



# **Mowbray Education Trust Whistleblowing Policy**

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This policy covers all MET educational establishments.

Where this policy states 'school' this means any of our educational establishments and the wider Trust. Where this policy states 'Headteacher' this also includes 'Head of School' and 'Centre Manager'.

## **1. Introduction**

Mowbray Education Trust is committed to the highest possible standards of honesty and integrity and to creating a transparent culture. We expect all staff to maintain these standards in accordance with the MET Code of Conduct. 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 to prevent such situations occurring and to address them when they do occur.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.

## **2. Scope and purpose**

This policy applies to all employees of the Mowbray Education Trust, as well as consultants, contractors, casual and agency staff, trainees and volunteers (collectively referred to as staff in this policy).

It also applies to Trust Members, Trustees and governors (collectively referred to as governance volunteers in this policy).

The aims of this policy are:

- To encourage staff and governance volunteers to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide staff and governance volunteers with guidance on how to raise concerns; and if they are dissatisfied how to take the matter further, plus how the Trust will respond to such concerns.
- To reassure staff and governance volunteers that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

The requirement to have clear whistleblowing procedures in place is set out in the Academies Trust Handbook.

## **3. What is whistleblowing?**

Whistleblowing is the disclosure of information that relates to suspected wrongdoing or dangers at work. The law provides protection for workers and governance volunteers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker or governance volunteer who has a reasonable belief of wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;

- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures including our Code of Conduct;
- conduct likely to damage our reputation or financial wellbeing;
- unauthorised disclosure of confidential information;
- other unethical behaviour
- the deliberate concealment of any of the above.

A whistle-blower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities, you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the grievance procedure or other appropriate policy.

If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at 3.1 above (for example, a breach of our internal policies), you should discuss with a member of the school or Trust leadership team which route is the most appropriate. If you are uncertain whether something is within the scope of this policy, you should seek advice from the HR Team. Contact details are set out in Appendix A.

If your concern is in relation to safeguarding and the welfare of pupils at the school you should consider whether the matter is better raised under the school's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in this policy may still apply.

## **4. Raising a whistleblowing concern**

We hope that you will be able to raise any concerns with your Headteacher/line manager, or in matters relating to the Trust's governance, to the Company Secretary & Clerk to the Board. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

However, where the matter is more serious, or you feel that your Headteacher/line manager or the Company Secretary & Clerk to the Board has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with the Chief Executive Officer (CEO). This person is responsible for managing Whistleblowing complaints. Contact details are set out in **Appendix A**.

We will arrange a meeting with you as soon as possible to discuss your concerns. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any

subsequent investigation.

We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

## **5. Confidentiality and data protection**

We hope that staff and governance volunteers 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.

We do not encourage staff and governance volunteers 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 one of the other contact points listed in **Appendix A**.

Appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are given in Appendix A.

Where we receive anonymous complaints, we will decide whether to investigate based on:

- the seriousness of the issue raised.
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of data protection legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time in the collecting, holding, and sharing of information in relation to our workforce. Records will be kept in accordance with our workforce privacy notice, our retention and destruction policy and in line with the requirements of data protection legislation.

## **6. External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace and the associated governance mechanism of the Trust. In most cases you should not find it necessary to alert anyone externally.

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. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for

reporting certain types of concern. Their contact details are given in **Appendix A**. The Protect advice line, linked to section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

Whistleblowing concerns usually relate to the conduct of our staff and governance volunteers, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances, the law will protect you if you raise a concern with a third party directly, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in Appendix A for guidance.

## **7. Investigation and outcome**

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 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. We may in some circumstances appoint an external person or body to investigate the concern. The investigator(s) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to the appropriate leader(s) for action.

We will aim to keep you informed of the progress of the investigation, its likely timescale and outcome. 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.

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

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.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in Appendix A. Alternatively, you may contact the Chair of Mowbray Education Trust. If the subject of your whistleblowing concern is the Chair of the Mowbray Education Trust, you can raise it with the Company Secretary & Clerk to Board. Contact details are set out in **Appendix A**.

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

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff and governance volunteers who raise genuine concerns under this policy, even if they turn out to be a mistake.

Staff must not suffer any detrimental treatment as a result of raising a genuine 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 one of the contact people in paragraph 4.2 immediately. If the matter is not remedied, you should raise it formally using our grievance procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.

A confidential support and counselling helpline is available through our Employee Assistance Programme with Education Support for whistleblowers who raise concerns under this policy. Their contact details can be found in **Appendix A**.

If you make a deliberately false or malicious accusation or an accusation is made for personal gain, this will be treated as a disciplinary offence and will be dealt with under the Trust's disciplinary procedure.

## **10. Review of policy**

This policy is reviewed biennially by the Trust. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

## Appendix A - Contact details

Whistleblowing Officer / Chief Executive Officer of Mowbray Education Trust	Louise Lee 01664 565901- <a href="mailto:llee1@mowbrayeducation.org">llee1@mowbrayeducation.org</a>
Chair of the Mowbray Education Trust	Drew Richardson-Walsh <a href="mailto:drichardson-walsh@mowbrayeducation.org">drichardson-walsh@mowbrayeducation.org</a>
Governance Lead	Aishia Jeffries <a href="mailto:ajeffries@mowbrayeducation.org">ajeffries@mowbrayeducation.org</a>
Director of People and Partnerships	Anna Butler <a href="mailto:abutler@mowbrayeducation.org">abutler@mowbrayeducation.org</a>
Trust HR Team	<a href="mailto:hr@mowbrayeducation.org">hr@mowbrayeducation.org</a>
Protect	Helpline 020 3117 2520 <a href="https://protect-advice.org.uk/advice-line/">https://protect-advice.org.uk/advice-line/</a>
Education Support (Employee Assistance Programme)	Helpline: 0800 0856148

## Log of changes to document

Version	Date	Page	Change	Approver:
v1.0	March 2016	Original document		Board
v1.0	December 2016	Throughout	Job titles updated. Paragraph numbering and format updated	COO
v1.0	July 2017	All pages	Format and contact details updated	Head of HR
v2.0	April 2019	All pages	Biennial review for Trust Board approval	MET Group Operations
v2.0	April 2019	All pages	Draft for approval	Trust Board
v2.0	Oct 2019	All pages	Trust Chair updated / addition of volunteers to 1 <sup>st</sup> para section 2 / addition of who will keep central record and how reported in section 5. Amended version for approval following Board Members feedback.	Trust Board
v2.0	31.10.19	All pages	Approved	Trust Board
V2.0	Sep-20	Page 7	Updated contact details	MET Operations
V2	Nov 24		Updated contact details	ELGC

V2.0	Sept-21	Page 3  Page 4  Page 5  Page 6  Page 7	Sec 2. – added plus ‘how the Trust will respond to such concerns’, Academy Trust Handbook ref. & removal of Local Governing Body (LGB) Governors ref.  Sec. 3 – updated wording around the difference between a whistleblowing concern and a grievance and updated Trust’s HR/Operations Director ref.  Sec 5 – Updated where disclosure numbers reported to AFR and removed Risk Register  Sec.6 – Added reference to protect advice helpline.  Sec. 9 – Updated Trust’s HR/Operations Director ref.  Appendix A – Company Secretary /HR/Ops Dir / Protect details updated	MET Operations - Biennially Review
V2.0	Nov 22	Whole Document	Refresh of personnel	Exec Team
V2.0	Mar 23	P2	Addition of Iveshead School	Exec Team
V 3.0	Oct 23	Whole Document	Change of logo  Minor amendments to the policy  Change of reporting requirements from Operations Team to HR Team  Updated website address for Protect	HR Team
V 3.1	Jan 26	Whole Document  Section 2  Section 3	Minor amendments to update in line with current processes.  Public Concern at Work updated to Protect.  Addition of governors  Addition of Code of Conduct and financial wellbeing  Amendments to wording to clarify use of policy and other related policies (as per best practice)	D of P&P

		Section 5 Section 7 Section 9	Addition of data protection details  Addition of option for external investigator  Amendments to wording to clarify protection and support and addition of EAP details (as per best practice)	
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