

# Manor Hall Academy Trust



## WHISTLEBLOWING POLICY

Responsibility for monitoring and reviewing this policy lies with the Central Trust Team and Directors. A review of this policy and recommendations for change should be presented to the Directors of the trust for verifications and consulted on with unions.

The Directors of the trust, in line with the Scheme of Delegation and Articles of Association have overall responsibility for the effective operation of MAT policies, but has delegated day to day responsibility to the Headteacher and LAB.

Directors will take account of recommendations from individual schools in review of this policy and seek HR advice as to such revisions.

<b>Consulted with JCNC Unions</b>	<b>Spring 22</b>
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Date	Version	Reason For Change	Overview of Changes Made	Source
11.12.20	1	Scheduled Review	Updated contact details section 10	
Spring 21	1	Review cycle change	Change of review date	Directors
Nov 2021	2	Adding of Section 2 – legislation		
Spring 22	3	Exam malpractice guidance	Addition of section three bullet point - Actions that undermine the integrity of any examination or accreditation framework.	School
Autumn 22	4	Scheduled review	Updated contact details for CFO and Protect (Formerly Public concern at work). Added first response details Add numbering throughout for consistency. Amended contents page Some reformatting	
Summer 23	5	Further information received	Additions to the contacts page and some minor reformatting	

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## 1. Aims

1.1 We are committed to running our Academies with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated; and that their confidentiality will be respected.
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust.
- Set clear procedures for how the trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistleblowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).
- This policy does not form part of any employee's contract of employment and may be amended at any time, in consultation with the recognised trade unions. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legislation

2.1 The requirement to have clear whistleblowing procedures in place is set out in the [Academy Trust Handbook](#).

2.2 This policy has been written in line with the above document, as well as [government guidance on whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

2.3 This policy complies with our funding agreement and articles of association.

## 3. Definition of whistleblowing

3.1 Whistleblowing covers concerns made that report wrongdoing that is "in the public interest".

3.2 Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption.
- Pupils' or staffs' health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of financial management procedures.
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Damage to the environment.
- Actions that undermine the integrity of any examination or accreditation framework.

3.3 A whistleblower is a person who raises a genuine concern relating to the above.

3.4 Not all concerns about the Trust, or individual schools in the Trust, count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

3.5 When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

3.6 Staff are advised to take advice from their Trade Union/Professional Association before making a whistleblowing disclosure.

3.7 Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistleblowing concern and a grievance that staff may find useful if unsure.
- A free and confidential [advice line](#).

## 4. Procedure for staff to raise a whistleblowing concern

### 4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

### 4.2 Who to report to

School-based staff should report their concern to their Headteacher. If the concern is about the Headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to chair of the Local Advisory Board.

Central team staff should report their concern to the Trust's CEO, Richard Redgate and his contact details are listed in section 12 of this policy.

If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the central team staff should report the concern to Amanda Hughes, director of the Trust.

### 4.3 If you have concerns about raising a concern

We would however assure our colleagues that where the matter is more serious, or you feel that your Line Manager has not addressed your concern, want to keep the matter separate from your work environment, or you prefer not to raise it with them for any reason, you should contact Richard Redgate, the CEO of the Trust, whose contact details are set out at the end of this policy.

### 4.4 Safeguarding concerns

In exceptional circumstances, such as in an emergency where a child is in immediate danger, or a genuine concern that appropriate action has not been taken, staff members can speak directly to their Local Authority First Response Team, whose details are set out

at the end of this policy. In addition, the NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk). The Designated Safeguarding Lead (DSL) would usually decide whether to make a referral to children's social care, but it is important to note that any staff member can refer their concerns to children's social care directly. In this case, the member of staff would need to inform the DSL of their action.

#### 4.5 How to raise the concern

Concerns should be made in writing wherever possible. They should include the names of those suspected of committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interests in the matter.

### 5. Trust procedure for responding to a whistleblowing concern

#### 5.1 Investigating the concern

When a concern is received - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative.
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.
- Reiterate, at this meeting, that whistleblowers are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is sufficient cause for concern the following will apply:
  - The recipient should arrange a further investigation into the matter, involving the CEO, if appropriate. In some cases, they may need to bring in an external, independent body to investigate or an internal member of staff who is suitably trained. In others, they may need to report the matter to the police.
  - The person who raised the concern should be informed of how the matter is being investigated and given an estimated timeframe for when they will be informed of the next steps.
  - There can be no prescribed time limits for completion of the investigative process, this will depend upon the nature and complexity of the matter, but it will obviously be in the interests of all concerned if the issue is resolved without delay.

#### 5.2 Outcome of the investigation

- Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our

assessment. You may be required to attend additional meetings in order to provide further information.

- In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If we conclude that a whistle-blower has made false allegations maliciously or with a view to personal gain, the whistle-blower will be subject to disciplinary action.

## **6. Confidentiality**

6.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

6.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Trust CEO and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

## **7. Escalating concerns beyond the Trust**

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally, however after taking advice, you may wish to raise the complaint to a prescribed body in the PIDA, such as the DfE/ESFA or Ofsted.

7.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media, however staff are strongly advised to take advice from their trade union or professional association before making a disclosure to the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

7.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a parent, supplier or other service provider.

7.4 In some circumstances the law will protect you if you raise the matter with a third party directly. However, we encourage you to report such concerns internally first.

## **8. If you are not satisfied**

- 8.1 While we cannot always guarantee the outcome you are seeking; we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with the Trust's CEO. Contact details are set out at the end of this policy.
- 8.3 If your concerns relate to the Trust's CEO, you can also raise your concerns with the Chair of the LAB or the designated director of the Trust. Contact details are set out at the end of this policy.

## **9. Protection and support for whistleblowers**

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Trust's CEO immediately or Director of the MHAT (contact details at the end of the policy). If the matter is not remedied, you should raise it formally using our Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 9.4 A whistleblower's employment rights are protected in the law from victimisation if they follow the criteria below:
- that they made a qualifying disclosure in good faith.
  - that they reasonably believed the information was substantially true.
  - that it was a qualifying disclosure as per the PIDA.
  - the procedure was followed.
  - if the disclosure was made outside the trust, that it was made to a 'prescribed person or body', rather than another third party such as the press.

## **10. Malicious or vexatious allegations**

- 10.1 Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.
- 10.2 If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

## 11. Responsibility for the success of this policy

11.1 The Directors have overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

11.2 The policy will be monitored and reviewed by the relevant body in conjunction with recognised trade unions on an annual basis.

11.3 The Trust will keep a record of Public Interest Disclosures through its academies, including those made anonymously.

11.4 The Headteacher has day-to-day operational responsibility for this policy, accounting to the Chief Executive and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

## 12. Contacts

Chief Executive Officer	Mr Richard Redgate Tel: 01782 59931 email: <a href="mailto:ceo@manorhall.academy">ceo@manorhall.academy</a>
Director of MHAT	Mrs Amanda Hughes Email: <a href="mailto:amanda.hughes@manorhall.academy">amanda.hughes@manorhall.academy</a>
Headteachers	Please see school website
Chief Financial Officer	Mr Alec Smallwood Phone Number – 07853648754 Email – <a href="mailto:a.smallwood@manorhall.academy">a.smallwood@manorhall.academy</a>
Chair of the LAB	Please see school Website
Manor Abbey Free School	Dave Bownds <a href="mailto:headteacher@loxley.manorhall.academy">headteacher@loxley.manorhall.academy</a>
Protect (formerly Public Concern at Work) – Independent Whistleblowing charity	Helpline: 020 3117 2520 <a href="http://www.protect-advice.gov.uk">www.protect-advice.gov.uk</a> webform – expect a response within 5-8 working days.
NSPCC Whistleblowing helpline	Helpline: 0800 028 0285 line is available from 8:00 AM to 8:00 PM, Monday to Friday Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a> . <a href="http://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/">www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/</a>
Staffordshire First Response	0800 1313126 Emergency Duty Team (out of hours) 0845 6042886
Solihull First Response	0121 704 8007 Emergency Duty Team out of hours and weekends: 0121 605 6060
Sandwell First Response	Sandwell: Single point of Contact (SPOC) 0121 569 3100 MASH: 0121 569 8555 Out of Hours: 0121 569 2355  Walsall: MASH: 0300 555 2866 (Option 2)

	<p>Out of Hours: 0300 555 2922 / 0300555 2836</p> <p>Birmingham: Childrens advice and support service (CASS) : 0121 303 1888 Out of Hours: 0121 675 4806</p> <p>Dudley: MASH: 0300 555 0050 Out of Hours: 0300 555 8574</p> <p>Lambeth Integrated Referral Hub - 020 7926 3100 (including out of hours' service)</p> <p>Leeds Children's Social Care Duty and Advice Team - 0113 376 0336 (0113 535 0600 out of hours)</p> <p>Wolverhampton Safeguarding Service - 01902 555392 (01902 552999 out of hours)</p>
Cheshire East First Response	<p>0300 123 5012 0300 123 5022 (emergency out of hours duty team) <a href="mailto:checs@cheshireeast.gov.uk">checs@cheshireeast.gov.uk</a></p>
Knowsley First Response	<p>0151 443 2600 (for both standard hours and out of hours)</p>
ESFA	<p><a href="https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#contacting-esfa">https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#contacting-esfa</a></p>
Ofsted	<p><a href="https://complain.ofsted.gov.uk/">https://complain.ofsted.gov.uk/</a></p>
AQA	<p><a href="mailto:irregularities@aqa.org.uk">irregularities@aqa.org.uk</a></p>
Pearson	<p><a href="mailto:pqsmalpractice@pearson.com">pqsmalpractice@pearson.com</a></p>
OCR	<p><a href="mailto:malpractice@ocr.org.uk">malpractice@ocr.org.uk</a></p>