

Djanogly Learning Trust Confidential Reporting (Whistleblowing) Policy

Department:	Human Resources
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1.0 Policy Statement

- 1.1 Whistleblowing is described by the Government as when a worker reports suspected wrongdoing at work. Officially this is called “making a disclosure in the public interest”. In fact, from 26 June 2013 a new law has been introduced stating that a whistleblower should believe that their disclosure is in the public interest.
- 1.2 Employees and others directly involved in Djanogly Learning Trust (Trust) activities are often the first to realise that there may be something seriously wrong within the Trust or at individual academies. However, concerns may not be expressed because employees feel that speaking up would be disloyal to colleagues or to the Trust. There may also be fear of harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment: employees, governors and others involved with Trust activities and who have serious concerns about any aspect of the Trust’s work, are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.4 The policy applies to all employees, governors, directors and others on Trust site(s), including those contractors working for the Trust, on Trust premises, for example, agency staff, construction workers. It also covers suppliers and those providing services under a contract with the Trust in their own premises. The term “employees” used within the policy covers all these categories.
- 1.5 If a pupil wishes to raise a concern or complaint, the Trust Complaints Procedure should be followed.

2.0 Definitions

‘Manager’ is the generic term used for the direct Line Manager or any other person in a management or supervisory position who has delegated responsibility over the employee.

3.0 Aims and scope

3.1 This policy aims to:

- encourage all employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for employees to raise concerns and receive feedback on any action taken
- ensure that employees receive a response to their concerns and are aware of how to pursue their concerns further if they are not satisfied

- provide reassurance of protection from possible reprisals or victimisation if employees have a reasonable belief that they have made a disclosure in good faith and in the public interest
- 3.2 Employees can report matters they feel aren't right, are illegal or relate to others neglecting their duties, including:
- A criminal offence has been committed, is being committed or is likely to be committed;
 - A person has failed, is failing or is likely to fail to comply with any legal obligation;
 - A miscarriage of justice has occurred, is occurring or is likely to occur;
 - The health and safety of any individual has been, is being or is likely to be endangered;
 - The environment has been, is being or is likely to be endangered;
 - That information tending to show any matter covered above has been, is being or is likely to be deliberately concealed
- 3.3 For employees there are existing procedures in place to enable a grievance to be lodged relating to employment matters. Please refer to the Trust Capability, Disciplinary, Grievance and Appeals Policy.

4.0 Raising a concern

- 4.1 Initially concerns should be raised informally with the line manager. If the concern is about the line manager or the informal concern has not been addressed, the matter should be raised with the Trust's Head of Human Resources.
- 4.2 If the employee feels that the concerns are sufficiently serious then the matter should be raised with the Trust's Chief Executive Officer or with the Trust's Chair of the Board of Trustees (contact details can be found at Appendix 1).
- 4.3 Concerns may be raised verbally or in writing and provide the following information to allow an investigation to proceed effectively: the background and history of the concern (giving relevant dates) and the reason why the employee is particularly concerned about the situation.
- 4.4 The earlier concerns are expressed; the easier it is to take action.
- 4.5 Although employees are not expected to prove beyond doubt the truth of an allegation, the evidence will need to demonstrate to the person contacted that there are reasonable grounds for concern.
- 4.6 Internal advice and guidance on how matters of concern may be pursued can be obtained from the Clerk to the Board of Trustees.
- 4.7 Employees are reminded that if they belong to a trade union they may ask their union representative for support.

5.0 Protection

5.1 Harassment or Victimisation

- 5.1.1 The Trust is committed to good practice and high standards and wants to be supportive of its employees, directors, governors and others associated with it.
- 5.1.2 The Trust recognises that the decision to report a concern can be a difficult one to make but it is important to do your duty to the Trust.
- 5.1.3 The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who have raised a concern in good faith.

5.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that might already affect you.

5.2 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the employee's identity if requested. At the appropriate time, however, employees may need to come forward as a witness.

5.3 Anonymous Allegations

5.3.1 This policy encourages employees to put their name to the allegation whenever possible.

5.3.2 Concerns expressed anonymously are much less powerful and will only be considered at the discretion of the Trust.

5.3.3 In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

5.4 Untrue Allegations

If employees make an allegation in good faith, but it is not confirmed by a subsequent investigation, no action will be taken against the employee. If, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the employee.

6.0 Responding to concerns

6.1 The Trust will respond to employees concerns in a thorough manner to validate concerns in the first instance. The act of investigation does not mean the Trust either accepts or rejects the concerns.

6.2 Where appropriate, the matters raised may:

- be investigated by senior management, or a special committee of the appropriate governing body, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

6.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Trust will have in mind is the public interest.

If the concern is deemed not to be in the public interest but is an employment matter, the employee will be referred to the Trust Capability, Disciplinary, Grievance and Appeals Policy.

6.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken into account before any investigation is conducted.

6.5 Within ten working days of a concern being raised, the responsible person (as outlined in 4.1/4.2 above) will respond:

- acknowledging that the concern has been received
- indicating how the Trust proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- supplying information on relevant support mechanisms, and
- explaining if further investigations will take place and if not, why not

- 6.6 The amount of contact between the person(s) considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information.
- 6.7 Where any meeting is arranged, off-site if the employee requests, the employee can be accompanied by a union representative or another employee who does not have a conflict of interest.
- 6.8 The Trust will take steps to minimise any difficulties which the employee may experience as a result of raising a concern. For instance, if the employee is required to give evidence in criminal or disciplinary proceedings the Trust will arrange for the employee to receive advice about the procedure.
- 6.9 The Trust accepts that the employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Trust will inform you of the outcome of any investigation.

7.0 Further Action

- 7.1 This policy is intended to provide employees with an avenue within the Trust to raise concerns. The Trust hopes employees will be satisfied with any action taken but if the employee is not satisfied, the employee has the right to raise the matter with the individual organisation's head. If the individual organisation's head has been involved, then the concern can be submitted to the Trust's Chief Executive Officer. If the Chief Executive Officer has been involved, the concern can be raised (via the Clerk) with the Chair of the Board of Trustees.
- 7.2 If the employee is still not satisfied the employee has the right to take the matter outside the Trust. Possible contact points can be found in Appendix 1

Appendix 1

Trust Contact Points

Chief Executive Officer – Mr Mark Mallender
Telephone: 01159421286
Email: m.mallender@djanogly.org

Chair of Board of Trustees – Mr Tim Slade
Telephone: 01159421207
Email: c/o Clerk to the Board – j.parker@djanogly.org

Possible External Contact Points

- the Department for Education
- the external auditor Smith Cooper (0115 945 4300)
- an appropriate trade union
- local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- The charity Public Concern at Work telephone 020 7404 6609 or email helpline@pcaw.co.uk (a relevant voluntary organisation)
- the police