



## **WHISTLEBLOWING POLICY**

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## **DELTA ACADEMIES TRUST**

### **WHISTLEBLOWING POLICY**

#### **1. INTRODUCTION**

- 1.1 Delta Academies Trust is committed to achieving the highest possible standards of service and ethical standards.
- 1.2 Whistleblowing is the reporting by workers/employees or ex-worker/employees, of certain types of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law, child safeguarding concerns or any other illegal or unethical act on the part of the Board of Directors, management, the Academy Advisory Body (AAB) or by fellow employees.
- 1.3 The wrongdoing disclosed must be in the public interest, which means it must affect other people, for example the general public.
- 1.4 Some examples of malpractice or illegal or unethical practice that may be reported under the Whistleblowing Policy include:
- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
  - A miscarriage of justice has been/is likely to occur
  - The health or safety of any individual has been/is likely to be endangered
  - The environment has been/is likely to be damaged
  - Public funds are being used in an unauthorised manner
  - The Academy's AAB arrangements have or are not being observed
  - Sexual or physical abuse of any employee or student is taking place (subject to the Safeguarding Procedure in the case of children)
  - Discrimination is occurring to any member of staff or student as defined within the Equalities Act 2010 (where it has not been successfully addressed through the Harassment and Bullying Policy)
  - Any other form of improper action or conduct is taking place
  - Public examination maladministration
  - Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.
- 1.5 A whistleblower is protected by law and will not be treated unfairly because they have 'blown the whistle'.
- 1.6 This policy does not remove a worker/employees' rights to raise their concerns directly with the Police, or other external body, if they become aware, or suspect, illegal activity is taking place within the Trust, including the abuse of a child or children. Nor does this policy negate the statutory rights of a worker/employee. However, worker/employees would be encouraged to also raise this with someone at an appropriate level within the Trust so that we are able to offer

full co-operation to the Police. In the case of child safeguarding this matter should be referred to the Academy's Designated Safeguarding Person (the Academy's Child Protection and Safeguarding Policy can be found on the Academy's website).

- 1.7 The Trust has prepared this Policy so as to enable workers/employees to raise their concerns about such malpractice(s) at an early stage and in the right way. The Trust would rather that workers/employees raised the matter when it is just a concern rather than wait for concrete proof.
- 1.8 If something is troubling a worker/employee, which they think the Trust should know about or look into, please use this policy. If, however, the worker/employee is aggrieved about their personal position, the Grievance Policy should be used. This Whistle Blowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.
- 1.9 At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals attending meetings/hearing.
- 1.10 The Public Interest Disclosure Act (PIDA) 1998 provides protection to workers who raise concerns about serious fraud or malpractice at their place of work by making a protected disclosure. Qualifying disclosures can cover criminal offences, failing to comply with legal obligations, miscarriages of justice, health and safety and environmental risks. 'Worker' has a wider meaning in the case of whistleblowing. In addition to employees, it covers agency workers, contractors and those in training.
- 1.11 The Trust is committed to be compliant with the Bribery Act 2010. The Trust actively encourages a culture of honesty and openness and therefore all employees are required to bring up to their Manager or other designated person any issue that, in the employee's opinion, might constitute bribery or corruption.
- 1.12 The Trust has noted the requirements of the Modern Slavery Act 2015 (the "Act"). We are determined that there shall be no modern slavery or human trafficking in Delta Academies Trust. Our policies evidence our commitment to act ethically and with integrity throughout our organisation. A report of concern in relation to those matters can be made under the protection of the whistleblowing policy.

## **2. AIMS OF THE WHISTLE BLOWING POLICY**

2.1 The Policy aims to:

- Encourage workers/employees in the Trust and its academies to feel confident in raising serious concerns and to question and act upon their concerns;
- Establish a fair and impartial investigative procedure;
- Provide ways for employees in the Trust and its academies to raise those concerns and get feedback on any action taken as a result;
- Ensure that workers/employees in or working in the Trust and its academies get a response to their concerns;
- Ensure that workers/employees working in the Trust and its academies are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure workers/employees in the Trust or its academies that if they raise any concerns in

good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation. These assurances are set out in Section 4 below.

2.2 It is not intended to be used where other more appropriate procedures are available, for example:

- Grievances – (see Grievance Policy and Procedure)
- Harassment or Discrimination – (see Harassment and Bullying Policy and Procedure)
- Child Safeguarding - (see Child Protection and Safeguarding Policy)
- Parental Complaints (Complaints Policy and Procedure).

### **3. THE SCOPE OF THE POLICY**

3.1 This policy may be used by all worker/employees of the Trust. The term worker/employee broadly includes employees, contractors, agency worker/employees, trainees, volunteers and a person who is or was subject to a contract to undertake work or services for the Trust. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employees secondment, can also be raised under this Policy.

3.2 Academy AAB members and Trust Board members may also use this policy to raise concerns.

3.3 If, in the course of employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use the Trust's disclosure procedure set out below:

- 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 to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- A health and/or safety concern of any individual has been, is being or is likely to be deliberately concealed
- Significant failure or breach of child protection policies / procedures
- The environment has been, is being or is likely to be damaged
- Information tending to show any of the above is being, or is likely to be deliberately concealed
- The Trust or any associated person has been, is being or is likely to be receiving or offering bribes
- Any foreign official has been, is being or is likely to be bribed or offered facilitation payment by the Trust or any associated person.

## **4. ASSURANCES TO WORKER/EMPLOYEES**

### **4.1 To ensure worker/employees have the right to disclose a concern**

4.1.1 Workers/employees have the right to disclose a concern/issue if the Trust does not deal with a matter they have raised. However, the duty of fidelity is implied by the law in every contract of employment and prohibits workers/employees from disclosing employers' confidential information, unless it is the public interest that information is disclosed or unless the Trust fails to properly consider or deal with the issue.

### **4.2 To protect and safeguard workers/employees**

4.2.1 If a worker/employee makes a disclosure, either internally or externally, on one or more of the matters listed in this policy and they have a reasonable belief that the concern is real and they are acting in good faith, the worker/employee will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers/employees who raise a concern in good faith.

4.2.2 If a worker/employee requests that their identity is protected, the Trust will not disclose it unless required to do so in law. Confidentiality cannot always be guaranteed in the case of child protection / safeguarding concerns. If the situation arises where the Trust is unable to resolve the concern without revealing the worker/employee's identity (for instance because the worker/employee's evidence is needed in court), the Trust will discuss with the worker/employee how the matter should proceed. However, it must be stated that if a worker/employee chooses not to disclose their identity it will be much more difficult for us to look into the matter or to protect your position or to give the worker/employee feedback. Accordingly, while we consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

4.2.3 No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation. However, this policy does not provide protection to workers/employees who disclose information to the media or the press under the guise of 'Whistleblowing'. It is important that if the worker/employee has a genuine concern, you follow the stages of this policy to ensure its resolution.

4.2.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee/worker.

4.2.5 Help will be provided to the worker/employee in order to minimise any difficulties, which the worker/employee may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with the worker/employee and the worker/employee has the right to be represented, if the worker/employee so wishes.

## **5. HOW SHOULD A CONCERN BE RAISED?**

5.1 If the worker/employee is unsure whether to use this Whistle Blowing Policy or the worker/employee wants independent advice at any stage, the worker/employee is advised to contact:

- If applicable the workers/employees relevant trade union; or
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give the worker/employee confidential advice at any stage about how to raise a concern about serious malpractice at work.

5.2 As soon as the worker/employee becomes reasonably concerned, the worker/employee should firstly raise the issue either orally or in writing with the worker's/employee's line manager or Academy Principal/Head of Academy (unless she/he is the potential transgressor, in which case write to one of the following individuals:

- Chief Executive
- Executive Leadership Team
- Chief Finance and Operations Officer
- Chief Compliance Officer
- Human Resources Director
- Chair of the Delta Trust Board

All of the above individuals are contactable at Delta Academies Trust, Education House, Spawd Bone Lane, Knottingley, Wakefield WF11 0EP, marking your correspondence 'confidential'.

In cases where a member of senior staff / Board of Directors is suspected of impropriety or behaviour in line with one or more of the areas set out in this policy (section 3), the employee should make the disclosure to a prescribed person rather than the employer for an independent investigation to be completed. A list of prescribed persons and bodies can be found on the Department for Business, Innovation and Skills website.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/222517/dg\\_17\\_7605.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/222517/dg_17_7605.pdf)

## **6. HOW WILL THE TRUST RESPOND?**

6.1 Once the worker/employee has reported their concern, an investigating officer (someone who has no previous involvement) will be appointed who will look into it to assess initially what action should be taken. They will aim to interview the worker/employee within 10 working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury or illegal activity that needs immediate Police involvement. They will:

- Obtain as much information as possible from the worker/employee about the grounds for the belief of malpractice;
- Consult with the worker/employee about further steps which could be taken;
- Inform the employee of appropriate routes if the matter does not fall within the Whistleblowing Procedure;

- Report all matters under this procedure to the appropriate member of the Executive Leadership Team or member of the Board.

6.2 At this meeting the worker/employee may be accompanied by a trade union representative or a work colleague. There may also be a notetaker present at the meeting.

6.3 Within ten working days of the above meeting the investigating officer will recommend to the Chief Executive Officer one or more of the following:

- The matter should be investigated within the Trust's internal procedures;
- The matter should be investigated by the external auditors or other independent advisors appointed by the Trust;
- The matter should be reported to an external agency e.g. DfE, ESFA, exam board;
- The matter should be reported to the Police;
- The matter should be reported to the Local Authority Designated Officer.

However, please note that this list is not exhaustive.

6.4 The grounds on which no further action is taken may include:

- The investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The investigator is satisfied that the concern has not been raised in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the DfE or other public authority.

6.5 Usually, within ten working days of a concern being raised, the investigating officer will write to the person raising the concern:

- Confirming that the concern has been investigated (or a timescale for this if complex);
- Confirming (where appropriate) what action the Trust intends to take;
- Supplying information on support available to you.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

## **7. HOW CAN A CONCERN BE TAKEN FURTHER?**

7.1 Worker/employees of the Trust and its academies who are not satisfied, at any stage of the process, with the action taken by the Trust and feels it right to question the matter further, may consider the following possible contact points:

- The employee's Trade Union
- The Citizens Advice Bureau and/or law centre/firm



- ACAS (Advisory, Conciliation and Arbitration Service)
- Whistleblowing Charity 'Public Concern at Work
- Relevant professional bodies or regulatory organisations (e.g. exam boards)
- The Information Commissioner
- A relevant voluntary organisation
- The Police
- The Health and Safety Executive
- The Local Authority Designated Officer or Safeguarding Children's Board
- Ofsted
- The Education and Skills Funding Agency
- The Department for Education
- Action Fraud
- Her Majesty's Revenues and Customs (HMRC).

Please note that this list is not exhaustive. A case can be taken to an employment tribunal if you feel you have been treated unfairly because you have 'blown the whistle'.

## **8. WHISTLEBLOWING AND CHILD PROTECTION / SAFEGUARDING**

8.1 All staff and volunteers in our academies must comply with 'Keeping Children Safe in Education' 2019, which includes taking action to protect a child who may be at risk of harm or in need of services, and to make appropriate referrals to children's social care. Any member of staff should press for re-consideration if they believe a child is not being safeguarded. Safeguarding issues raised by a whistleblower will be handled in line with the relevant LSCB child protection procedures.

8.2 This section should be read in conjunction with:

- The Academy's Child Protection and Safeguarding policy & procedures
- Delta Trust 'Dealing with Allegations against Staff' policy
- The relevant LSCB procedures <https://www.barnsley.gov.uk/services/children-families-and-education/safeguarding-families-in-barnsley/safeguarding-children-in-barnsley/barnsley-safeguarding-children-partnership/>
- Keeping children safe in education (DfE 2019)
- What to do if you're worried a child is being abused (DfE 2015).

### **8.3 Concerns about a child**

8.3.1 In the first instance, the person with the concern should discuss this with the Designated Safeguarding Lead – action may already have been taken and/or the designated staff may have sought confidential advice from partner agencies such as children's social care or the police. If the individual is not satisfied with the outcome of this discussion, they should report

their concerns to the Principal/Head of Academy or the nominated safeguarding AAB member.

8.3.2 If the individual still has concerns about the safety or welfare of the child, they should follow the process described in the Safeguarding Policy and follow the Four R's process, details of which can be found on the back of all staff identity badges, and are included in the Safeguarding Policy with contacts listed in Appendix A of the policy. For the avoidance of doubt the Four R process requires the following:

- **R** – refer to Designated Safeguarding Lead
- **R** – request an update of action from Designated Safeguarding Lead
- **R** - if concerns remain report concerns to the following: email [safeguarding@deltatrust.org.uk](mailto:safeguarding@deltatrust.org.uk) or telephone a member of the Trust Executive Leadership Team
- **R** – ring social care (contact details can be found in the Safeguarding Policy or on the Local Authority website).

8.3.3 Other referral processes could involve contacting:

- Delta Trust HR manager
- The person with responsibility for safeguarding at Board level
- The relevant Local Authority Designated Officer (LADO) – Ruth Holmes, 01226 772341
- If the incident or concern is so serious as to warrant a police investigation, or a child has been placed at immediate risk of harm, the Police.

8.4 Any professional with concerns about child protection or safeguarding can also contact the NSPCC whistleblowing helpline on 0800 028 0285.

8.5 If the child is in danger or at immediate risk of harm, anyone can make a referral to children's social care, please telephone 01226 772423. The Designated Safeguarding Lead should be informed as soon as possible that a referral has been made.

## 8.6 **Concerns about a colleague / adult in school**

8.6.1 This relates to concerns that a member of staff, volunteer or other adult in school may have harmed a child/children or behaved in a way that suggests they may be unsuitable to work with children. In line with the Trust 'Dealing with Allegations Against Staff' policy, anyone who has concerns about the behaviour of another adult in school should report this to the Designated Safeguarding Lead and Principal/Head of Academy in the first instance, unless the concern relates to one of those individuals.

8.6.2 Concerns about the Designated Safeguarding Lead should be reported to the Principal/Head of Academy. If the allegation or concern relates to the Principal/Head of Academy - or there is reason to believe that the Principal/Head of Academy is not taking the appropriate action/the individual does not believe their concerns are being taken seriously - they should email [safeguarding@deltatrust.org.uk](mailto:safeguarding@deltatrust.org.uk) or telephone a member of the Trust Executive Leadership Team.

## **9. REVIEW**

This policy will be reviewed by the Trust in conjunction with the recognised Trade Unions annually, or earlier if there are changes to the relevant legislation.