



Whistleblowing Policy & Procedure

Document provenance

This policy was approved by E-ACT Trustees as follows –	
Audit and Risk Committee	29 September 2017
Frequency of review: every 2 years	Next review date: September 2019
ELT Owner: Director of Corporate Services	Author: Governance Manager

Summary of changes at last review:

- Expansion of sections 1 and 2 to better set out the purpose of the policy and the relevant legal framework.
- Separation of the policy and procedural elements of the document.

E-ACT Whistleblowing Policy

1. Introduction, purpose and aims

- 1.1. Employees of E-ACT are expected to conduct Trust business with integrity and honesty. Employees are therefore encourage to report any wrongdoing that falls short of these principles. The purpose of this policy is to enable employees to raise concerns about the conduct of other colleagues in a confidential manner.
- 1.2. This policy is applicable to employees and workers of E-ACT. The extended meaning of 'worker' as defined under Section 43K of the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) applies here. For the purposes of this policy, 'employees' refers to both employees and workers of E-ACT.
- 1.3. The aims of this policy are to:
 - a) Provide a process for employees to raise concerns about wrongdoing (known as 'disclosures') in the workplace;
 - b) Reassure employees that concerns raised in good faith will be handled seriously and as confidentially as possible without reprisals; and
 - c) Promote accountability throughout the Trust, reducing the risk of serious malpractice occurring.
- 1.4. We know it can be very difficult to come forward if you are aware of wrongdoing in the workplace, especially if it involves senior staff. You might worry about your job or how you might be treated if you say something. However, it is very important for us to know if there is something wrong in the organisation so that we can take appropriate steps to fix it. We will respond to any whistleblowing disclosure sensitively and with care, and you will be kept informed as to what steps are being taken to investigate and resolve the issue. Confidentiality will be maintained on a need-to-know basis.
- 1.5. The procedure for raising a whistleblowing concern is contained at Appendix 1.

2. The legal background

- 2.1. Whistleblowing is a specific type of disclosure where an individual, acting in the public interest, reasonably believes that one or more of the following is happening, has happened, or will happen in their workplace:
 - a) a criminal offence;
 - b) failure to comply with a legal obligation;
 - c) a miscarriage of justice;
 - d) a danger to health and safety;
 - e) damage to the environment; or

- f) deliberate concealment of any of the above.
- 2.2. An employee does not have to provide evidence of allegations in order for the Trust to investigate a disclosure.
- 2.3. Employees who raise genuine concerns in good faith in line with this policy are protected from detrimental treatment under employment legislation. Employees who make disclosures maliciously, make disclosures without a reasonable belief in their truth or make disclosures which are personal grievances against other individuals will not receive this legal protection and may face disciplinary action as a result.
- 2.4. Complaints relating to an employee's individual circumstances in the workplace should be raised under E-ACT's Grievance Policy.
- 2.5. If an employee is unsure as to whether a concern should be raised under this policy, or needs guidance on how to raise such a concern, the charity Public Concern at Work can provide independent and confidential advice. The organisation can be contacted on 020 7404 6609.

3. Anonymity and confidentiality

- 3.1. Employees are encouraged to raise concerns openly. This makes it easier for the Trust to assess the issue, to decide how to investigate and to obtain more information.
- 3.2. An employee raises a concern confidentially if he or she gives her name on the condition that it is not revealed without their consent. A request for confidentiality will be respected to every extent possible unless otherwise required by law. However, in some cases, it will be impossible to take action on the concern without open testimony from the whistleblower.
- 3.3. An employee raises a concern anonymously if he or she does not give their name at all. The Trust will assess information received anonymously as best as it can. It will consider the seriousness of the allegations and the likelihood of being able to confirm the allegations from verifiable sources.
- 3.4. However, making a disclosure anonymously will limit the Trust's ability to ask follow-up questions and to provide feedback on the information received. It will also be more difficult for an employee who has made an anonymous disclosure to qualify for the legal protections given to whistleblowers.

4. Keeping children safe

- 4.1. For the avoidance of doubt, nothing within this policy is intended to prevent staff from complying with their obligations as stated in the statutory guidance Keeping Children Safe in Education or in E-ACT's Safeguarding Policy.
- 4.2. All staff working within the Trust must report any safeguarding concerns about an individual's behaviour towards children and young people immediately. Allegations or concerns about colleagues and visitors must be reported directly to an academy's Headteacher or Designated Safeguarding Lead as outlined in the Safeguarding Policy.

5. Raising a whistleblowing concern

5.1. E-ACT's procedure for raising a whistleblowing concern is set out in Appendix 1. The procedure details who to contact regarding a whistleblowing concern and how to escalate this within the organisation if necessary.

5.2. Investigation and outcome

5.2.1. When a whistleblowing concern is raised, E-ACT will instigate an investigation. This may be led by the person receiving the disclosure or another colleague they have appointed to lead the investigation (the investigating officer).

5.2.2. The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.

5.2.3. An employee making a disclosure is entitled to be accompanied by a colleague or a trade union representative at any time during the disclosure or the investigation. Individuals acting in this support role must adhere to the confidentiality provisions in this policy.

5.2.4. The investigating officer will report their findings to the person who received the disclosure, who will then decide if the matter warrants further investigation and what the next steps will be. This may involve setting up an independent investigation panel or involving external authorities.

5.2.5. At an early stage in the investigation, if appropriate in the circumstances, the person (or persons) about whom the disclosure was made will be informed. They will be told about the disclosure and any supporting evidence and will be given an opportunity to respond.

5.2.6. Appropriate corrective action will be taken and the individual making the disclosure will be kept informed of progress. Wherever possible (subject to any third party rights) they will be informed of the resolution.

5.2.7. Records of the investigation will be kept for six years by the Director of Corporate Services. Records will include an official report of the disclosure and the subsequent action taken.

5.3. Notification

5.3.1. Headteachers, REDs and RODs in receipt of a disclosure must notify the Chief Financial Officer within 24 hours of receipt and prior to instigating an investigation.

5.3.2. The Chief Financial Officer in receipt of a disclosure must notify the Chief Executive Officer within 24 hours of receipt and prior to instigating an investigation.

5.3.3. The Chief Executive Officer in receipt of a disclosure must notify the Chair of the Audit & Risk Committee within 24 hours of receipt and prior to instigating an investigation.

5.3.4. Outcomes of all investigations must be reported to the Chair of the Audit & Risk Committee and at the next meeting of the Audit & Risk Committee.

6. Contact with external bodies

- 6.1. This policy is intended to provide a framework for reporting, investigating and rectifying suspected wrongdoing in the workplace. It is designed to support a culture of transparency and accountability where employees feel able to raise concerns about potential illegal or unethical activity.
- 6.2. The law, however, does recognise that in exceptional circumstances, employees have the right to raise concerns directly with bodies and people known as 'prescribed persons'. These include regulatory agencies such as Ofsted and the Education Funding Agency. A complete list of prescribed persons can be found on the Government's website.
- 6.3. Employees are strongly encouraged to seek advice from Public Concern at Work before making a disclosure to an external body.

7. Contact with the media

- 7.1. It will very rarely, if ever, be appropriate for an employee to approach the media with details of suspected wrongdoing. Employees who do so will likely lose the whistleblowing protections given to them by the law and may face disciplinary action, up to and including termination for gross misconduct.

8. Protection for whistleblowers

- 8.1. No employee will suffer detrimental treatment for having raised a concern made in good faith.
- 8.2. If an employee believes they are being subjected to reprisal or victimisation as a result of raising a concern, they should contact the Chief Financial Officer immediately. Action will be taken to protect the employee.

Appendix 1: Procedure for Raising a Whistleblowing Concern

STAGE ONE

Inform –

Disclose the suspected wrongdoing first to:

Academy & regional staff –

- Your Headteacher; or
- Your Regional Operations Director (ROD); or
- Your Regional Education Director (RED).

National staff –

- The Chief Financial Officer.

Response –

You can expect a response detailing to whom the disclosure has been notified and any action taken and an intended timetable for the investigation within **five working days** of the Headteacher, RED, ROD or Chief Financial Officer becoming aware of the disclosure.

Investigations will be carried out in line with the whistleblowing policy.

Escalation –

You may escalate your concern in the following circumstances:

- If the person you should be making a disclosure to is implicated in your whistleblowing concern (i.e. suspected by you of wrongdoing), you may escalate to the next person in the list.
- If the Chief Financial Officer is suspected of wrongdoing, proceed directly to Stage Two.
- If no response is received after five days, you shall be entitled to proceed to Stage Two.

STAGE TWO

Inform –

Disclose the suspected wrongdoing to The Chief Executive Officer.

Response –

You can expect a response detailing to whom the disclosure has been notified and any action taken and an intended timetable for the investigation within **five working days** of the Chief Executive Officer becoming aware of the disclosure.

Escalation –

You may escalate your concern in the following circumstances:

- If the Chief Executive Officer is suspected of wrongdoing, proceed directly to Stage Three.
- If no response is forthcoming after five days, you shall be entitled to proceed to Stage Three.

STAGE THREE

Inform –

Disclose the suspected wrongdoing to the Chair of the Audit & Risk Committee (arc@e-act.org.uk) on behalf of the Board of Trustees.

Response –

You can expect a response detailing to whom the disclosure has been notified and any action taken and an intended timetable for the investigation within **ten working days** of the Chair of the Audit & Risk Committee becoming aware of the disclosure.

Escalation –

You may escalate your concern in the following circumstances:

- If no response is forthcoming after ten days, you shall be entitled to proceed to Stage Four.

STAGE FOUR

If you do not receive a response within the timescales specified above, you shall be entitled to notify a relevant and appropriate body outside E-ACT, which may include:

- the Health and Safety Executive (**HSE**);
- the Environment Agency;
- the Information Commissioner;
- the Department for Education (**DfE**);
- the Department for Business, Innovation and Skills (**BIS**);
- the Police;
- the Charity Commission;
- Ofsted.

Please only escalate to Stage Four if you have followed the other steps in the process.

Contact details and queries

If you are unsure who any of the staff mentioned in the above procedure are, up-to-date staff lists for Headteachers, Regional Team and National Office can be found on Insight [here](#). Email contact details can be found using your Outlook address book.

If you're still not sure who you should be contacting, please email Governance.Team@E-ACT.org.uk – we really want to know if something doesn't feel right to you and will make sure anything you raise with us is dealt with at the right level.

If you have any queries about this procedure, you should contact the Governance Manager.