



WHISTLEBLOWING POLICY

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| Lead | CEO |
| Reviewed by ELG | June 2018 |
| Consultation with Unions | July 2018 |
| Approved by TCT | July 2018 |
| Next Review | July 2021 |

WHISTLEBLOWING POLICY

1. Introduction

- 1.1 *The Collegiate Trust* is a partnership of academies in Crawley and Croydon whose purpose is to build *collaboration to deliver exceptional education*, and whose vision is *exceptional education for all*. This is reflected in our Trust's values: **ambition & collaboration**, as well as in our desired outcomes: **achievement & enjoyment**.
- 1.2 *The Collegiate Trust*, hereafter referred to as the *Trust*, is committed to the provision of high quality services and promoting the highest standards of openness, probity and accountability. Employees and others who have serious concerns about any aspect of the Trust's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage. All suspicions or allegations of malpractice will be investigated in confidence.
- 1.3 It is in the interests of the Trust, employees and the public that wrongdoing is exposed and dealt with effectively. Members of staff are often the first to realise that there may be something seriously wrong within an organisation. In many circumstances, it will be appropriate for staff to raise their concerns informally with the Principal or their Line Manager and this procedure is not intended to discourage this. However, where staff may be cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Alternatively, there may also be circumstances where a member of staff has reported their concern to the Principal or their Line Manager and received an unsatisfactory response. This confidential procedure is intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively.
- 1.4 This procedure seeks to balance safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff and the Trust against uninformed or vexatious allegations which can cause serious difficulty for innocent individuals.

2. Aims of the Procedure

2.1 Aims

- to promote a culture of openness and a shared sense of integrity throughout the Trust by inviting all employees to act responsibly in order to uphold the reputation of the Trust and maintain public confidence.
- to provide safeguards so that members of staff feel able to raise concerns about malpractice – to make a disclosure – within the Trust, without fear of adverse repercussions to the individual and a rapid mechanism for investigation of those concerns.
- to provide feedback on action taken and advice on how to pursue those concerns further if the individuals is not satisfied with the outcome.

2.2 *Malpractice* for the purpose of this procedure, includes the following on the part of another employee, or any other person or persons acting on their behalf:

- Fraud or financial irregularity;
- Corruption, bribery or blackmail;
- Other criminal offences;
- Failure to comply with a legal or regulatory duty or obligation;
- Miscarriage of justice;

- Endangering the health or safety of any individual;
- Endangering the environment;
- Improper use of authority or powers;
- Serious financial maladministration arising from the deliberate commission of improper conduct;
- Unethical or improper conduct or conduct which breaches Trust and/or Academy policies or falling below the standards which the Trust subscribes to;
- Abuse of stakeholders, improper discrimination against or relationship with stakeholders;
- Concealment of any of the above.

3. Application of the Policy

3.1 This policy is intended to tackle genuine concerns of malpractice experienced by:

- an employee of the Trust;
- agency staff and self-employed staff employed on Trust work; or
- the staff of contractors employed on Trust work.

3.2 For the purposes of this procedure, an individual who has grounds to believe that malpractice has occurred, is occurring, or is likely to occur, in connection with the Trust, is referred to as *the Discloser*.

3.3 This Policy does NOT apply to:

- the relationship between employees, their managers and the Directors and/or Local Governing Bodies, for which harassment and bullying or collective dispute procedures are more appropriate.
- concerns and complaints by members of the public.

4. Making a Disclosure

4.1 An individual, who has grounds to believe that the malpractice has occurred, is occurring or is likely to occur in connection with the Trust, should raise their concerns first with the Principal. This may be done orally or in writing. If the individual feels unable for whatever reason to raise the matter with the Principal, then s/he should raise the matter with the Chair of the Local Governing Body (LGB), who will notify the CEO.

4.2 On receipt of the disclosure, the Principal / Chair of the LGB will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Discloser may be accompanied by a local trade union representative or work colleague at the interview. The Principal / Chair of the LGB may also be accompanied by an administrative assistant / clerk to take notes, which will not identify the Discloser (For safeguards in relation to confidentiality, see section 7 below). The purpose of the interview will be for the Principal / Chair of the LGB to:

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice; and
- to consult with the Discloser about further steps which could be taken.

5. Enquiries and Report by Principal /Chair of the LGB

5.1 As soon as practicable after the interview or after the initial disclosure if no interview takes place the Principal / Chair of the LGB should determine their recommendations as to the further steps that should be taken such as:

- a report to the police or other appropriate public authority;
- a full investigation either internally or externally by investigators appointed by the Trust;

- an investigation by the Chair of the Trust. A budget of £2,000 will be available to enable the Chair of the Trust to carry out the investigation. If a larger budget is required the Chair of the Trust will contact the Chief Operating Officer for approval.
- investigation by the Trust's auditors, after consultation with the Trust's Directors (this will be the usual course where there are allegations of financial irregularities);
- action under the Trust's disciplinary, equalities or complaints procedures;
- referral for consideration under other specific procedures (e.g. child protection);
- no further action (the basis for which see below).

5.2 The ground(s) on which the Principal / Chair of the LGB may recommend that no further action are as follows:

- If satisfied that the Discloser has not shown that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- If satisfied that the Discloser is not acting in good faith e.g. if after investigation it appears that the disclosure is wilfully malicious or vexatious, (in which case it may be referred for disciplinary action);
- If the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority;
- If the matter is already, has already been, or should be, the subject of proceedings under one of the Trust's other procedures relating to staff.

5.3 Once it has been decided what further steps (if any) should be taken, the Principal / Chair of the LGB will, where their identity is known, inform the Discloser of the decision. If no further action is proposed, the Principal / Chair of the LGB will give the Discloser the reasons for this in writing.

6. External Disclosure

6.1 It is recognised that in exceptional circumstances, or if dissatisfied after using this procedure, an individual might wish to make a disclosure without using the Trust's procedure. However, individuals considering such a step are advised to take legal advice first.

6.2 They may make an external disclosure:

- on a confidential basis directly with bodies such as the external auditor (see Appendix A), the Multi-Agency Safeguarding Hub (MASH) (See Appendix A) or other appropriate public authority or such person as may be prescribed by the Secretary of State under Section 6 of the Public Interest Disclosure Act 2013. Before taking any such action, the Discloser is encouraged to inform the Principal / Chair of LGB.
- if they have reasonable grounds for believing that disclosure would lead to evidence being concealed or destroyed or that the Discloser will be subjected to a detriment as a result of making the disclosure
- on a confidential basis for the purpose of taking legal advice.

7. Safeguards and Confidentiality

7.1 Any document, report or recommendation prepared by the Principal / Chair of the LGB in relation to the matter will not identify the Discloser, unless:

- the Discloser has consented to this in writing
- there are grounds to believe the Discloser has acted maliciously
- the Principal/Chair of the LGB is under a legal obligation to do so
- the information is already in the public domain
- on a strictly confidential basis, to the Principal/Chair of the LGB's administrative assistant

- on a strictly confidential basis, to a professionally qualified lawyer for the purpose of obtaining legal advice.

7.2 The Principal / Chair of the LGB will ensure that all information relating to the disclosure (including that held electronically) is kept secure so that, as far as practicable, only the Principal / Chair of the LGB and his or her administrative assistant shall have access to it. Disclosers will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague (if any) keep this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain. Where the Trade Union representative needs to discuss the matter with another Union official for advice he/she will be allowed to do so but must keep within the confines stated above.

7.3 The Discloser will not be required by the LGB or Trust, without his or her consent, to participate in any enquiry or investigation into the matter established by the Trust, unless there are grounds to believe that the Discloser may have been involved in the misconduct or malpractice. Where the Discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the Principal / Chair of the LGB detailed above will remain in relation to the identity of the individual as the original Discloser of information.

7.4 The LGB and Trust will not (and it will use all reasonable endeavours to ensure that employees do not) subject the Discloser to any detriment, on the grounds of the Discloser's disclosure of information under this procedure (unless there is proved abuse of this procedure through the making of wilfully malicious or vexatious disclosures). The Discloser should report any complaints of such treatment to the Principal / Chair of the LGB or if the Discloser wishes the Principal / Chair of the LGB to take action in relation to such complaints, the Discloser may be asked to consent in writing to the Principal / Chair of the LGB revealing the Discloser's identity for the purposes of any such action.

8. Feedback

8.1 The CEO will be briefed on the outcome of the investigation and any actions taken. If this creates a conflict of interest, Members will be briefed.

APPENDIX A Guidance for the Principal / Chair of LGB

1. Academy Principals, Line Managers and Chairs of LGB should ensure that employees are aware of this Whistleblowing Policy and know where it can be located.
2. The response to any disclosure in respect of any of the matters set out under *Section 2 Aims of the Policy* in this policy must adhere to the following procedure:
 - take the matter seriously and do not dismiss or belittle the information
 - respect as far as possible the confidentiality of the employee, and adhere to the procedure under *Section 7 Safeguards and Confidentiality* where the employee has specifically asked for confidentiality
 - ensure that the employee understands the *Whistleblowing Policy*
 - offer to interview the Discloser in confidence
 - discuss ways that the employee could be supported
 - investigate the concern objectively, dealing with all parties with sensitivity and tact
 - seek advice from the appropriate external bodies where applicable
 - set out clearly how the concern is to be taken forward
 - ensure that dated notes are made and kept of the process followed, notes of discussions etc.
 - keep the person raising the concern regularly informed about the progress made and outcome of the investigation.
3. If at the conclusion of the investigations the view is that the concern was not raised in good faith, seek further advice from the CEO.
4. Note that if the concern relates to fraud, this must be reported immediately to the Chair of the Trust.

APPENDIX B Contact Details

i. **The Collegiate Trust Auditors**

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Third Floor
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EC1Y 4YX

Tel: +44 (0)330 124 1399

ii. **MASH, West Sussex**

Email: MASH@westsussex.gcsx.gov.uk
Telephone: 01403 229 900
Out of Hours: 0330 222 6664

iii. **MASH, Croydon**

Telephone: 0208 726 6464
Out of hours: 0108 726 640