Executive Principal will be responsible for monitoring the operation of this policy and for keeping records of any concerns raised under it. Records will be retained for 6 years from the date of the last action on a case and subsequently expunged.

This policy will be publicised as follows:

- On the THLT website and each of the THLT School individual websites.
- Every new employee and new member within the THLT (including within each THLT school) will be made aware of the policy promptly at the commencement of their role.

8. Review.

This procedure will be kept under review and any amendments will be subject to consultation with staff representatives. It will be reviewed by the Trust on an annual basis.

9. Summary of Key Contacts.

In the first instance:

Role	Name	Contact details
Executive Principal of THLT Academy Trust	Andrea Curtis	acurtis@nicholashawksmoor.co.uk
Board of Trustees Chair	Karen Falvey	CoT@THLT.academy
Public Concern at Work on 0207 404 6609 or helpline@pcaw.co.uk		

APPENDIX 1: Summary of Procedures for Raising Concerns

- When an individual has a concern, he or she will need to identify the issues carefully. They must be clear about the standards against which they are judging practice. Whilst not exhaustive they should consider the following:
 - Is it illegal?
 - Does it contravene professional codes of practice?
 - Is it against government guidelines?
 - Is it against the THLT's guidelines?
 - Is it about one individual's behaviour or is it about general working practices?
 - Does it contradict what the employee has been taught?
 - Has the individual witnessed the incident?
 - Did anyone else witness the incident at the same time?
- THLT Trust will treat all such disclosures in a confidential and sensitive manner and carry out an investigation in cases where no reasonable explanation can be provided. The identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required. It will be the policy of the THLT Trust to involve the police in cases involving possible criminal activity and the appropriate regulatory body where justified by the matter in hand. In all cases, the individual raising the concern will be informed of what action is to be taken and the outcomes of that action subject to any legal constraints. THLT Trust do what it lawfully can to minimise any difficulties that an individual may experience as a result of raising a concern.
- As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Headteacher or Chair of Governors. An employee (including the Headteacher and members of the leadership team) can by-pass the direct management line and the Local Academy Board if s/he feels the overall management and Governing Body of a school is engaged in an improper course of action, this should be reported to the Executive Principal.

- We encourage concerns to be formally recorded in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.
- The earlier an employee expresses the concern, the easier it is to take action.
- Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.
- At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

Possible Harassment or Victimisation

- THLT recognises that the decision to raise a concern can be difficult, not least because of the fear of reprisals.
- THLT will not tolerate harassment or victimisation and will take action to protect individuals who raise concerns. This does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.
- It is the clear instruction to the Head Teachers and members of the Trust (through this formal policy) who liaise with whistleblowers that they shall not release information to identify a whistleblower unless it is required within the investigation or enabling the allegation to be acted upon appropriately. These details will only be disclosed to a precise person outside the THLT, when there is a legal requirement to do so, e.g. a court order. The only exception to this shall be where the whistleblower themselves gives written permission to do so.
- Any person applying pressure upon anyone to identify whistleblowers shall be subject to the same provisions as outlined below.
- Where a whistleblower alleges they are / have been victimised / harassed as a result of raising a concern that matter shall be reported to Executive Principal or Chair of Board of Trustees who will investigate these allegations. Where the investigations may identify (either indirectly or directly) the whistleblower the way forward shall be agreed with the whistleblower and any resultant action confidentially reported to the Executive Principal or Chair of Board of Trustees who shall be fully informed and consulted with throughout.
- Each case will be considered on its merits. Anyone found to have victimised or harassed someone who has made a referral under this policy would typically be considered as:
 - A matter of Gross Misconduct if done by an employee of the THLT
 - A matter for THLT to consider termination of a contract if done by or at the request of a contractor. If there are concerns that a contractor is victimising, or has victimised, a whistleblower an independent review may be requested.

APPENDIX 3: Procedures for Responding to Concerns

- The action taken by the Head Teacher of THLT will depend on the nature of the concern. Where appropriate, the matters raised may:
 - be investigated by management, internal audit, or other appropriate person
 - be referred to the external auditor
 - be referred to the police
 - form the subject of an independent inquiry.
- In order to protect individuals and the THLT, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.
- It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally some issues may be investigated without the need for initial enquiries. If urgent action were required, this would be taken before any investigation is conducted.

The Role of Senior Managers

A Senior Manager may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone. The Senior Manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

Stage One:

- At the initial meeting the Senior Manager should establish that:
 - there is genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistle-blowing Policy.
- The Senior Manager should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unable to do this, the senior manager will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting as a record. The Senior Manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:
 - the background and history of the concerns; and
 - names, dates and places (where possible); and

- the reasons why the employee is particularly concerned about the situation.
- The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- The Senior Manager should follow the policy as set out above and in particular explain to the employee:
 - who he/she will need to speak to in order to determine the next steps (e.g. Headteacher);
 - what steps s/he intends to take to address the concern;
 - how s/he will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
 - that the employee will receive a preliminary written response within ten working days;
 - that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
 - that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation;
 - that the matter will be taken seriously and investigated immediately;
 - that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
 - if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
 - the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded unless new evidence becomes available.

Stage Two:

- Following the initial meeting with the employee, the Senior Manager should consult with the Headteacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

- It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers should take the following factors into account:
 - the seriousness of the issue(s) raised;
 - the credibility of the concern(s); and
 - the likelihood of confirming the allegation(s) from attributable sources.
- In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:
 - be investigated internally;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process, including a disciplinary process if applicable.

Stage Three:

- Within ten working days of a concern being received, the manager receiving the concern (at paragraph 5.1 above) must write to the employee:
 - acknowledging that the concern has been received;
 - indicating how they propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response; and/or
 - telling the employee whether any initial enquiries have been made; and
 - telling the employee whether further investigations will take place, and if not why not; and/or
 - letting the employee know when s/he will receive further details if the situation is not yet resolved

Raising Concerns Outside the School:

- The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very

rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Governing Body's response, the manager should ensure that s/he is made aware with whom s/he may raise the matter to within the Trust whose details are recorded on page 3 of the policy.

- If the employee, is still unhappy or feels they are unable to report or share the concern with the line manager/ Head of the School, nor member of the THLT Trust they can raise the concern externally:
 - 'Public Concern at Work'
Tel no: 0207 404 6609*;
 - Recognised Trade Union;
 - Senior LA Officer;
 - External Auditor;
 - Relevant professional bodies or regulatory organisations;
 - Solicitor.
- The manager should stress to the employee that if s/he chooses to take a concern outside the School, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

*Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

APPENDIX 4: Roles and Responsibilities

- Investigations should be undertaken by appropriate members with expertise and will be dependent upon the issue raised. The agreed investigator and Human Resources will jointly ensure that investigations are swift and effective and undertaken by someone with relevant skills and experience. They will act as the corporate services who maintain records of all referrals and subsequent investigations received by the THLT.

Additionally:

- Internal Audit will lead on all financial referrals, including those where there are significant financial implications to an allegation, whilst not explicit within the referrals. The Audit team will ensure that concerns raised through the informal process are logged and trends identified.
- Human Resources within schools will lead on allegations regarding serious misconduct of THLT employees in schools and Human Resources of THLT for employees within the Trust Committees. The HR team will advise and support employees involved in the investigation process to ensure that such processes are fair and supportive to all those involved.
- The Executive Principal will lead on allegations regarding misconduct of THLT Trust or Committee members.
- Employees: In all contracts of employment there is an implied understanding of mutual trust and confidence between the employer and employee. All employees, therefore, have a responsibility to raise concerns about work and they may do so in the manner described in this policy.
- Line managers: Must create an open and fair culture within their area of responsibility and ensure that staff concerns are listened to and action taken where necessary. Line managers are responsible for ensuring that there is a safe environment for staff to raise their concerns and that there is no retribution as a result of someone raising their concerns.
- Executive Principal is responsible for assuring that the risks across the THLT are being identified and managed. It is therefore responsible for ensuring that this policy is robust in identifying concerns and that the identified risks are addressed. It is also responsible for ensuring that the principles within this policy are upheld.