



Whistle Blowing Policy

Mercian Educational Trust

Inspire to Aspire

Responsibility:- Trustees Board

Agreed on:- November 2023

Signed:- _____

To be reviewed: November 2026

AMENDMENTS TO POLICY

<i>Item</i>	<i>Location</i>	<i>Date of change</i>	<i>By</i>
<i>Review 2021</i>			<i>D Lawday</i>
<i>Review 2023</i>			

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Our Trust Vision & Values



We want to inspire:

- Individuals to push beyond their perceived potential
- A commitment that together we are stronger.
- Individuals to embrace, celebrate and use differences for the benefit of all.
- Positivity and ambition for the future
- A sense of self pride / worth
- The belief that through creative thinking, problem solving and determination, anything is possible

It is our aspiration that:

- Together we provide Exceptional Educational experiences, working for a successful future.
- We make a positive impact on the lives of all engaged with Mercian Educational Trust
- We work together and collaborate for success wherever possible
- As a collective we make a positive impact on society and our communities.
- We will meet needs and challenges to ensure inclusivity and equality for both individuals and communities

THE POLICY

1. Purpose

1.1 To set out Mercian Educational Trust's (MET) policy and procedure for dealing with concerns raised by employees.

2. Background

2.1 As employees are often the first to realise that there may be something wrong within a school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) 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.

2.2 MET's Trustees are committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust/school rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

3. Aims and Scope of the Policy

3.1 This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith;
- allow employees to take the matter further if they are dissatisfied with the Board of Trustees' response.

3.2 This policy describes how any employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

3.3 Concerns which fall within the scope of the whistleblowing procedure may be about something that is unlawful; or is against the MET's policies; or falls below established standard or practice; or amounts to improper conduct.

3.4 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.

3.5 All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, Trustees, governors, volunteers or outside agencies.

3.6 Concerns raised by employees about their own conditions of service, should be addressed via the Trust's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the Trust's Pay Policy.

4. Safeguards

4.1 Harassment or Victimisation

4.1.1 The Board of Trustees 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 Board will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

4.2 Confidentiality

4.2.1 The Board of Trustees will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Board of Trustees to address the concern and in some circumstances, the Board of Trustees may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

4.3 Anonymous Allegations

4.3.1 Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Board of Trustees. 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.

4.4 Untrue Allegations

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

4.5 Unfounded Allegations

4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Board of Trustees deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to Employees

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

THE PROCEDURES - Procedure for Making a Whistleblowing Allegation

- Concerns should be expressed in writing to the Headteacher. If the concern involves the Headteacher, then the CEO should be the first point of contact. It is expected that the person receiving the allegation will become the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.
- Where the concern relates to a Child Protection matter, if you do not want to raise this through the school, you must consult the LA Designated Officer to lead on safeguarding. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.
- Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

Response to Whistleblowing

The matter raised may:

- Need inquiry internally in the school
- Need to be passed to the Police if it relates to alleged criminal activity
- Need to be referred to the LA Designated Officer to lead on safeguarding if there is a concern relating to child protection.

At this stage concerns/allegations are neither accepted nor rejected.

The Inquiry Report

Following completion of the inquiry process the investigating officer will make a written report and if necessary, action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistle-blower will also be notified of the outcome. The report will not contain the whistle-blower's name unless you have expressly stated that you wish to be named.

If the investigation was carried out by a person other than the Headteacher or the CEO, a written report must be submitted to the Headteacher and CEO to determine what further action (if any) is required. When considering further actions, the Headteacher and CEO must act on any recommendations made in the report. If the Headteacher and

CEO cannot agree on further actions, a Panel consisting of the Chief Executive and two MET Trustees.

However, if the Chief Executive has acted as investigating officer, the Panel will consist of three MET Trustees. An Appeal Panel will normally consist of three MET Trustees who have not had previous involvement in the original Hearing.

Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonymised) will be made available to all MET Trustees.

Allegations Concerning Safeguarding or Child Protection Issues

If a member of staff raises a concern related to a safeguarding or child protection issue, the Headteacher (or CEO if the concern is about the Headteacher) should urgently consult the LA Officer designated to lead on child protection (LADO).

However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the Child Protection Officer of the Academy either before raising their concern with Headteacher or CEO, or where the Headteacher or CEO fails to do so after raising their concern and the member of staff remains concerned about the situation.

Safeguard Against Reprisal, Harassment and Victimisation

Neither the Board of Trustees of MET nor the Local Governance Committees of any of its schools will tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions (Public Information Disclosures Act 1998). Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Trust's staff disciplinary procedures.

Confidentiality

MET recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistle-blower is likely to be called in to give evidence in court.

Anonymous Allegations

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Trustees will take the following factors into account:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then MET will consider taking disciplinary action against the member of staff.

Further Advice

Trade Unions

The trade unions recognised by Mercian Educational Trust are committed to the effective use of this policy. A person considering raising concerns using this procedure may wish to seek advice from a trade union representative before doing so, particularly if they believe that the only course of action open is to raise a concern with an external body.

External Advice

Independent advice can be sought at any time through contact with an independent charity, Protect. Their lawyers will give you free confidential advice on how to raise a concern about serious malpractice at work

	Website https://protect-advice.org.uk/ Protect Advice Line 020 3117 2520 (* option 1) Protect Advice Email whistle@protect-advice.org.uk Address The Green House 244-254 Cambridge Heath Road London E2 9DA
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Safeguarding Advice

The NSPCC 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.

	Website https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/ Advice Line 0800 028 0285 Advice Email help@nspcc.org.uk
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