Whistleblowing Policy

Embrace Multi Academy Trust strives to maintain and improve good provision and outcomes at each of its member schools. Based upon our shared ethos and our values of wisdom, collaboration, respect, integrity, inclusivity, and compassion, we aim to support the learning and development of every person within the trust, and our policies are written from this perspective.

Version	Approval Level	Document History	Date	Review Period
V1	Board of Trustees	Approved	Apr 22	Two years
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This policy applies to all employees of Embrace Multi Academy Trust. Other individuals performing functions in relation to the trust, such as agency workers and contractors, are encouraged to use it.

It is important to the trust that any fraud, misconduct or wrongdoing by any employee of the trust is reported and properly dealt with. The trust therefore encourages all individuals to raise any concerns that they may have about the conduct of others or the way in which the school / trust is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the trust.

1. Policy statement

Embrace Multi Academy Trust and its constituent schools are committed to the highest standards of openness, honesty and accountability. It is very important that all employees feel they are able to talk about any concerns they may have and where they have reasonable cause to believe there has been a detrimental effect on the education provided to pupils and the working environment for staff.

This policy encourages and enables employees to raise promptly (disclose) any serious concerns they may have about the activities of employees, governors, trustees, or external organisations in relation to their dealings with the trust or its schools, without worrying about doing so. Non-Disclosure Agreements (NDAs) do not override whistleblowing rights.

This policy:

- Enables employees (including former employees), to raise any concerns they may have and to receive feedback about the outcome of any resulting investigation. It is important to note that the employee will not receive information regarding the detail of the investigation, nor any actions taken,
- allows employees to understand how and where to escalate their concerns, if following the completion of any internal processes, their concerns remain,
- protects employees from reprisals or victimisation for 'whistleblowing' made in good faith.

2. Purpose

Where an employee has a concern, it may be about something that is either already happening, has taken place, or is likely to happen in the future. A qualifying disclosure is one made **in the public interest** (the Public Interest Disclosure Act 1998) by an employee and is:

- A criminal offence or is potentially unlawful,
- a miscarriage of justice,
- regarding the application of the trusts or school's policies or operating procedures,
- an act of fraud or corruption,
- likely to cause damage or harm to a member of the public, the trust, a trust school, employees or pupils,
- an act creating a risk to health and safety,
- sexual harassment,

- an act causing damage to the environment,
- a breach of any other legal obligation,

Or

- a deliberate attempt by an individual or group of people to conceal any of the above.

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 staff member has no responsibility for investigating the matter - it is the trust's responsibility to ensure that an investigation takes place.

Where a concern is a made and falls into one (or more) of the above categories, the employee will be afforded protection under the Public Interest Disclosure Act 1998 (PIDA) from any repercussions on their present position or future career.

A full list of disclosures qualifying for protection can be found in the Public Interest Disclosure Act 1998.

The trust encourages staff to raise their concerns under this procedure in the first instance. If a staff member is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the trust HR team.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Trust's Grievance Procedure.

3. Confidentiality

The identity of employees who raise concerns will be protected as far as practicable. However, the investigation may, out of necessity, reveal the source of the information and statements made by the employee(s) who raised the issue may comprise part of any formal process, for example if a formal process / hearing is required.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.

Employees are therefore encouraged to put their name to any allegations made. Concerns expressed anonymously will be considered at the discretion of the trust, taking into account:

- The seriousness of the issues raised,
- the credibility of the concern,
- the likelihood of the allegation being substantiated,
- whether it is considered that the allegations are untrue / false.

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

If an allegation is made but is not upheld following a thorough investigation, no action will be taken against the employee who raised the concern. However, employees who make malicious or vexatious allegations may be subject to disciplinary action.

4. Raising a concern

4.1 Who can raise a concern?

Any individual who currently works for or who has previously worked for the trust or one of its schools may raise a concern. In addition, a concern, under this policy, may also be raised by an individual who works for an organisation that provides a service to the trust or its schools such as agency workers, volunteers, governors and trustees. However, there are certain types of people that are not covered by the PIDA. These include the genuinely self-employed, trustees, volunteers, non-executive directors etc.

4.2 How to raise a concern?

Concerns can be raised verbally or in writing as specified below. It is important that the employee provides as much detail as possible (including specific names, dates and places where known). A form to enable a thorough submission is available for use by the employee(s) raising the concern.

4.3 Who to raise your concern with:

Employees should normally raise concerns with their line manager in the first instance. However, this will depend on the nature of the concern, the seriousness and sensitivity of the issue, and who is allegedly involved.

Employees who feel unable to approach their line manager may contact their headteacher or, in the case of central team staff, the trust leader. Where the concerns being raised relate to the headteacher, employees may contact the trust leader. Where concerns being raised relate to a member of the central team, employees may contact the trust leader. Where the concerns being raised relate to the trust leader, employees may contact the chair of trustees or a member of the board of trustees. Trade Union members may wish to contact their union representative for assistance or advice on raising an issue.

Where an employee is concerned that the governing board is acting or proposing to act unreasonably or has failed to discharge its duties, this can be raised with the trust leader. Where an employee is concerned that the board of trustees is acting or proposing to act unreasonably or has failed to discharge its duties, this can be raised with the secretary of state for education.

Alternatively, where concerns are of a serious nature and criminal activity is suspected, employees have the right to raise issues directly with the police or other relevant agencies as they see fit.

Employees who raise an issue under this policy are protected by the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is knowingly acting maliciously, making false allegations or who is seeking personal gain. The trust does not tolerate any form of harassment or victimisation against an individual raising a concern.

5. Response

The action taken will depend on the nature of the concern. For example, the matter may:

- Be investigated internally,
- be investigated by a third party (such as external HR),
- be referred to an external auditor,
- be referred to the police,
- form the subject of an independent inquiry.

To protect individuals, the school and the trust, initial enquiries will be made to determine whether an investigation is appropriate and what form it should take. Allegations which fall within the scope of specific procedures (e.g. child protection or grievance issues) will normally be dealt with under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

The person who raised the whistleblowing concern will be contacted in writing (within 10 working days of receiving the complaint) to:

- Acknowledge that the concern has been raised,
- indicate how it is proposed to deal with the matter,
- advise whether further investigations will take place and, if not, why not,
- confirm, where possible, an estimate of how long it will take to provide a final response.

If necessary, further information will be sought from the employee regarding the concern. The employee will have the right to be accompanied at any meetings by a Trade Union representative or work colleague.

We will aim to keep the employee raising the concern informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving specific details of the investigation or any disciplinary action taken as a result.

6. Outcome of investigation

If an investigation is warranted, the employee will be informed about the outcome of any investigation, but not the detail of the investigation or any action taken against another employee (e.g. disciplinary action).

The employee who raised the concern has no right of appeal against the outcome of the investigation, however, if the employee is not satisfied with the outcome of the investigation and wishes to take the matter outside the trust, they may contact:

- For safeguarding issues only, Leicestershire County Council's Allegations Manager (LADO) (0116 3057597),
- their local councillor (for employees who live in the area of the trust / school concerned),
- relevant professional bodies or regulatory organisations, such as:

- Department for Education. (Blowing the whistle to the Department for Education)
- Ofsted (whistleblowing@ofsted.gov.uk).
- HM Revenue and Customs.
- Health and Safety Executive.

- the police,
- the whistleblowing charity: Protect (020 3117 2520),
- the Audit Commission (0845 052 2646),
- a prescribed person or body not shown above.

When taking the matter outside of the trust, the employee must ensure that they do not disclose any confidential information about the trust, school or its employees and pupils, which is not relevant to the issue.

7. Responsibility officer

The governors at each school have responsibility for the operation of this policy for concerns raised regarding its school. The governing board are to ensure details of concerns raised and their outcomes are recorded.

Trustees have overall responsibility for the maintenance and operation of this policy for concerns raised regarding the trust. Trustees are to ensure details of concerns raised and their outcomes are recorded.