

Whistleblowing (Public Interest Disclosure) Policy

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Date: September 2019

Last reviewed on:

Next review due by:

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WHISTLEBLOWING (PUBLIC INTEREST DISCLOSURE) POLICY

1 SCOPE AND PURPOSE

- 1.1 The Whistleblowing Policy sets out the framework for employees to raise concerns that are in the public interest, “in-house” and without fear of victimisation, subsequent discrimination or disadvantage.
- 1.2 London South East Academies Trust is committed to the highest possible standards of openness, probity and accountability. It is imperative that a quality and trusted service to our learners, community, examining bodies and employers must always take precedence. LSEAT encourages staff to come forward and voice any concerns.
- 1.3 This policy applies to all employees and those contractors working for LSEAT and includes independent contractors, agency workers, consultants or freelance agents.
- 1.4 Throughout this policy, the term ‘Manager’ is a generic term and refers to line managers and more senior managers who are responsible for managing individuals, teams or larger organisational units.

2 HOW TO RAISE CONCERNS

- 2.1 As a first step, staff should normally raise concerns with their immediate manager.
- 2.2 This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. For example, if the staff member believes that the manager or senior manager for his/her area of work is involved in the matter that he/she intends to raise, or he/she believes that the matter may not be dealt with properly, the concern may be raised directly to the Head of School.
- 2.3 Exceptionally, and in the event that the concern to be raised involves staff at this level, the matter should be raised with the Executive Headteacher.
- 2.4 In the event that concerns relate to the Executive Headteacher, concerns should be addressed to the CEO directly.
- 2.5 Concerns relating or affecting the CEO should be passed directly to the Chair of the Trust.
- 2.6 Preferably, concerns should be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible and the reason for an individual’s concern. If the individual feels that he/she is not able to raise the concern in writing at this point, he/she may raise the matter verbally with the appropriate manager. However, at some point the concern will need to be put into writing although this may be done through his/her representative.

3 MANAGERS’ RESPONSIBILITIES

- 3.1 All managers should ensure that their staff are fully aware of the provisions allowed for and contained within this Policy.
- 3.2 Managers will ensure that any concerns raised with them are recorded and forwarded in confidence to the Executive Director of HR. Managers should prepare a record of the conversation and should include:
 - the date of the disclosure;
 - the risk(s) involved and whether they are on-going;
 - a summary of the concern and its background;
 - the response proposed by the discloser;

- whether confidentiality was requested or promised;
 - whether the concern was raised previously;
 - whether the concern was raised with line management;
 - any general observations.
- 3.3 Any such records must be prepared and processed in accordance with the principles of Data protection, as outlined in LSEAT's Data Protection Policy and Procedures.
- 3.4 Line managers should seek advice from their HR Business Partner if there is any uncertainty about the application of this policy and procedure.

4 INTERNAL DISCLOSURE OF INFORMATION

- 4.1 This procedure applies to disclosure of information by an employee of the Trust, or an agency worker, consultant or other contract worker engaged by LSEAT, who has reasonable grounds to believe that malpractice has taken place, is currently taking place or is likely to take place in connection with LSEAT, whether on the part of another employee, a member of the Trust or any other person.

The term 'reasonable grounds for belief' means there is more than just a possibility or risk that malpractice has taken place, is taking place or is likely to take place.

- 4.2 Malicious or vexatious allegations will be dealt with under LSEAT's Disciplinary Policy and Procedure, however, where the complaint is made anonymously, or where repeated anonymous vexatious complaints are made, the CEO or executive Head Teacher should decide whether it is reasonable and appropriate to investigate formally. Where anonymous vexatious complaints are identified, with no previous evidence found to uphold a complaint, the CEO or Executive Headteacher should be mindful of the impact on the staff involved, as this could be constituted as victimisation or bullying.
- 4.3 It is preferable that a whistleblowing concern is raised as soon as there is a reasonable suspicion. No staff are expected to investigate the matter personally or to prove their concern.
- 4.4 The individual with the information ("the discloser") should raise a concern at an early stage, verbally with their immediate line manager, who should make a record of the key details and provide a copy to the Executive Director of HR within one working day of the concerns being brought to their attention.
- 4.5 If the discloser does not feel confident about raising a concern with their line manager or where it has been raised with the line manager as described but the employee does not think it has been properly addressed, the issue should be raised with the Executive Director of HR.
- 4.6 The Executive Director of HR will arrange to meet with the discloser to discuss the concerns in broad terms if appropriate within 10 working days of receipt of the concern, will appoint a suitable Investigating Officer (IO), who will offer a formal interview with the discloser as soon as practicable after the initial disclosure.
- 4.7 The purpose of the interview will be to ascertain the scope of concern and to determine how the matter might be resolved. The discloser has the right to be accompanied by a trade union representative or work colleague at the interview and during any meetings (either formal or informal) with LSEAT in relation to the concern.
- 4.8 Following the interview, the IO will write a brief summary of the meeting, which will be agreed by both parties. The IO will also set out what enquiries will be made, whether a full internal investigation is required or the matter is being referred to another external body for

investigation. Some concerns may require immediate action being taken. In the event that urgent action is required this will take place prior to an investigation being undertaken.

- 4.9 The discloser will be encouraged to advise the IO if they would like to receive an update on progress or feedback. Disclosers should be aware that feedback on actions taken may be subject to legal constraints. The discloser will also be able to contact the IO if they see any further evidence that the wrongdoing is continuing, or if they are anxious about a reprisal.
- 4.10 Where specific enquiries need to be made with a school or individual where the discloser is based, the discloser will be forewarned so they are prepared to answer questions along with their colleagues.
- 4.11 As soon as it is reasonably practicable following the interview (or after the initial disclosure if the discloser declines an interview), the IO will make recommendations for implementation by the appropriate Head of School/ Executive Headteacher.

The recommendations may include, but are not limited to, the following:

- No further action is required.
 - Some modification to the School's policies or procedures, systems or processes is required
 - The matter may need to be reported to the police
 - The matter may need to be investigated either by the Audit Committee or some other committee of the Trust, or by other internal or external auditors or investigators appointed by LSEAT
 - The matter may need to be reported to an appropriate public authority e.g. the Education Skills Funding Agency (ESFA), the Department for Education (DfE), the National Audit Office, Health and Safety Executive (HSE), Information Commissioner's Office (ICO) etc.
 - The matter needs to be referred to LSEAT's Disciplinary Policy and Procedure.
 - The matter is inappropriate for investigation under this procedure in which case an appropriate LSEAT procedure should be recommended, if applicable.
- 4.12 There may be reasons where the IO may recommend no further action on the following basis:
- The discloser does not have a reasonable belief that malpractice has taken place, is taking place, or is likely to take place.
 - If the matter concerned is already being dealt with under other proceedings e.g. legal channels, or has already been referred to another appropriate body
 - If the matter is already being, or has been, dealt with under one of LSEAT's other procedures relating to staff or students.
- 4.13 It is expected that the individual with the information, the discloser, would have a responsibility to the organisation and should they choose to make an anonymous complaint then they should provide an appropriate medium to allow communication with the IO who might require clarification on a matter and might need to communicate with the discloser. If there is no means of communication or response then serious consideration should be given to the authenticity of the complaint and whether formal or informal investigation should take place.
- 4.14 The IO will make any recommendations under this procedure to the EHT unless it is alleged that the EHT is involved in the alleged malpractice or unless there are other good reasons

for not doing so. If this is the case, the IO will make the recommendations to the CEO, Chair of the Trust or Vice Chair in their absence.

- 4.15 The recipient of the recommendations will take all steps within their power to ensure that they are implemented except where in view of the recipient there are good reasons for not doing so. Advice and guidance should be sought from the Executive Director of HR in this regard, who will liaise with the EHT, where appropriate.
- 4.16 If the EHT decides not to implement fully any such recommendations, that decision will be notified in writing to the Chair of the Trust, as soon as practicable, together with the reasons for it.
- 4.17 When it has been decided that further steps should be taken (if any), the discloser will be informed of the decision in writing. If no further steps by LSEAT are proposed, the discloser will be informed of the reasons for this.

5 APPEALS

- 5.1 If staff are dissatisfied with the original response to the investigation they should bring their concerns and reasons for these to the attention of the Executive Director of HR who will arrange for the IO to be made aware in order to address these as part of the investigation and provide any response.
- 5.2 If staff are dissatisfied with the final response/outcome determined by the EHT, staff should write to the Executive Director of HR within 5 working days of written notification of the outcome setting out the grounds for their dissatisfaction. The Executive Director of HR and Internal communications will arrange for the issues raised to be brought to the attention of the Chair of the Trust.
- 5.3 In cases where the recommendations made by the IO have been made to the Chair of the Trust/Vice Chair, if staff are dissatisfied with the final response/outcome determined, staff should write to the Clerk of the Trust within 5 working days of written notification of the outcome setting out the grounds for their dissatisfaction. The Clerk will arrange for the issues raised to be brought to the attention of the Chair of the Trust for further consideration and response.

6 EXTERNAL DISCLOSURE OF INFORMATION

- 6.1 If, having followed this procedure, the discloser is not satisfied with the further steps determined by LSEAT, or with the outcome of these steps, s/he may raise the matter confidentially with any person or organisation mentioned in the Public Interest Disclosure Act 1998.
- 6.2 Before referring any matter to an external body (prescribed regulator) staff are strongly advised to discuss the matter with the EHT.
- 6.3 For the disclosure to be protected it must be made to a body or person who it is reasonably believed has legal responsibility for dealing with the matter.
- 6.4 Prescribed Regulators can include HMRC, FSA, H&S Executive, The Information Commissioner Office (ICO), Department for Education (DfE) and Ofsted.
- 6.5 Other contacts that individuals may wish to consider seeking advice about how to take concerns forward may be the individuals professional body or regulatory organisation, trade union, solicitor, police, Public Concern at Work (an independent charity who can be contacted on 0207 404 6609 or at helpline@pcaw.co.uk).

7 RELATED POLICIES

- Grievance Policy
- Data Protection Policy Paragraph 1