

# Whistleblowing Policy



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Version Number	Date issued	Author	Update information
1.0	12/12/2017	H Fox	First Published Version
V1.1	31/12/2018	N McDermott	Typographical updates. Policy reviewed with no changes.
V1.2a	10/01/2020	N McDermott	Policy sections updated. Updated links. Updated to reflect scheme of delegation. Addition of S8. Clarification of Lead Officers' role. Union consultation.
V 1.3	23/09/2020	J Lake	Addition of Section 6 'When to contact the LADO'.

## 1 Introduction

- 1.1 The Dartmoor Multi Academy Trust is committed to achieving the highest possible standard of service and ethical standards and this policy enables employees to raise concerns of serious wrongdoing without fear of reprisal.
- 1.2 This policy applies to all individuals working for Dartmoor Multi Academy Trust at all levels and grades, whether they are employees, contractors, and casual or agency staff. This policy does not form part of any employee's contract of employment and it may be amended at any time. The Trust may also vary any time limits as appropriate.
- 1.3 The Whistleblowing policy provides a framework for concerns to be raised about wrongdoing in Dartmoor Multi Academy Trust schools, such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the local academy committee or by fellow employees. It is not intended as recourse against financial or business decisions made by the school.
- 1.4 The Whistleblowing policy is designed to sit alongside the Trust's Grievance Policy and Complaints Policy. As a guideline, Employment related issues should be raised through the Grievance Policy and Procedure. The Trust Complaints Policy can be used for complaints about governors/members or trustees and by individuals who are not employed by the Trust.
- 1.5 This policy has been introduced in line with the Public Interest Disclosure Act 1998, enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The Trust recognises and endorses the role which trade unions and their officers play in this process.
- 1.6 This policy is provided following consultation with trade unions/professional associations and will apply to all employees. This policy is also for the Trustee Board to consider for adoption. Should the Trustee Board wish to make changes to this Policy, the required consultation must be undertaken with the County Officers of the recognised trade unions/professional associations.

## 2 Aims

- 2.1 Employees are often the first to realise that something seriously wrong may be happening within the workplace. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the school/Trust or because they fear harassment or victimisation. The Trust's commitment to employees who whistle-blow aims to:
- 2.1.1 Encourage workers to feel confident in raising concerns. The Trust considers it a professional duty for employees to make a disclosure where they are aware of or strongly suspect wrongdoing.
  - 2.1.2 Establish a consistent, fair and impartial investigative procedure
  - 2.1.3 Provide avenues for workers to raise concerns and receive appropriate feedback. Employees making a disclosure are entitled to seek the advice and support of their Trade Union or professional association if they wish.
  - 2.1.4 Ensure that workers receive a response to concerns and are aware of how to pursue them if they are not satisfied.
  - 2.1.5 Ensure that workers will be protected from any reprisals or victimisation by the Trust.
  - 2.1.6 Protect workers from malicious or vexatious allegations.
  - 2.1.7 All cases of whistleblowing will be brought to the attention of the Trust's Internal Auditor and the Trustees who sit on the Trust's Risk and Audit Committee.

## 3 What to raise concerns about

- 3.1 Whistleblowing is the disclosure of information which, in the reasonable belief of the whistle blower, is made in the public interest. Whistleblowing disclosures tend to show that one or more of the following has occurred, is occurring or is likely to occur:
- a) a criminal offence (this may include, for example, types of financial impropriety such as fraud)
  - b) a breach of a legal obligation
  - c) a miscarriage of justice
  - d) danger to the health or safety of any individual
  - e) damage to the environment
  - f) deliberate covering up of wrongdoing in the above categories
- 3.2 Particular concerns that may fall within the terms of this policy include, for example, breach of a code of conduct, wilful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that disclosure will most likely relate to the actions of employees, contractors, and casual or agency staff, but they may also relate to the actions of a third party.

## 4 Safeguards

### 4.1 Harassment or Victimisation

- 4.1.1 The Dartmoor Multi Academy Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.
- 4.1.2 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you. If allegations of malpractice

arise during a disciplinary process, those allegations will be investigated at the same time as the disciplinary procedure.

- 4.1.3 The Trust is committed to ensuring that any employee who makes an allegation in good faith suffers no detriment from doing so and that their disclosure will not affect their position at work.

## 4.2 Confidentiality

- 4.2.1 All concerns will be treated in confidence and the Trust will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.
- 4.2.2 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Trust against the following criteria;
- the seriousness of the issues raised
  - the likelihood of confirming the allegation from attributable sources
  - the Trust's best interests
  - the protection of the Trust's assets.
- 4.2.3 If you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and to provide you with feedback. For this reason, where you wish to raise your concerns anonymously, this may best be done through your trade union.
- 4.2.4 Subject to the Trust's Data protection obligations, employees making a disclosure will receive feedback about the outcome of their disclosure.

## 4.3 Untrue Allegations

- 4.3.1 If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

# 5 How to Raise a Concern

- 5.1 Concerns may be raised with the Headteacher <sup>1</sup> of your school, a member of the Trust Executive Leadership Team (CEO, Vice CEO, CFOO), the Chief Executive Officer, HR Portfolio Lead, or the Trustee appointed as Chair of the Audit Committee. If you are a member of a Trade Union or Professional Association you may consider it useful to contact them for advice at the earliest opportunity.
- 5.2 To ensure that allegations are considered consistently, the individual receiving the concern will be referred to as the 'lead officer' throughout the remainder of the policy. The Lead Officer will ensure that the concern is properly investigated.
- 5.3 If the allegations arise from a disciplinary matter, they will be investigated as part of a disciplinary investigation.
- 5.4 Alternatively, if you feel you cannot express your concerns as detailed above, you can raise your concern(s) externally to one of the bodies listed on the 'List of prescribed persons and bodies'.

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<sup>1</sup> This policy applies to all Dartmoor Multi Academy Trust staff. Appropriate substitutions will be made to accommodate differences in organisational structures across DMAT and head office. For example, references to 'Headteacher' may be replaced with Executive Headteacher or Principal. For Trust Central Delivery teams, all references to the principal are replaced with the CEO and all reference to the senior leadership team is replaced by the senior team.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- 5.5 Where the concern relates to a **child protection matter** and you do not wish to raise it via the school, you should inform the Local Authority Designated Officer for Safeguarding (see Section 6). If the concern requires Police or other agency/authority involvement, the whistleblowing process will be stopped until the relevant agencies have completed any necessary investigations and confirmed that it is appropriate to continue with the Whistleblowing procedure.
- 5.6 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record.
- 5.7 Although you are not expected to prove the truth of your allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 5.8 You may wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

## 6 What should be referred to the LADO?

**The LADO should be alerted to all cases in which it is alleged that a person who works with children has:**

- behaved in a way that has harmed, or may have harmed, a child
- possibly committed a criminal offence against children, or related to a child
- behaved towards a child or children in a way that indicated they may pose a risk of harm to children.

Allegations of historical abuse should be responded in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

Any concern that meets the criteria above should be referred **within one working day** of the concern coming to your attention. You can do this by [completing the notification form here](#).

Initially, it may be unclear how serious the allegation is. If there is any doubt, you should contact the LADO or lead person for safeguarding in your agency for advice. For information about what to do when concerns come to your attention please see [advice for organisations guidance](#).

How to contact the LADO

If you need to contact Devon's LADO, please consider all the guidance for organisations first.

For **any** requests for advice, please complete the [notification form](#) or telephone [01392 384964](tel:01392384964) or email [childsc.localauthoritydesignatedofficersecure-mailbox@devon.gov.uk](mailto:childsc.localauthoritydesignatedofficersecure-mailbox@devon.gov.uk) for a notification form.

This is to ensure the LADO has all of the information available to them, any advice you receive is recorded and prevents the LADO from being open to misinterpretation of advice.

### [Whistleblowing Advice Line](#)

The Whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation.

Call [0800 028 0285](tel:0800 028 0285), email [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or find out more about the Whistleblowing Advice Line.

## 7 How the Trust will respond

- 7.1 The action taken by the school will depend on the nature of the concern. After initial enquiries to assess the seriousness, the matters raised may;
- Be investigated by the school leadership, internal audit or through the disciplinary process
  - Be referred to the Police
  - Be referred to external auditors
  - Need to be the subject of a referral to the National College for Teaching and Leadership
  - Form the subject of an independent enquiry
- 7.2 If urgent action is required in response to a concern this may be taken before a full investigation is conducted.
- 7.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.
- 7.4 Within **five working days** of a concern being received, the school will write to you, in confidence, at your home address to:
- acknowledge that the concern has been received
  - indicate how it proposes to deal with the matter
  - tell you whether any initial enquiries have been made
  - tell you whether further investigation will take place, and if not, why not
  - give an estimate of how long it will take to carry out the investigation
  - give an estimate of when the final report will be completed
  - where appropriate, name an independent Support Officer to support you during any investigation.
- 7.5 Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contact and explain their role to you, which is to:
- keep you informed about the progress of the investigation
  - inform the Lead Officer of any further issues you may have
  - raise any concerns you may have about the conduct of the investigation
  - take appropriate steps to support you in the workplace
  - support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern.

- 7.6 If you wish to retain your anonymity you will need to nominate a representative and/or a contact address where correspondence may be directed in order to keep you informed.
- 7.7 The amount of contact between Lead Officers and you 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 you.
- 7.8 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the school).
- 7.9 The investigation will be concluded within **20** working days. Where the Lead Officer believes the investigation will take longer due to the nature of the investigation, they must let you know in writing. The Lead Officer must keep you fully informed of the progress of any investigation.

## 8 Outcome

- 8.1 The Trust accepts that you need to be assured that the matter has been properly addressed. Accordingly, subject to legal and/or confidentiality constraints, the Lead Officer will ensure that you are invited to an outcome meeting. The Lead Officer will present the report on the investigation and the recommended outcome in front of a panel of Trustees. You have the right to be accompanied.
- 8.2 The grounds on which no further action is taken may include:
  - a) The Lead Officer is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
  - b) The matter is already (or has been) the subject of proceedings under one of the school's other procedures or policies;
  - c) The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority.

## 9 How the matter can be taken further

- 9.1 This policy is intended to provide you with a way to raise concerns within the school. If you are not satisfied with the outcome, you have the right of appeal to a panel made up of personnel different to the original panel.
- 9.2 If you are not satisfied, you may also raise the matter with one of the following contact points;
  - relevant professional bodies or regulatory organisations
  - your trade union or professional association
  - your solicitor or legal adviser
  - the Police
  - the Local Government Ombudsman
  - the Health and Safety Executive
  - 'Public Concern at Work' – Registered Charity

## 10 Monitoring and Review

- 10.1 The Lead Office will report all matters raised under this procedure to the CFOO who acts as the Monitoring Officer.
- 10.2 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. They ensure that a central record is kept in such a way as to not endanger confidentiality. It is their duty to ensure that the Trust acts lawfully.
- 10.3 The Monitoring Officer will ensure that, throughout the process and when the process is completed:
  - a) A record of all concerns raised under this policy is maintained;
  - b) The outcomes of any investigations are communicated to you by the Lead Officer;
  - c) The outcome is reported to the Trustees as necessary.
- 10.4 This policy will be reviewed every **two** years in consultation with the recognised trade unions.