




# WHISTLEBLOWING POLICY

## Document Control

Description	By Whom	Date
Established	Navigate commissioned	Feb 2014
Review	WM	6/9/18
Approved by Trustees	BoT	21/1/19
Latest Review	CFO – Sharon Costello Head of Safeguarding Wendy May	11/2020 9/3/2021
Approved by Trustees		Chair of Trustees 27/5/21
Next Full Review due		27/5/23

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## Introduction

The Harmony Trust is committed to openness, probity and accountability. It expects employees and others with serious concerns about the Trust’s work to come forward and voice them.

This policy encourages and enables employees to raise serious concerns inside the Trust rather than ignore the concerns or disclose them outside.

The policy respects confidentiality and helps employees to raise concerns without fear of reprisal.

Whistleblowing legislation is in place to protect workers from dismissal or victimisation at work in the event that they disclose some sort of wrongdoing to the employer or another appropriate body.

The Public Interest Disclosure Act 1998 and Employment Rights Act 1996 clearly define what types of disclosure qualify employees for protection against dismissal and detrimental treatment by your employer. These are known as ‘protected disclosures.’

A qualifying disclosure can relate to any one of the following:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety

- A safeguarding concern
- An act causing damage to the environment
- A breach of any other legal obligation is being, has been, or is likely to be, committed.

A disclosure will also be protected if the information disclosed is of a nature that shows that any of the above is likely to be deliberately concealed.

This policy covers serious concerns employees may have that

- Colleagues or the Trust are acting unlawfully
- Colleagues, members or Trustees are breaching the relevant Code of Conduct and its other operational, safeguarding or financial rules.
- A colleague has behaved in a way that has harmed or may have harmed a child
- A colleague has behaved in a way that indicates they are unsuitable to work with children

This policy is supported locally by the Trade Unions and Professional Associations.

This policy provides guidance on how issues should be raised with the Trust / Academy. This does not preclude any employee from reporting an issue with the police in conjunction with the whistleblowing process where it is believed that criminal activity is involved.

Other procedures exist to register a grievance about an employee's own employment. If an employee has an individual complaint relating to their employment, for example, their contract of employment, pay, conditions, this should be raised under the Trust's Grievance Policy.

## **How to raise a concern**

The first step depends on the seriousness and sensitivity of the issues involved and who is thought to be involved. Whenever possible, employees should normally raise concerns with their immediate manager or the Principal. If an employee believes that management is involved, they should approach the Chief Executive.

Usually the earlier the concern is expressed, the easier it is to take action.

Employees will not be expected to prove the wrongdoing, but will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Concerns should be raised in writing. If an employee does not feel able to put the concern in writing, they can telephone or meet the Principal or Head of Academy. Contact details for Academy Principals can be found on individual academy websites.

Alternatively, advice and guidance on how matters of concern may be pursued can be obtained from the appropriate officers. Within the Trust these posts are:

Officer	Name	Email	Phone
Chief Executive	Antony Hughes	<a href="mailto:AHughes01@theharmonyTrust.org">AHughes01@theharmonyTrust.org</a>	0161 260 0482
Director of Infrastructure	Maggie Williams	<a href="mailto:MWilliams01@theharmonyTrust.org">MWilliams01@theharmonyTrust.org</a>	As above
CFO	Sharon Costello	<a href="mailto:SCostello01@theharmonyTrust.org">SCostello01@theharmonyTrust.org</a>	As above
Head of Operations	Tracey Mellor	<a href="mailto:TMellor01@theharmonyTrust.org">TMellor01@theharmonyTrust.org</a>	As above
Head of Data & Safeguarding	Wendy May	<a href="mailto:WMay01@theharmonyTrust.org">WMay01@theharmonyTrust.org</a>	As above
Director of Strategic Programmes	Jane Green	<a href="mailto:JGreen01@theharmonyTrust.org">JGreen01@theharmonyTrust.org</a>	01332 571321
Director of Education	Jessica Hainsworth	<a href="mailto:JHainsworth01@theharmonyTrust.org">JHainsworth01@theharmonyTrust.org</a>	As above
Chair of Trustees	Anne Weinstock	<a href="mailto:AWeinstock01@theharmonyTrust.org">AWeinstock01@theharmonyTrust.org</a>	As above

The final route is to invite a Trade Union or a Professional Association to raise the matter through the Trust's whistle blowing procedure on the employee's behalf.

## Safeguards

The 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 not tolerate harassment or victimisation and will do what it lawfully can to protect employees when they raise a concern in the public interest. In this context, the following safeguards are in place:

### Harassment or Victimisation

The Trust will not tolerate harassment or victimisation by those involved with the matters of concern or from others. It will take action to protect employees when they raise a concern in the public interest. The Trust takes its responsibilities in this seriously as it is responsible as the employer for any detriment caused.

Due regard and sensitivity will be exercised by all involved in the process to ensure that employees do not suffer detrimental treatment as a result of raising a complaint.

If employees are already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of an employee whistle-blowing.

### Anonymous Allegations

This policy as a whole encourages employees to put their name to the allegation.

Although concerns expressed anonymously are much less powerful they will be considered taking into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from other, attributable, sources.

Clearly, employees will be unable to be told the outcome of any investigation of a concern which was brought forward anonymously.

### Confidentiality

The Trust will do its best to protect employee identity when they raise a concern and do not want their name to be disclosed.

It is important to note that the investigation process may ultimately need to reveal the employee as the source of information. On some occasions a statement by the employee may be required as part of the evidence.

All investigations will be recorded. It is important to consider where this documentation is kept ensuring that only staff who have authorisation can access.

### Untrue Allegations

If an employee makes an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against the employee.

If, however, an employee makes malicious allegations or repeated allegations which have no foundation, disciplinary action will be taken against the employee.

## How the Trust will respond

The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- Be investigated internally
- Be referred to the Police
- Be referred to the External Auditor
- Form the subject of an independent inquiry.

To protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Most matters will, initially, be investigated internally. Concerns or allegations which fall within the scope of specific current procedures (for example, Child Protection or discrimination issues) will normally be dealt with through those routes.

Within ten working days of a concern being received, the Trust will write to the employee:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Informing the employee as to whether any initial enquiries have been made
- Informing the employee as to whether further investigations will take place and, if not, why not.

Some concerns may be resolved by immediate action without the need for an investigation.

The amount of contact between the Investigating Officer(s) considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the amount and clarity of the information the employee provided. If necessary, further information will be sought.

When any meeting is arranged with the employee as a whistle-blower, they have the right to be accompanied by a Union or Professional Association representative, or a colleague who is not involved in the area of work to which the concern relates.

The Trust will act as necessary to minimise any difficulties which employees may experience as a result of raising a concern. For instance if, later, employees are required to give evidence in criminal or disciplinary proceedings, the Trust will advise the employee directly as to the procedure.

The Trust accepts that employees need to be assured that the matter has been properly addressed so, subject to legal constraints, the employee will receive information about the outcomes of any investigations.

## **How the matter can be taken further**

This policy is intended to provide employees with an avenue to raise concerns and to have them resolved inside the Trust.

The Trust hopes its investigations, and the action arising from them, will satisfy. If not, and the employee feels it is right to take the matter outside the Trust, the following are possible contact points:

- Relevant professional bodies or regulatory organisations – ESFA; Ofsted
- External Auditor – UHY Hacker Young Manchester LLP, St James Building, 79 Oxford St, Manchester M1 6HT
- LADO (where there are concerns about the safeguarding behaviour of a member of staff)
- The employee's solicitor
- The Police
- The Ombudsman

If employees do feel it necessary to take a matter outside the Trust they must ensure that they do not disclose confidential information. The law on disclosure is complex. The Trust would advise that the employee seek specific legal advice in this case

## **The Trust Leadership Team (Monitoring role)**

The Trust Leadership Team has overall responsibility for the maintenance and operation of this policy. They maintain a record of concerns raised and the outcomes (but in a form which does not endanger employee confidentiality).

Details of all concerns raised and subsequent information will be retained for 5 years. The purpose of this is to ensure that a central record is kept which can be cross referenced with other complaints in order to monitor any patterns of concern.

## Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people based on their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. This policy has been equality impact assessed and we believe it is in line with the Equality Act 2010 and it is fair, it does not prioritise or disadvantage any pupil and it helps to promote and encourage equality in our academies.

## Data Protection Statement

The procedures and practice created by this policy have been reviewed in the light of our Data Protection Policy.

All data will be handled in accordance with the school's Data Protection Policy.

Data Audit For This Policy					
What?	Probable Content	Why?	Who?	Where?	When?
Whistleblowing policy	Any personal information including personal sensitive information	Required to be retained as part of education, statutory process	Principal / SLT, Trust central team, staff or other representative as required as part of the relevant process	Kept on file at academy (and Trust central where appropriate)	Held on file following relevant retention periods (dependent on nature of personal information)

As such, our assessment is that this policy:

Has Few / No Data Compliance Requirements	Has A Moderate Level of Data Compliance Requirements	Has a High Level Of Data Compliance Requirements
		✓