

Diocese of Ely Multi-Academy Trust

Whistleblowing policy

Policy version control

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Review	ANNUAL Policies will be reviewed in line with DEMAT's internal policy schedule and/or updated when new legislation comes into force.
Description of changes	<p>Section</p> <ul style="list-style-type: none"> ▪ 1. Definitions – added in Hub Director to ‘Senior manager’ definition ▪ 3. Policy incorporated into new format and minor changes to align to Whistleblowing poster ▪ 9. Roles & responsibilities – new section added ▪ 10. Protection of whistleblowers – changed title from Safeguards to ‘Protection of Whistleblowers’ ▪ 11. Confidentiality – condensed the wording but includes the same information ▪ 15. Support for employees – added in Employee Assistance programme details for staff ▪ 16. How to raise a concern – added that employees may call or email the HR Team to raise concerns (as per flow chart) ▪ 18. Raising concerns outside the Trust – changed title to ‘Raising concerns outside the Trust’

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1. Definitions

- 1.1 **DEMAT** means the Diocese of Ely Multi-Academy Trust.
- 1.2 **Academy** means a constituent academy of DEMAT.
- 1.3 **Central Team** means Staff who are not employed within an academy.
- 1.4 **Central Leadership Team** means any Director or Head of a Function in the Central Team other than the Director of Education, the COO and the CEO.
- 1.5 **CEO** means the Chief Executive Officer of DEMAT, or any officer or other person exercising relevant authority delegated by the Chief Executive Officer to them.
- 1.6 **Senior Manager** means a Senior manager within the academies or a Hub Director or Senior Manager within the Central Team.
- 1.7 **Line Managers** refers to those with line management responsibilities including but not limited to Hub Directors, Head of Department and Headteachers.
- 1.8 **Staff** means any person employed by DEMAT, temporarily or permanently.
- 1.9 **Employee** means any person employed by DEMAT, temporarily or permanently.
- 1.10 **Companion** refers to a person chosen by the employee to accompany them, who shall be a trade union representative or a workplace colleague.

2. Application of this Policy

This policy applies to all employees of DEMAT based either in schools or within the central team, and volunteers, contractors, casual workers and agency workers.

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

3. Relationship with DEMAT Values

The application of this policy must be applied at all times in a way that reflects the values of DEMAT:

Love – We engender love and tolerance between and for our staff, pupils and others to foster an inspiring atmosphere of mutual support.

Community – We are committed to ensuring our schools are a living part of the community and contribute positively to its needs.

Respect – We do everything to provide a caring, safe and secure place for our staff and pupils to be happy and respected in our schools so they may achieve their potential.

Trust – We acknowledge accountability and responsibility for our actions and ensure that we encourage each other to make brave decisions and then learn from any mistakes.

Ambition – We are determined that our schools offer a place for the joy of learning, enabling those of all abilities to thrive and go on to lead rewarding lives

This is further defined in the four key strands of DEMAT, all of which are underpinned by our Christian distinctiveness,

Children are at the heart of all we do

Keep close to the work

Maintaining a legacy, creating new traditions

Aspirational, yet sustainable

4. Associated Policies and Documents

This Policy/Procedure should be read in conjunction with the following DEMAT Policies/Procedures:

- Grievance Policy
- Bullying and Harassment Policy
- Safeguarding and Child Protection Policy

DEMAT HR policies can be accessed via our website at: <https://demat.org.uk/policies>

5. Version control

No.	Status of document/changes	Prepared by	Reviewed by	Approved by	Date of approval
3	Policy incorporated into new format & Minor changes to align to W/B Poster	HF	HRO	AB	27.11.23

This document will be reviewed on annual basis.

For all questions in relation to this policy, please contact the HR Team on hrteam@demat.org.uk

6. Purpose and Scope

6.1. The purpose of this policy is to set a framework for the following:

- to communicate the procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work.
- 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 and treated consistently and fairly.
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern and have a reasonable belief that you raised any concern in good faith.
- allow employees to take the matter further if they are dissatisfied with the response

6.2 Any allegations against teachers and other staff and volunteers is to be dealt with in accordance with the DfE 'Keeping Children Safe in Education' statutory guidance and DEMAT's model statement on Managing Allegations against Staff.

6.3 Parents who have concerns are encouraged to raise these via the Complaints Procedure. The Complaints Procedure can be found at <https://www.demat.org.uk/policies>.

7. Policy statement

7.1 The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, volunteers, contractors, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns.

7.2 Employees are often the first to realise there may be something wrong within their place of work and it is important 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.

7.3 The Public Interest Disclosure Act 1998 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.

7.4 This policy document makes it clear that those raising concerns can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or alerting anyone external to the school.

8 What is whistleblowing?

- 8.1 A whistleblower is a person who raises a genuine concern relating to the matters listed below in section 8.3 and are considered to be in the public interest. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy.
- 8.2 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work and which are considered to be in the public interest. They may include any of the following:
- 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
 - the deliberate concealment of any of the above matters.
- 8.3 The Trust will also consider complaints regarding the following in accordance with this policy:
- financial fraud or mismanagement
 - negligence
 - breach of our internal policies and procedures
 - conduct likely to damage our reputation
 - unauthorised disclosure of confidential information
 - public examination fraud.

9. Roles and responsibilities

- 9.1 The roles and responsibilities which apply in relation to this policy include but is not limited to:

9.1.1 Chief Executive Officer

- Overall responsibility and accountability for the management of whistleblowing concerns;
- Promote and provide a safe culture and environment where employees and other workers are confident that they can speak up and raise concerns without fear of reprisal and with confidence they will be listened to and supported;
- Delegate the role to investigate matters to an appropriate member of the Central Leadership Team or appropriate Line Manager.

9.1.2 Central Leadership Team

On the chief executive's behalf, Senior Managers/Directors may be responsible for:

- managing whistleblowing concerns and the way the organisation learns from them;
- overseeing the implementation of actions required as a result of a concern being raised;
- investigating concerns, and/or;
- deputising for the chief executive on occasion;

9.1.2 Head Teacher/Line Manager

- Provide a safe environment where employees and other workers are confident that they can speak up and raise matters of concern;
- Ensure that any matters raised are treated seriously and dealt with promptly in accordance with this policy and procedure;
- Inform appropriate senior managers and, where appropriate, Chair of Governors of concerns reported under this policy and procedure;
- Maintain confidentiality, as appropriate, of the employee(s) involved in the concern;
- Ensure that anyone who raises a concern using this policy and procedure is supported and does not suffer any unfair or negative treatment as a result;
- Deter and take appropriate action against bullying, isolating or victimisation of anyone using these procedures.

9.1.4 Chair of Governors

- Monitor the implementation of this policy within the academy to ensure it is fairly applied in accordance with Trust values;
- Promote a safe culture and environment where employees and other workers are confident that they can speak up and raise concerns without fear of reprisal and with confidence they will be listened to and supported;
- If a concern is raised, support the academy and Trust with any investigation, as necessary.

9.1.5 Employees

- Report and pursue concerns reasonably believed to be in the public interest;
- Raise concerns to the appropriate person in the appropriate way in line with this policy;
- Not raising or pursuing any malicious or vexatious allegations relating to the Trust or colleagues;
- 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.

There are existing procedures in place to enable employees to lodge grievances relating to their employment. The Whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures and those which are deemed to be in the public interest.

10. Protection of Whistleblowers

- 10.1 The Trust recognises 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 take action to protect employees when they have a genuine concern.
- 10.2 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 the employee raising a concern under the whistleblowing policy.

11 Confidentiality

- 11.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you wish. If we are not able to resolve your concern without revealing your identity this will be discussed with you.

12 Anonymous Allegations

- 12.1 Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information, and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trust. In exercising the discretion, the factors to be considered would include:
- the seriousness of the issues raised;
 - the credibility of the concern;
 - the likelihood of confirming the allegation from attributable sources;

13 Untrue Allegations

- 13.1 If an employee makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee, following an appropriate investigation.

14 Unfounded Allegations

- 14.1 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 Trust

deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

15 Support for Employees

15.1 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 any employee(s) subject to investigation.

15.2 Support is also available via our Employee Assistance Programme, who can be contacted via the following methods:

<https://www.employeeassistance.org.uk>

Access using the code '*diocese*'

24/7 freephone: 0800 328 1437

From outside the UK: +44 (0) 1482 661814

Minicom: 01482 661 911 (08:30 – 18:00)

15.3 The HR department and union representatives may also be contacted for support.

16 How to raise a concern

16.1 As a first step, an employee should normally raise concerns with their immediate line manager or line managers superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved.

16.2 Concerns may also be raised orally or in writing by calling or emailing the HR team (see Appendix 1 for contact details).

16.3 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the Line Manager/Line Manager's Manager. It is important that, however the concern is raised, the employee makes it clear they are raising the issue via the Whistleblowing Policy.

16.4 The earlier an employee expresses the concern, the easier it is to act.

16.5 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted, that there are sufficient grounds for the concern.

16.6 In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

16.7 At each meeting under this policy, the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

- 16.8 Once details of the concern have been received, consideration will be given to determine if it falls into whistleblowing as outlined in section 8. If it is deemed to fall into whistleblowing the following procedure will be followed.
- 16.9 If it is not deemed as Whistleblowing, the employee will be advised and given information regarding other procedures, if appropriate.

17. Procedure

17.1 Stage 1

- 17.1.1 A senior manager will arrange to meet with the employee to discuss the concern(s) as soon as possible.
- 17.1.2 At the initial meeting the senior manager should establish that there is genuine cause and sufficient grounds for the concern; and the concern has been appropriately raised via the Whistleblowing Policy.
- 17.1.3 The senior manager should ask the employee, to put their concern(s) in writing, if they have not already done so. If the employee is unable to do this the senior manager will take down a written summary of the concern/s and provide them with a copy after the meeting. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the Whistleblowing Policy and provide:
- the background and history of the concerns; and
 - names, dates and places (where possible); and
 - the reasons why the employee is particularly concerned about the situation.
- 17.1.4 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- 17.1.5 The senior manager should follow the policy as set out above and in particular, explain to the employee:
- who they will need to speak to in order to determine the next steps (e.g. Headteacher);
 - what steps they intend to take to address the concern;
 - how they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
 - that the employee will receive a written response within ten working days. If there is a delay for example, if further information is required, the employee will be informed and kept updated.

- that their identity will be protected as far as possible but should the investigation into the concern require the employee to be named. as the source of the information, this will be discussed with the employee before their name is disclosed;
- the Trust will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded unless new evidence becomes available.

17.2 Stage Two

17.2.1 Following the initial meeting with the employee, the senior manager should consult with the Headteacher, Chair of Governors or other relevant Trust party, to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

17.2.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- the seriousness of the issue(s) raised
- the credibility of the concern(s)
- the likelihood of confirming the allegation(s) from attributable sources.

17.2.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry;

17.2.4 Senior managers should have a working knowledge and understanding of other school policies and procedures, e.g., grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

17.3 Stage Three

17.3.1 Within ten working days of a concern being received, the manager receiving the concern

(at paragraph 5.1 above) must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not, why not; and/or
- letting the employee know when they will receive further details if the situation is not yet resolved.

18 Raising Concerns Outside the Trust

18.1 The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body such as a regulator. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the school's response, the manager should ensure that they are made aware with whom they may raise the matter externally, which could be:

- 'Protect' * (tel no: 020 3117 2520)
- Recognised Trade Union
- Senior LA Officer
- External Auditor
- Relevant professional bodies or regulatory organisations
- Solicitor

18.2 The manager should stress to the employee that if they choose to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e., confidential information, in whatever format, is not handed over to a third party.

18.3 Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email help@nspcc.org.uk

19. Monitoring and Review

19.1 DEMAT Trustees are responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Personnel Committee as necessary.

*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

Whistleblowing

What is Whistleblowing?

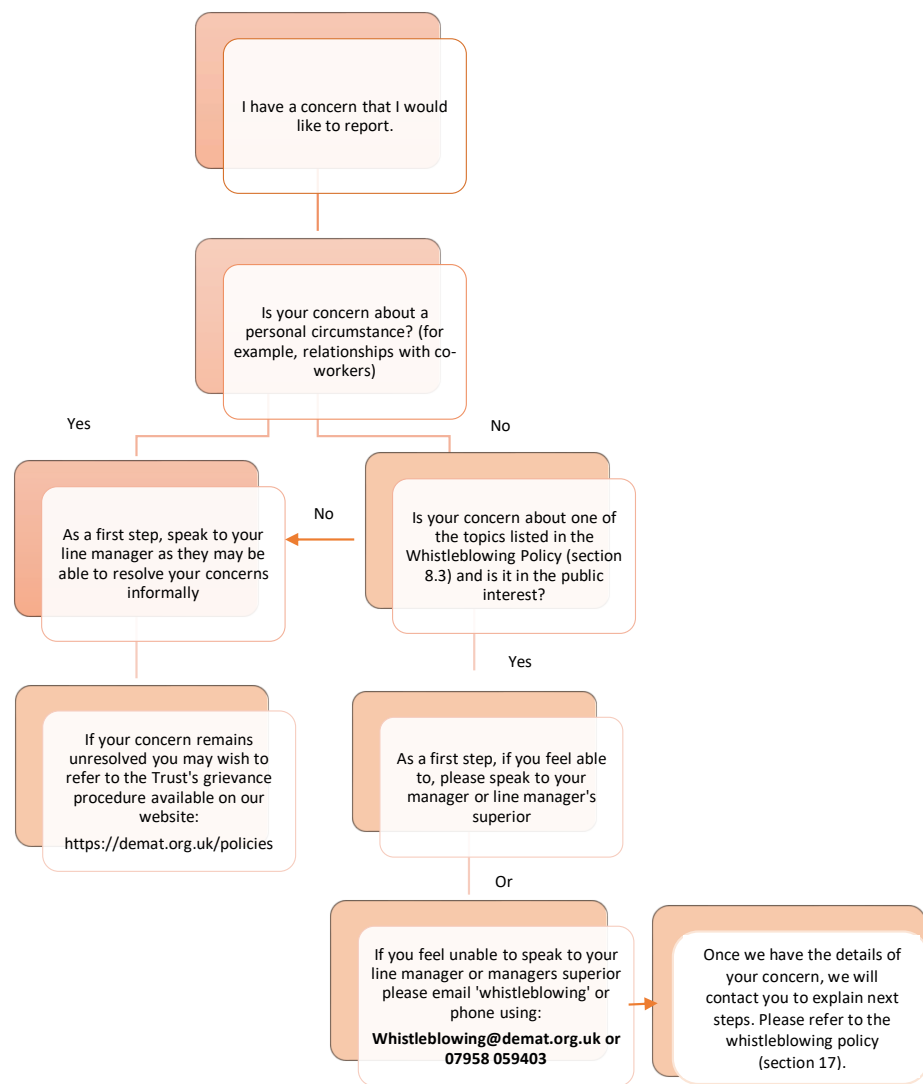
Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work, and which is in the public interest. The wrongdoing you disclose must be in good faith. Some examples of wrongdoing include criminal activity, dangers to health and safety, failure to comply with any legal requirements, bribery, fraud, and miscarriages of justice. This means it must affect others. A full list of examples is documented in the Whistleblowing Policy, available at: <https://demat.org.uk/policies/>

Will I be affected if I raise a concern?

As a Whistleblower you're protected by the Public Interest Disclosure Act (1998). This means you should not be treated unfairly or lose your job because you 'blow the whistle'.

How do I report a concern?

Employees are encouraged to raise concerns, please follow the steps below to ensure you raise your concern through the appropriate process:



Give us a chance to put it right: get in touch.