



Middlesex Learning Trust

Whistleblowing Policy

Approved by Trustees on 14 May 2018

Introduction

Middlesex Learning Trust [The Trust] is committed to the highest possible standards of operation, probity, openness, honesty, integrity and accountability. As part of this commitment the Trust wants to ensure that, any activity which falls below these standards is reported to the individual school so that it can be dealt with promptly.

Employees are often the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear 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. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

This policy document makes it clear that you can act without fear of victimisation or subsequent discrimination. It is intended to encourage and enable employees to raise serious concerns within The Trust rather than overlooking a problem or 'blowing the whistle' outside.

Additionally:

- This policy applies to all employees and those contractors working for the trust, for example, agency staff. It also covers governors, and trustees, suppliers and those providing services under a contract with the school, for example, cleaning and catering staff
- This policy is in addition to The Trust's Complaints Procedures.
- This policy does not form part of any employee's contract of employment and it may be amended at any time.

- Allegations of child abuse against teachers and other staff and volunteers is be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges

- This policy should be read alongside the following policies:
 - Charging
 - Complaints
 - Financial Leadership
 - Fraud
 - Gifts and Hospitality
 - Register of Business Interests
 - Reimbursement of Expenses
 - Safeguarding and Child Protection

A. Aims and scope of this policy

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns
- Provide for the matter to be dealt with quickly and appropriately
- Ensure that concerns are taken seriously and treated consistently and fairly
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied with the response
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

A **whistleblower** is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) s/he should report it under this policy

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees

- damages to the environment
- the unauthorised use of public funds
- possible fraud, corruption or mismanagement
- sexual or physical abuse
- other unethical conduct
- failure to comply with any legal or professional obligation or regulatory requirements
- bribery
- negligence
- conduct likely to damage our reputation
- unauthorised disclosure of confidential information
- public examination fraud
- the deliberate concealment of any of the above matters

Any serious concerns that you have about any aspect of The Trust or the conduct of trust employees or others acting on behalf of the trust can be reported under this Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the trust subscribes to;
- is against any trust policy
- falls below established standards of practice
- amounts to improper conduct.

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated

This policy should not be used for complaints about an employee's personal circumstances, such as the way s/he has been treated at work. In these cases an employee should use The Trust's Grievance Procedure. If the matter relates to salary, the salary review procedures documented in The Trust's Pay Policy.

B. Safeguards

The Trust recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those employed by The Trust.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Anonymous Allegations

Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Local Governing Body. In exercising the 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

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness but this will be discussed with you before your name is disclosed.

However, this policy encourages you to put your name to your allegation whenever possible as concerns expressed anonymously are much less powerful. An anonymous allegation will be considered at the discretion of the Headteacher and Chair of the Local Governing Body.

Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to you and you will be told that the Governing Body deemed the matter to be concluded and that you should not raise the matter again unless new evidence becomes available.

C. How to raise a concern (See Appendix 1)

- The earlier you express your concern, the easier it is to take action
- You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns

- As a first step, you should normally raise concerns with your immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice
- If you believe that your manager is involved then you should approach the Headteacher or the Chair of the Local Governing Body
- If you believe the Headteacher is involved you should approach the Chief Executive Officer
- If you believe the Chief Executive Officer is involved you should approach your Headteacher who will approach the Chair of Trustees. If however, you believe your Headteacher is also involved you should approach the Chair of Trustees direct
- If you believe the Chief Executive Officer and the Chair of Trustees is involved you can raise your concerns outside of the school – as stated in paragraph E
- You may invite your trade union or a friend ('companion') to be present during any meetings or interview in connection with the concerns you have raised or to raise the matter on your behalf. Your 'companion' must respect the confidentiality of the disclosure and any subsequent investigation.
- Concerns are better raised in writing. You should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation
- If you do not feel able to put the concern in writing, you should telephone or meet the appropriate person (as above)
- It is important that, however your concern is raised, you make it clear that you are raising the issue via the whistle-blowing procedure
- Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that you have sufficient grounds for the concern

The Role of Senior Managers (Line Manager on the Senior Team) – (See Appendix 2)

A Senior Manager will be informed about your concern(s) and that you are "blowing the whistle" within the procedure in person; or in writing or over the phone.

The Senior Manager will respond immediately by arranging to meet with you to discuss the concern(s) as soon as possible.

Stage One:

At the initial meeting the Senior Manager will establish that:

- there is genuine cause and sufficient grounds for the concern
 - the concern has been appropriately raised via the Whistle-blowing Policy.
- The Senior Manager will ask you to put your concern(s) in writing, if you have not already done so.

- If you are unable to do this the senior manager will take down a written summary of your concern/s and provide you with a copy after the meeting.
- The Senior Manager will make notes of the discussions with you.
- Your letter and/or senior manager's notes should make it clear that you are raising the issue via the whistle-blowing procedure and provide:
 - the background and history of the concerns
 - names, dates and places (where possible)
 - the reasons why you are particularly concerned about the situation
- You will be asked to date and sign their letter and/or the notes of any discussion.
- The Senior Manager will positively encourage you to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- The Senior Manager will follow the policy as set out above and in particular explain to you:
 - that the matter will be taken seriously and investigated immediately
 - what steps they intend to take to address the concern
 - that your identity will be protected as far as possible, but should the investigation into the concern require you to be named as the source of the information, that this will be discussed with you before your name is disclosed
 - who you may need to speak to in order to determine the next steps (e.g. Headteacher)
 - how they will communicate with you during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving you specific details of any necessary investigation or any necessary disciplinary action taken as a result and that you will receive a written response within ten working days
 - that the Local Governing Body will do all that it can to protect you from discrimination and/or victimization: that if your concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against you
 - if clear evidence is uncovered during the investigation that you have made a malicious or vexatious allegation, disciplinary action may be taken against you
 - the investigation may confirm your allegations to be unfounded in which case the Local Governing Body will deem the matter to be concluded unless new evidence becomes available.

Stage Two:

Following the initial meeting with you, the Senior Manager will consult with the Headteacher or Chair of the Local Governing Body (or the appropriate person as per

the list above) to determine whether an investigation is appropriate and, if so, what form it should take. A record will be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers will take the following factors into account:

- the seriousness of the issue(s) raised
- the credibility of the concern(s)
- the likelihood of confirming the allegation(s) from attributable sources

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry
- where any meeting is arranged off site if you so wish, you can be accompanied as a result of raising a concern and receive advice if necessary

Senior Managers will have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

Stage Three:

Within ten working days of a concern being received, the manager receiving the concern (stage 1) must write to you:

- acknowledging that the concern has been received
- indicating how they propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- telling you whether further investigations will take place, and if not why not
- letting you know when you will receive further details if the situation is not yet resolved

D. The Responsible Officer

- The Chief Executive Officer has overall responsibility for the maintenance and operation of this policy across The Trust and will keep the trustees informed
- Trustees will review and update the policy regularly

- The CEO must be kept informed of any allegations by the Headteachers of individual schools or by the Chairs of the Local Governing Body.
- The CEO will maintain a record of any concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Chair of Trustees, and if required the ESFA.
- If the concern is about the CEO the Chair of Trustees will act as the Responsible Officer.

E. Raising Concerns Outside the School

This policy is intended to provide you with an avenue within the trust to raise concerns. The trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the trust, the following are possible contact points:

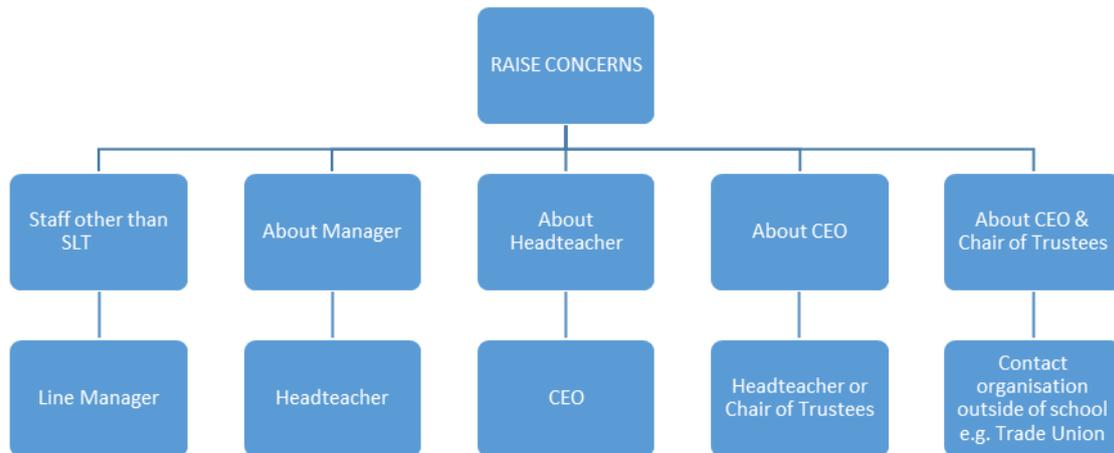
- 'Public Concern at Work'* - Tel: 0207 404 6609
- Your Trade Union
- Relevant professional bodies or regulatory organisations
- The Department for Education
- The Education Funding and Skills Agency
- The Trust's insurers – see MLT website for information
- The Trust's legal advisers Browne Jacobson see MLT website for details
- The Trust's auditor – see MLT website for details
- The Police
- Your local MP
- Your local Citizens Advice Bureau

If you do take the matter outside the trust, you should ensure that you do not disclose confidential information.

**Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 from 8.00am – 8.00pm Monday – Friday or email help@nspcc.org.uk

Appendix 1 – Raising Concerns – Flow Diagram



Appendix 2 – Response of Senior Raising Concerns – Flow Diagram

