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Hartlepool Aspire Trust (Catcote Academy & Catcote Futures)

Whistleblowing Policy

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Whistleblowing Policy

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Date: Jan-22

Reviewer: EPM (HR Support)

Date: Jan-22

Approver: HAT Board

Date: Mar-22

ISSUE	AMENDMENT	IMPACT LEVEL	DATE
1	First Issue	Moderate	Sept-2013
2	Second Issue – updated in line with legislation (provided by Avec)	Moderate	July-2015
4	Review – updated external references, changed Governors to Trustees	Moderate	July-2019
5	Updated external references, Trustee/Member contact details and Low Level Concerns, added summary, updated reporting requirements	Moderate	Mar-2022

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1 Introduction

This policy applies to Hartlepool Aspire Trust (the Trust) and its associated organisations (Catcote Academy and Catcote Futures).

This policy has been introduced to enable employees, and other persons working for the Trust, together with suppliers and those providing services under a contract with the Trust, to confidentially voice serious concerns over malpractice and wrong doing within the Trust.

Employees are sometimes the first to realise that there may be something seriously wrong within their organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation; or they may fear harassment, victimisation or other reprisals. In these circumstances it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.

The Trust is committed to the highest possible standards of service provision and for full accountability for those services. In line with that commitment employees are encouraged to come forward and voice any serious concerns they may have about the Trust's work. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that any individual can do so without fear of reprisals. This policy is intended to encourage and enable an individual to raise serious concerns within the Trust rather than overlooking a problem or "blowing the whistle" outside.

The policy applies to all employees and those contractors working for the Trust on Trust premises, for example, agency staff, builders, etc. It also covers suppliers and those providing services under a contract with the Trust.

The Public Interest Disclosure Act (1998) [1] protects workers who 'Blow the Whistle' about wrongdoing. It makes provision about the kind of disclosures, which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected.

The provisions introduced by the Act protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

The policy also takes account of the following guidance:

- The Government guidance for employers and code of practice -
<http://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>,
- Working Together to Safeguard Children 2018 –
Error! Hyperlink reference not valid.
- Sir Robert Francis's Freedom to Speak Up review report:
freedomtospeakup.org.uk*

^{*}(Whilst the Freedom to Speak Up report is written primarily about the NHS, Sir Robert's findings can be applied in other fields, including those organisations covered by Working Together to Safeguard Children (2018).

2 Aims and Scope

This policy aims to:

- a) provide avenues for the complainant to raise concerns and receive feedback on any action taken;
- b) allow the complainant to take the matter further if they are dissatisfied with the Trust's response to the concerns expressed; and
- c) reassure the complainant that they will be protected from possible reprisals or victimisation.

This policy does not replace the Trust's Complaints Policy and Procedure [2]. There are also existing procedures in place relating to Disciplinary, Grievance, and Capability [3, 4, 5, 6].

Any serious concern that the complainant may have regarding the suspicion of malpractice or wrongdoing in any aspect of the Trust's provision, or the conduct of staff within the Trust, or others acting on behalf of the Trust, can and should be reported under this policy.

Employees are expected to report malpractice and wrongdoing. They may be liable to disciplinary action if they knowingly and deliberately do not disclose information relating to malpractice or wrong doing in any aspect of the Trust's provision or the conduct of staff or others acting on behalf of the Trust.

3 Responsibilities

The Board of trustees has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training. The Whistleblowing Officer will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary, and at least annually, to the trustees. The Whistle Blowing Officer is the Head of Corporate Services.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

4 What is Whistleblowing?

4.1 *Whistleblowing is the disclosure of information, which relates to suspected wrongdoing or dangers at work. This may include:*

- Criminal activity;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Bribery
- Financial fraud or mismanagement;
- Negligence;
- Breach of our internal policies and procedures [including the Trust's Code of Conduct];
- Conduct likely to damage the Trust's reputation;
- Unauthorised disclosure of confidential information;
- Action which falls below the Trust's standards of practice
- Abuse (e.g. physical, sexual)
- Discrimination to any worker or service recipient e.g. disability, race etc
- The deliberate concealment of any of the above matters.

4.2 *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 the Trust's activities (a whistleblowing concern) you should report it under this policy.*

4.3 *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 Anti-harassment and Bullying Policy as appropriate.*

4.4 *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 supplier or service provider.*

5 Low Level Concerns

5.1 What is a Low Level Concern?

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a student does not meet the threshold for allegations that might indicate a person would pose a risk of harm, as set out in KCSIE (Keeping children safe in education). A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that is inconsistent with the staff

code of conduct, including inappropriate conduct outside of work. Examples of such behaviour could include, but are not limited to:

- being over friendly with children/vulnerable adults
- having favourites
- taking photographs of students on their mobile phone
- engaging with a child/vulnerable adult on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language

5.2 Reporting and Recording a Low Level Concern

Low level concerns about a member of staff, agency/supply staff, volunteer or contractor should be reported as per the procedures detailed in this policy.

Where a concern is raised, the CEO will direct a member of SLT to collect as much information as possible including:

- Speaking to the person who raised the concern, unless it has been raised anonymously
- Speaking to the person involved and any relevant witnesses

The information collected will help to categorise the type of alleged behaviour and determine whether any further action needs to be taken.

All Low Level Concern will be recorded in writing and reviewed regularly so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. The record will include details of the concern and any action taken. The name of the individual(s) sharing the concern will also be noted, however if they wish to remain anonymous this will be respected as far as reasonably possible. Records will be retained in line with the trust's retention schedule.

6 Safeguards

6.1 Protection and support for whistle-blowers

It is understandable that whistle-blowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken. The Trust recognises that the decision to make a disclosure can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice or from other employees. The Trust will not tolerate bullying, harassment or victimisation and will take action to protect any employee when they raise a concern using this policy. Where the complaint is not confidential or anonymous, the complainant's identity will only be disclosed where necessary and all those included in any investigation are made aware of its confidential nature.

Whistle-blowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal (including selection for redundancy), disciplinary

action, threats or other unfavourable treatment connected with raising a concern. Employees who make a disclosure that is deemed to be in the public interest are protected from suffering a detriment in their employment under the Public Interest Disclosure Act 1998 (PIDA).

6.2 Confidentiality

It will be easier to follow up and to verify complaints if complainants are prepared to give their names. However, wherever possible the Trust will protect those who do not want their names to be disclosed. It must be appreciated that any investigation process may reveal the source of the information and a statement from the complainant may be required as part of the evidence.

6.3 Anonymous Allegations

Concerns expressed anonymously are much less powerful, but they will be treated with caution and considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account would include:

- a) the seriousness of the issues raised;
- b) the credibility of the concern; and
- c) the likelihood of obtaining the necessary information and confirmation of the allegation.

6.4 Deliberately False or Malicious Allegations

The Trust will view very seriously any deliberately false or malicious allegations it receives. It will regard the making of any deliberately false or malicious allegations by any employee as a serious disciplinary offence which could result in dismissal.

If an allegation is made in good faith but it is not confirmed by the investigation, no action will be taken against the complainant.

The Trust will try to ensure that the negative impact of either a malicious or unfounded allegation about any employee is minimised. However, it must be acknowledged that it may not be possible to prevent all of the repercussions potentially involved.

7 Raising a Concern

7.1 Suspicion of Wrongdoing in the Workplace

If the complainant suspects wrongdoing in the workplace:

- they must not approach or accuse the individuals directly
- they must not try to investigate the matter themselves
- they must not convey their suspicions to any one other than those with the proper authority but they must do something

7.2 Raise Concerns with Line Manager

As a first step, the complainant should normally raise concerns with their immediate line manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if the complainant believes that the Head Teacher (CEO) is involved in the matter of concern, or the normal channels of communication are inappropriate for some reason, they should approach the Chair of Trustees.

If, for some significant reason, the complainant does not feel comfortable raising the concern with the Trust's line management, they should contact a Trustee or Member of the Trust directly. These are:

- Lisa Greig (Head Teacher (CEO) and Trustee – Catcote Academy and Catcote Futures)
- Helen Gordon (Chair of Trustees – Catcote Academy)
- Graham Jones (Chair of Trustees – Catcote Futures)
- Ann Malcolm (Member - Hartlepool Aspire Trust)

The complainant should deliver the complaint in a sealed envelope, marked 'private & confidential' addressed to the relevant Trustee/Member, to Catcote Academy, Catcote Road, Hartlepool, TS25 4EZ. Alternatively, they can email the CEO (lisa.greig@catcote.co.uk) or Governance Support who will forward the email to the named Trustee/Member (lucy.emmerson@stockton.gov.uk).

7.3 Verbal or Written Statements

Concerns may be raised verbally but are better raised in writing. The complainant is invited to set out the background and history of the concern giving relevant names, dates and places where possible, and the reason why they are particularly concerned about the situation. They should also state who is raising the concern, unless this is anonymous.

The earlier a concern is expressed; the easier it is to take appropriate action.

Although the complainant is not expected to prove the truth of an allegation that is made, it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.

Advice and guidance on how matters of concern may be pursued can be obtained from the Trust's Human Resources support provider. Alternatively, the complainant may wish to seek advice from their trade union or professional association.

8 Trust's Response to Allegations

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

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the Police
- be referred to the external Auditor
- need to be the subject of a referral to the Teaching Agency

- need to be the subject of a referral to the Disclosure Barring Service
- form the subject of an independent enquiry

In order 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. Concerns or allegations which fall within the scope of specific procedures (for example child/vulnerable adult protection or capability issues) will normally be referred for consideration under those procedures.

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

Within 10 working days of a concern being raised under this procedure the Officer considering the issues will inform the complainant (if the complaint is not anonymous) of the following:

- a. acknowledging that the concern has been received;
- b. indicating how it is proposed to deal with the matter;
- c. giving an estimate (so far as reasonably practicable) as to how long it will take to provide a final response;
- d. informing them whether any initial enquiries have been made; and
- e. informing them whether further investigations will take place and if not, why not
- f. informing the employee when they will receive further details if the situation is not yet resolved.

The amount of contact between the complainant and the Officer considering the issues will depend on the nature of the matters raised; the potential difficulties involved and the clarity of information provided. If necessary, further information will be sought from the complainant.

Where any meeting is arranged, the complainant has the right, if they so wish, to be accompanied by a trade 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 take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example, if they are required to give evidence in criminal or disciplinary proceedings the Trust will advise them about the procedure.

The Trust accepts that the complainant needs to be assured that the matter has been properly addressed. Therefore, subject to any legal restraints and data protection legislation, the complainant will receive as much information as possible about the outcomes of any investigation.

9 How can the Matter be taken Further?

This policy is intended to provide employees and other persons with an avenue to raise concerns within the Trust and it is hoped that they will take this option in the first instance.

The Trust hopes they will be satisfied but if not, and the complainant feels it is right to take the matter outside the Trust, then depending upon the nature of the issue involved, there are several possible contact points. Guidance is available from GOV.UK - *Blowing the whistle: list of prescribed people and bodies*. This includes a list of public bodies, which can deal with particular areas of concern e.g. Education, Finance etc. You can also make a disclosure to a solicitor or the police.

The NSPCC whistleblowing helpline is available as an alternative route for employees who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by the Trust. Employees can call 0800 028 0285 or email: help@nspcc.org.uk

If the complainant does wish to take the matter outside the Trust, they must first ensure that they do not disclose confidential information. In addition, if the complainant wishes to secure the protections afforded by the Public Interest Disclosure Act, they must ensure that their disclosure is protected within the meaning of the Act and that it complies with a set of specific conditions which vary according to whom the disclosure is made.

If necessary, the complainant may wish to seek advice from the Trust's Human Resources support provider or their Trade Union or Professional Association.

10 Independent Advice

If you are unsure whether to use this Policy, please speak to the Whistleblowing Officer. Alternatively, you may want to seek independent advice by contacting:

- Your union;
- Your professional body
- The whistleblowing charity, PROTECT
[Protect - Speak up stop harm \(protect-advice.org.uk\)](http://Protect-Speak up stop harm (protect-advice.org.uk))

11 Review Period

This policy shall be reviewed every 2 years and revised if necessary. The document will be approved by the Board of Trustees.

12 Definitions / Abbreviations

Term	Meaning
DBS	Disclosure Barring Service
HAT	Hartlepool Aspire Trust
KCSIE	Keeping Children Safe In Education

13 Records

The following records are produced as a result of implementation of this Policy:

Description	Form Number	Retention Period	Storage Location

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14 References

- [1] [Public Interest Disclosure Act \(1998\).](#)
- [2] [http://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers,](http://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers)
- [3] [Working together to safeguard children - GOV.UK \(www.gov.uk\)](#)
- [4] [Freedom to Speak Up Review — An independant review into creating an open and honest reporting culture in the NHS.](#)
- [5] Hartlepool Aspire Trust; Complaints Policy; [HAT/POL/GOV/05.](#)
- [6] Hartlepool Aspire Trust; Disciplinary Procedure; [HAT/POL/HR/04.](#)
- [7] Hartlepool Aspire Trust; Capability Procedure (Teachers); [HAT/POL/HR/17.](#)
- [8] Hartlepool Aspire Trust; Capability Procedure (Support Staff); [HAT/POL/HR/18.](#)
- [9] Hartlepool Aspire Trust; Grievance Policy; [HAT/POL/HR/24.](#)
- [10] KCSIE; [Keeping children safe in education - GOV.UK \(www.gov.uk\)](#)
- [11] Protect; [Protect - Speak up stop harm \(protect-advice.org.uk\)](#)

Appendix 1 – Summary of Procedures

Reporting a concern

If the complainant suspects wrongdoing in the workplace:

- they must not approach or accuse the individuals directly
- they must not try to investigate the matter themselves
- they must not convey their suspicions to any one other than those with the proper authority but they must do something

As a first step, the complainant should normally raise concerns with their immediate line manager or supervisor.

If the complainant believes that the Head Teacher (CEO) is involved in the matter of concern, or the normal channels of communication are inappropriate for some reason, they should approach the Chair of Trustees.

The complainant should set out the background and history of the concern (preferably in writing):

- relevant names
- dates and places
- the reason why they are particularly concerned about the situation
- who is raising the concern, unless this is anonymous

Response to a concern

Initial enquiries will be made to decide whether an investigation is appropriate.

The complainant will be updated within 10 days (inc. if an investigation will take place).

Further information will be sought from complainant if necessary.

Subject to any legal restraints and data protection legislation, the complainant will receive as much information as possible about the outcomes of any investigation.

Taking the matter further

If the complainant does wish to take the matter outside the Trust, they must first ensure that they do not disclose confidential information.

Guidance is available from GOV.UK - *Blowing the whistle: list of prescribed people and bodies*.

Make a disclosure to a solicitor or the police.

NSPCC whistleblowing helpline - 0800 028 0285 or email: help@nspcc.org.uk