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# Whistle Blowing Policy

## Endeavour Multi Academy Trust

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## **Scope of Policy**

Endeavour Multi Academy Trust is committed to operating with honesty and integrity and with strong ethical principles at its heart. We expect all employees to operate on this basis and to adhere to the academy's policies, procedures and Code of Conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The policy sets out how an employee can make a disclosure under the Public Interest Disclosure Act (PIDA)1998 and its aim is to encourage employees to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Any employee raising a concern under this policy will not be treated less favourably for raising concerns as outlined in this procedure. This means that any employee who raises a concern ("the whistleblower") under this policy will not be subjected to a detriment nor will they be dismissed for doing so.

## **Policy Statement**

This policy applies to employees of Endeavour Multi Academy Trust, referred to in this policy as employees including agency workers, trainees or anyone working on a casual basis regardless of length of service, and contractors.

This policy does not form part of the contract of employment and may be varied from time to time.

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.

This policy has been written in line with the above document, as well as government guidance on whistleblowing. We also take into account the Public Interest Disclosure Act 1998.

## **What is whistleblowing?**

The law provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

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

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

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

## **Principles**

All employees should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

All employees are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any matters raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

Any employee who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern under this policy has the right not to be dismissed, subjected to any other detriment, or victimised because they have made a disclosure. Any employee who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the relevant manager.

## **Links with Other Policies and Procedures**

Victimisation of a whistleblower by any other employee for raising a concern under this policy will in itself constitute a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure, the Trust's disciplinary procedure will be used, in addition to any appropriate external measures.

Where it is found that the employee has knowingly made a false allegation or acted maliciously, then this will be regarded as a disciplinary offence and will be managed in accordance with the Trust's disciplinary procedure.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a local governor/trustee.

Not all concerns about the Trust count as whistleblowing. This policy does not deal with any complaints relating to an employee's own treatment at work or own contract of employment. If an employee is concerned that his/her own contract of employment has been, or is likely to be breached, the employee should use the Trust's Grievance Policy to raise a complaint.

## **Anonymous allegations**

The policy encourages employees who raise concerns to be identified in doing so, as part of their professional role/responsibility. However, The Trust will, at its discretion, consider and investigate disclosures that are made anonymously to a local governor/trustee in writing, although such disclosures are inevitably much less powerful.

## **Confidentiality**

The Trust will also treat every disclosure confidentially and where possible will protect the identity of the whistleblower, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

## **Making a Whistleblowing Complaint**

To make a whistleblowing complaint the whistleblower has to meet certain conditions.

All disclosures must be in the public interest and the person making the complaint must have a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.

For disclosures made to a regulatory body, the whistleblower must also honestly and reasonably believe that the information they provide, and any allegations contained in it, are substantially true.

For disclosures made to other external bodies, in all circumstances of the case, it must be reasonable for them to make the complaint. Further the whistleblower must:

- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the Trust and/or relevant regulatory body and,
- reasonably believe that the information they provide, and any allegations contained therein are substantially true.

When a disclosure is of an "exceptionally serious" nature, such as the alleged abuse of children or vulnerable adults in an authority's care or corruption, then the whistleblower will not be required to raise the matter concerned internally in the first instance. Additionally, they will not be required to believe that they will be subject to a detriment for raising the disclosure, or that the evidence is likely to be concealed or destroyed.

## **Procedure**

### **Stage 1**

In the first instance, and unless the employee reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the employee does not wish to approach their line manager, any concerns should be raised with the employee's line manager. If the employee believes their manager to be involved, or for any reason does not wish to approach that manager, then the employee should proceed straight to Stage 3.

The initial contact can be by telephone or in writing however the Trust encourage initial contact to be made in person where possible. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.

### **Stage 2**

The line manager will acknowledge receipt of the whistleblowing complaint, in writing, within 5 working days.

The line manager will then arrange an investigation into the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement, at which they can be accompanied by a representative of their trade union or professional association, or by a fellow employee.

Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account, and the employee will be asked to comment on any additional evidence.

The line manager (or person who carried out the investigation) will then report to the Local Governing Board/trustees, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the line manager (or the person who carried out the investigation) will instigate the disciplinary procedure. On conclusion of any investigation, the employee will be informed of the outcome of the investigation in writing and what the organisation has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### **Stage 3**

If the employee is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Local Governing Board/trustees, the employee should inform the Chair of Trustees on 01827 426123 Ext 303 of the organisation, who will arrange for another manager or independent person to review the investigation carried out, make any necessary enquiries and make their own report to the Local Governing Board/trustees as in Stage 2 above.

If for any other reason the employee does not wish to approach their line manager, the employee should also in the first instance contact the Chair of Trustees (as above). Any approach to the Chair of Trustees will be treated with the strictest confidence and the employee's identity will not be disclosed without their consent.

### **Stage 4**

If on conclusion of Stages 1, 2 and 3 the employee reasonably believes that the 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. These include:

- the Children's Commissioner for England
- HM Revenue & Customs,
- the Financial Conduct Authority,
- the Information Commissioner,
- the Health and Safety Executive,
- the Environment Agency,
- the Secretary of State for Education,
- Her Majesty's Chief Inspector of Education, Children's Services and Skills
- the Equality and Human Rights Commission; and
- The Serious Fraud Office.

The employee may alternatively raise their concern with the Trust's external auditors, as detailed below:

Alex Makinson  
Mitchell Charlesworth  
24 Nicholas Street  
Chester  
CH1 2AU

Further advice regarding raising the concern externally can be obtained from the UK's Whistleblowing charity, Protect and for advice and support regarding how child protection issues are being handled by the organisation the NSPCC provides a dedicated whistleblowing advice line. Contact details for these organisations are detailed below:

**Protect**

[www.protect-advice.org.uk](http://www.protect-advice.org.uk)

**NSPCC**

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

0800 0280285

As with internal disclosures, before referring to one of these bodies, the employee should consider whether they honestly and reasonably believe that their concerns are well founded, and that any allegations that they are about to make are substantially true.

**Monitoring of Disclosures**

A Register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Board of Trustees.

The CEO will report annually to the Board of Trustees on the operation of the procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistleblowers.

**Data Protection**

The organisation will comply with the provisions of UK data protection law. Employee data will be processed in accordance with the principles of that legislation, as necessary for the performance of the contract of employment and as set out in the organisation's privacy notice. Personal information about employees, including information in personnel files, will be held securely and privately in accordance with the organisation's Data Protection policies and procedures.

Minutes of formal meetings will be given to the employee for information and copies of notes, letters and other relevant documentation should be retained on file.