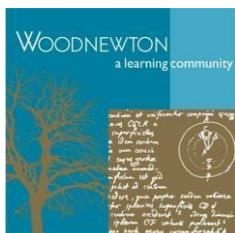




WALLACE TRUST

WHISTLEBLOWING POLICY

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Person Responsible for Policy	HR
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Whistleblowing Policy

Effective date 1st June 2012

1. What is the purpose of this policy?

The Directors and Local Governing Body are committed to the highest standards of openness, probity and accountability. In line with this commitment the Trust encourages workers with serious concerns about an activity in the Trust to voice those concerns. This also applies to concerns about the actions of staff and governors and external organisations in their dealings with the Trust.

This policy is provided as a reference document to outline how issues can be raised internally, and if necessary, outside the management structure of the Trust; it documents our assurance that concerns will be seriously considered and appropriate action taken. Additionally, it:

- provides the basis on which workers can raise serious concerns they may have, and receive feedback on action taken,
- allows workers to take the matter further if they are dissatisfied with the Trust's response, and
- outlines the protection from reprisals or victimisation for 'whistle-blowing' in good faith.

2. What is the policy?

There are existing procedures in place to enable employees to raise grievances about their own employment. This policy is intended to cover concerns that fall outside the scope of individual grievances and relates to both employees and workers. 'Qualifying disclosures' i.e. those which would be raised under this policy, are disclosures of information which a worker reasonably believes to show that one of more of the following is either happening at the present time, took place in the past or is likely to happen in the future:

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health or safety of any individual
- damage to the environment or
- deliberate covering up of information tending to show any of the above five matters.

An employee does not have to raise a grievance in order to make a protected disclosure; however, if the employee intends to raise the matter as a grievance, this intention must be clearly stated.

3. What safeguards are there?

In making the disclosure, a worker must have a reasonable belief that the information disclosed shows one or more of the offences or breaches listed above. The belief need not be correct, but the individual must show that they held the belief and that it was a reasonable belief, in the circumstances, at the time of the disclosure.

Individuals are encouraged to come forward in good faith with genuine concerns in the knowledge that they will be taken seriously. The Directors and Local Governing Body recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. As far as possible the Trust will seek to respect the confidentiality and anonymity of the individual raising the concern and will seek to protect him/her from reprisals. In this regard, the Trust will not tolerate any harassment or victimisation of the individual who has raised the concerns, nor will any attempt to prevent individuals from raising concerns in good faith be acceptable.

4. Confidentiality

The Trust encourages workers to put their name to allegations made. Concerns expressed anonymously are much less powerful as the ability of the Trust to gather crucial information from the complainant is not possible. However, such complaints will be considered at the discretion of the Trust; in exercising this discretion, the factors to be taken account of will include:

- the seriousness of the issue raised,
- the credibility of the concern, and
- the likelihood of being able to confirm that the allegation is from attributable sources
- the ability to trace the source of unfounded or malicious allegations

The Trust will endeavour to protect the identity of workers who raise concerns and do not want their name to be disclosed. It must be appreciated, however, that the investigation and statements made by the worker(s) who raised the issue may reveal the source of the information.

5. How do I raise a concern within the Trust?

The earlier concerns are expressed by workers, the easier it is to take action. As a first step, the Trust encourages workers to initially raise concerns with their Head of Academy/Executive Principal and to allow those Trust staff and governors in positions of responsibility and authority an opportunity to address the issue and seek an explanation for the behaviour or activity. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved.

Workers who feel that they cannot approach their Head of Academy/Executive Principal should approach either:

- ***Chair of the Local Governing Body***

- ***The Trust's HR Advisory Service***

For matters of fraud or malpractice, the CEO of the Trust, should be contacted. If the allegation concerns The CEO, the matter should be reported to the Directors of the Trust..

If the employee so wishes, advice may also be sought from a Trade Union or Professional Association. The employee should consider who would be the most appropriate person to deal with the matter.

Concerns raised under this policy should, where possible, be submitted in writing, setting out the background and history of the concern, giving names, dates and places, and the reason why the individual is concerned about the situation. Workers who do not feel able to put their concerns in writing can telephone or meet the appropriate officer.

Workers may invite their trade union or professional association to raise the matter internally on their behalf.

6. How will the Trust respond?

The action taken by the Trust will depend on the nature of the concern. The matters raised may for example:

- be investigated internally,
- be referred to the Police, or other appropriate body
- be referred to the External Auditor, or
- form the subject of an independent inquiry

In order to protect individuals the Trust will carry out a preliminary investigation to establish the facts of the matter, assess whether the concern has any foundation and whether it can be resolved internally. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or unlawful discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for further investigation.

The preliminary investigation may identify the need to involve third parties to provide further information, advice or assistance; for example, the involvement of other members of Trust staff, legal or personnel advisors, the police, the Department for Education and Skills or other appropriate body.

Records will be kept of work undertaken and actions take throughout the investigation. The investigating officer(s), possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral.

Within 14 working days of a concern being received, the Chair of the Local Governing Body or appropriate Trust Officer will write to the employee who raised the issue:

- acknowledging that the concern has been raised,
- indicating how it is proposed to deal with the matter,

- where possible, giving an estimate of how long it will take to provide a final response, and
- telling the employee whether further investigations will take place, and if not, why not.

The amount of contact between the officers considering the issue and the employee who has raised the issue will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.

When any meeting is arranged with the employee, he or she will be given the right to be accompanied by a trade union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

The Trust accepts that workers need to be assured that the matter has been properly addressed. Thus, subject to legal or contractual constraints, workers will receive appropriate information about the outcomes of any investigations.

Dependent upon the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body.

7. What happens if I am not satisfied with the action?

This policy is intended to provide workers with an avenue to raise relevant concerns within the Trust. If the employee is dissatisfied with the resolution of the matter, or has genuine concerns that the matter has not been dealt with appropriately, these concerns should initially be raised with the investigating officer, the governing body.

Where the concern is of a particularly serious nature, the employee may feel that it is more appropriate to take the matter outside of the Trust. There are a number of bodies which have been prescribed by the Secretary of State for the purpose of receiving disclosures. Again, any disclosure made to a prescribed person must be made in good faith and the worker must believe that the information given and the allegations made are substantially true and ensure that they are not acting for personal gain. Appendix 1 provides details of some of the bodies that have statutory functions and are able to provide authoritative advice and guidance to workers about matters disclosed to them.

If a worker does take the matter outside of the Trust, they must ensure that they do not disclose confidential information which is unrelated to the issue being raised.

In making a disclosure outside of the Trust, workers should be aware that at least one of the following conditions must be met:

- the worker must reasonably believe that he/she would be subjected to a detriment by their employer if the disclosure were made to the Trust.
- In the absence of an appropriate prescribed person, the worker reasonably believed that disclosure to the Trust would result in the destruction or concealment of information about the wrongdoing.
- The worker had previously disclosed substantially the same information to his employer or to a prescribed person.

8. Raising unfounded of malicious concerns

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee. However, if an employee makes an allegation which is malicious, mischievous or vexatious, or makes a disclosure for personal gain, such actions will be considered as disciplinary offences and are likely to result in disciplinary action being taken against the employee.

Whistleblowers making untrue allegations may expose themselves to actions for libel or slander which together make up the civil wrong of defamation. This is a complex area of law. In essence a person puts themselves at risk of being sued for damages if, without justification, they publish or communicate a false statement about someone which may injure his or her reputation in the eyes of ordinary members of society.

However, a whistleblower will not generally be liable provided that they had a legal, moral or social duty or interest in making the statement to a person with a similar interest.

9. Responsible Officer

The Executive Principal has overall responsibility for the maintenance and operation of this policy. That person maintains a record of concerns raised and the outcomes and will report as necessary to the Directors.

10. Review of Procedure

This procedure shall be subject to periodic review and may be changed from time to time.