ZENITH
MULTI ACADEMY
TRUST

Whistleblowing Policy

for use by

All schools in the Trust
Central Team
Zenith Minds

Approved by:	Board of Trustees
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Changes to previous edition

1.1 and 6.2	Legislative references added.

This is a model policy/procedure which reflects legislation, any relevant statutory and non-statutory guidance and best practice. The responsibility for setting policy and procedure resides with the Trust and as such they must be satisfied that the content of the policy/procedure suits their requirements and must consult their staff/local trade union representatives prior to its formal adoption.

The Model Whistleblowing Policy was originally created in 1989 (as part of the Code of Conduct policy) and this issue was released in:	September 2022
Trust staff were consulted on this document and it was accepted by the Trust Board in:	July 2022

Model Whistleblowing Policy for Multi Academy Trusts

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1. Introduction

It is important to the Trust that any suspected fraud, misconduct, malpractice or wrongdoing by workers or employees of the Trust is reported and properly dealt with. The Trust is committed to creating an open and supportive environment where individuals feel able to "speak up" about any genuine concerns regarding the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party.

This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the management structure of the Trust to a prescribed body (see 2.1 below). All disclosures will be handled consistently and fairly and appropriate action will be taken by the Trust to resolve the issue in line with this policy.

This policy applies to all employees, Trustees and governors. Volunteers and other individuals engaged to work at or provide services to the Trust, including agency workers and contractors, are encouraged to use it where appropriate.

1.1. The law (Public Interest Disclosure Act 1998) provides protection for employees or workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that there has been or is likely to be:

- a breach of any legal obligation;
- a miscarriage of justice;
- a criminal offence;
- a danger to the Health and Safety of any individual;
- damage to the environment; or
- deliberate concealment of information about any of the above

Some examples of qualifying disclosures in a school context may include:

- Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds, decision making for personal gain, abuse of position to influence decisions);
- Breaches of acceptable professional and ethical standards;
- Breaches of the Trust's Health and Safety policy entailing danger to staff or pupils; and/or
- Breaches of any of the Trust's policies or the Code of Conduct.

It is not necessary for the employee or worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

For the purposes of this policy the term "whistle-blower" refers to the individual making the disclosure.

1.2. The whistle-blower must reasonably believe they are making the disclosure in the public interest (i.e.it affects others such as pupils in the school or members of the public). This means that personal grievances and complaints (e.g. a concern about their own contractual terms, treatment of their child) are not usually covered by this policy and should be dealt with:

- By employees through the Grievance Procedure
- By other parties through the Complaints Procedure.

2. Raising concerns/making a disclosure

2.1. Initial concern

The Trust Board encourages the "whistle-blower" to raise the matter internally in the first instance. Concerns should normally be raised initially with the whistle-blower's line manager. Where the concerns relate to the whistle-blower's line manager or a member of staff within the same faculty/department, the complaint should be brought to the attention of a more senior manager, responsible officer, the CEO, Headteacher, the Chair of the Local Governing Body or Chair of the Board of Trustees.

Members of the school community are particularly reminded of their obligation to report all safeguarding concerns, immediately as set out in the school's child protection and safeguarding policy and code of conduct policy.

If the whistle-blower considers the matter too serious or sensitive to raise it internally they may refer the matter to an external prescribed body. A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body will qualify for protection under the Act. A list of prescribed bodies is available at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf

In the event that the whistle-blower feels a disclosure should be referred to an external prescribed body some of the relevant bodies are also set out below:

Nature of disclosure:	**External reporting/Prescribed body:**
Fraud or financial malpractice (see 3.2 below)	Education & Skills Funding Agency https://www.gov.uk/government/organisations/education-and-skills-funding-agency
Child Protection/ Safeguarding issues	Local Authority Designated Officer Essex Duty Line: **03330 139 797** **Email: LADO@essex.gov.uk** NSPCC Whistleblowing helpline: 0800 028 0285 Email: help@nspcc.org.uk
Data protection issues	Information Commissioner https://ico.org.uk/
Health and Safety issues	Health and Safety Executive http://www.hse.gov.uk/

If a concern is raised verbally it should be followed up in writing wherever possible.

The whistle-blower has no responsibility for investigating the matter - it is the Trust's responsibility to ensure that an appropriate investigation takes place.

Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct by an employee, the whistle-blower should act quickly to report it but should not mention it to the subject of the complainant or other colleagues as this could affect the investigatory process.

The timescales for handling disclosures will differ depending on the nature of the disclosure made but all disclosures (whether formal or informal) will be acknowledged within 2 working days.

2.2 Investigation

On receipt of a disclosure, an investigation into the matter will be arranged. The investigation may involve the whistle-blower and other individuals involved giving a written statement. Any investigation will be carried out promptly and confidentially.

If a whistle-blower wishes to remain anonymous this should be raised with the person to whom the initial disclosure is made. In some cases this may be possible but in more serious cases where disciplinary action may have to be taken against others this may be more difficult. The Trust is committed to protecting the well-being of the whistle-blower whilst this policy is followed.

The whistle-blower's statement (where available) will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistle-blower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation.

Where a meeting is held, the whistle-blower may be accompanied by a trade union representative or work colleague if they wish and where possible the dates/times will be agreed to facilitate this, or in the case of a third party, by an appropriate person (e.g. friend, family, colleague). Legal professionals will not normally be allowed to attend such meetings.

2.3 Outcome of the investigation

The person who carried out the investigation will take any necessary action, which may include reporting the matter to relevant managers within the Trust and/or an appropriate prescribed body (if this has not already taken place).

On conclusion of any investigation, the whistle-blower will be told the outcome of the investigation (in as much detail as is deemed appropriate in the circumstances) and what action is to be taken or is proposed. If no action is to be taken, the reason for this will be explained.

Where a concern is raised anonymously the Trust will not ordinarily be able to provide feedback to the whistle-blower and any action taken as a result of an anonymous disclosure may be limited. The Trust will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistle-blower wishes to seek feedback from the Trust an appropriate anonymised email address should be provided.

2.4 Further action

Where having raised an initial concern and the whistle-blower has a genuine belief that the Trust has failed to take appropriate action or investigate the issue properly and they wish to pursue the matter further, they may report their concern to the another relevant person in the Trust (see 2.1) or to an appropriate prescribed body (if this has not already been reported).

This person may arrange for further investigation to be carried out, make any necessary further enquiries and/or make their own report. On the conclusion of any further investigation, they will take appropriate

action which may include reporting the matter to a prescribed body if this has not taken place at an earlier stage in the process.

3. Other issues

3.1 Concerns raised by member of the public

Where complaints are received from members of the public, the Trust's formal complaints procedure will be followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker in which case the Disciplinary Procedure may need to be instigated.

3.2 Criminal issues/fraud

In the event of the allegation being of a very serious nature, for example relating to a fraud or other potential gross misconduct offence, there may be a need to involve the Trust's auditors and/or the police or other appropriate authorities. This should normally be agreed initially by Chair of the Trust Board who should, in turn, and where appropriate, will keep these other authorities informed.

The Trust must notify the Secretary of State via the Education & Skills Funding Agency of any instances of fraud, theft or irregularity where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year. Any unusual or systematic fraud, regardless of value, must also be reported.

Advice may be sought from the Trust's legal advisers before involving the police in any such internal complaint or allegation.

4. Protecting 'whistle-blowers'

4.1 Any whistle-blowers who make protected disclosures in line with this procedure have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. This means continued employment and opportunities for promotion or training will not be affected because the whistle-blower has raised a legitimate concern.

4.2 Whistle-blowers should report any harassment or victimisation to an appropriate manager as soon as practicable. The Trust will take all reasonable steps to prevent/address such harassment or victimisation. Victimisation of a whistle-blower for making a protected disclosure will be considered a disciplinary matter and will be dealt with under the Trust's Disciplinary Procedure.

4.3 Whistle-blowers may find the process of reporting an issue/wrongdoing difficult and uncomfortable. The Trust will take all reasonable steps to support the whistle-blower which may include access to an external counselling service. The whistle-blower may also be referred to the charity Protect (previously known as Public Concern at Work) www.pcaw.org.uk for information and advice.

5. Malicious allegations/disclosures

5.1 If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest, this will be taken as a serious matter and may potentially lead to disciplinary action in line with the Trust's Disciplinary Procedure.

5.2 Where other individuals engaged by the Trust make a malicious allegation, the Trust will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract/arrangements with the individual.

5.3 If disciplinary action is required, the person who carried out the investigation will report the matter to a relevant manager to start the disciplinary procedure.

6. Data Protection

6.1 When an individual makes a disclosure, the Trust will process any personal data collected in accordance with its data protection policy and General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Date collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

Appendix 1

Produced on behalf of AQA, CCEA, City & Guilds, NCFE, OCR, Pearson and WJEC

Public Interest Disclosure Act (Whistleblowing)

Guidance in relation to suspected malpractice in examinations and assessments

This guidance is principally for centre staff who may witness malpractice in examinations and assessments and are unsure about what action to take.

The security and integrity of examinations and assessments is essential if public confidence in qualifications is to be maintained. The approach taken by the awarding bodies to malpractice is set out in the JCQ *Suspected Malpractice* document.

What should you do if you see malpractice taking place in examinations or assessments?

If you are a candidate or a member of the public, you should report what you witness to the examination centre concerned.

If you work for an examination centre or are involved in examinations or assessments and you witness activity that you are concerned may be malpractice, you should act upon it.

Examination centres are required by the JCQ *Suspected Malpractice* document to refer malpractice to the appropriate awarding body.

You can also refer your concern to the awarding body (see below).

What if you are concerned about retaliation for reporting suspected malpractice?

If you work for an examination centre or are involved in examinations or assessments it is likely that the Public Interest Disclosure Act (PIDA) offers you legal protection from being dismissed or penalised for raising certain serious concerns ("blowing the whistle"). Given the importance of the integrity of the qualifications system, suspected malpractice is likely to be a serious concern.

It is probable that your organisation has a whistleblowing policy. If it does, you should follow that policy. If it does not, you should raise your concern with someone senior within the centre.

If you do not feel safe raising the matter within the centre, or you have done so and are concerned that no action has been taken, you could consider making your disclosure to a "prescribed person" – which includes Ofqual and Qualifications Wales (the regulators in England and Wales respectively). The full list of prescribed persons and bodies are detailed in this guidance: GovUK: Blowing the whistle a list of prescribed people and bodies

Who do you talk to and what happens if you contact the awarding body?

Each awarding body has staff who deal with malpractice. You can talk to them in confidence and explain your concerns. However, as awarding bodies are not prescribed bodies as defined by the PIDA they cannot promise you the legal protections detailed in PIDA.

The awarding body will:

- Understand the difficult position that you are in;
- Have experience of similar situations; and
- Explain the importance of supporting evidence and the sort of evidence that might help in your particular case.

The awarding body will make every effort to protect your identity, if that is what you wish, unless legally obliged to release it (for example, in the course of a police investigation). Please be aware that it will not be possible for the awarding body to provide you with a report on the findings or outcome of any investigation that may ensue.

Which awarding body is contacted will depend on the qualification where malpractice is suspected. You can contact a malpractice expert within the specific awarding body as shown below:

AQA	Irregularities@aqa.org.uk	0161 958 3736
CCEA	malpractice@ccea.org.uk	028 90 261200 ext 2203
City & Guilds	investigationandcompliance@cityandguilds.com	020 7294 2775
Pearson	pqsmalpractice@pearson.com	020 7190445
OCR	malpractice@ocr.org.uk	01223 553998
WJEC	malpractice@wjec.co.uk	029 20265448
NCFE	CustomerCompliance@ncfe.org.uk	0191 2408835

You may find the following websites useful:

JCQ

Public Concern at Work

Ofqual