



## **Whistleblowing Policy**

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**The Perins MAT**

**2019-2020**

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### **Section 1: The Perins MAT is Committed to Accountability**

The Trust Board of The Perins MAT ('The MAT') is committed to the values of accountability and transparency. The MAT expects the highest standards of conduct from all employees, members, trustees, and local governors and will treat seriously any concern raised about illegal or improper actions.

This document is in place to help people working for and with The MAT ("colleagues") to question and act upon their concerns. It is important to the MAT that colleagues report any fraud, misconduct or wrongdoing, and that The MAT deals with it properly.

The Trust Board will therefore respond to anyone who raises a genuine concern about the conduct of colleagues, which is in the public interest.

This policy sets out the principles for this. The accompanying Procedure describes how individuals may raise concerns and how The MAT will deal with them.

### **Section 2: The MAT Encourages all Colleagues to Report their Concerns**

If any colleague has reason to believe that another colleague or group of colleagues, either directly employed by The MAT or otherwise associated with The MAT, are involved in:

- A criminal offence  
(e.g. fraud, corruption, sexual or physical abuse of pupils/students or others);
- A failure by a person to comply with any legal obligation to which he/she is subject;
- A miscarriage of justice;
- A danger to the health or safety of any individual;
- Environmental damage;
- A deliberate attempt to conceal any of the above matters.

...they should report their concerns immediately.

There is a fuller description of these concerns, at the end of this policy.

### **Section 3: The MAT will Protect Whistleblowers**

The Trust Board recognises that the decision to report a serious concern can be difficult. However, any colleague making a disclosure in good faith should know that they are doing their duty. It is in the best interests of the schools and the wider MAT community. The Trustees are committed to protecting whistleblowers from any recrimination or reprisal.

Any colleague who makes a disclosure under this policy will be protected under the law from any recriminations or reprisal resulting from this disclosure. This is set out in The Public Interest Disclosure Act 1998 (PIDA). The colleague will be protected from reprisal where the following conditions apply.

- They are an employee, casual employee, agency employee, local governor, trainee, intern or work experience student, trustee, member, person contracted to work on or for the MAT or one of its schools, such as builders or drivers, or they are employed by any supplier or person providing services under contract to The MAT.
- They believe that malpractice in the workplace is happening, has happened in the past, or will happen in the future
- They are revealing information of the right type (a 'qualifying disclosure'), which is listed in section 2.
- They reveal it to the right person, and in the right way (making it a 'protected disclosure') as set out in Section.

The Trust Board will protect the confidentiality of the whistleblower unless there is a legal reason why they are not able to do so.

The Trust Board will not tolerate any individual being victimised, harassed, or otherwise disadvantaged as a result of invoking the Whistle Blowing Procedure. If any such action takes place against an individual making a disclosure, the Disciplinary Procedure will apply.

## **Section 4: There is a Clear Escalation Route This is called Making a Protected Disclosure**

Raising such a concern is referred to as '*making a protected disclosure*'. The procedure for this is contained within the Manual of Personnel Practice and Procedure (MOPP). A copy is attached as Appendix A of this Policy.

In the first instance the colleague should discuss the matter with their immediate manager.

Where this is not successful or the concern relates to the manager, employees may raise the matter with the Executive Headteacher.

Where the matter concerns the Executive Headteacher, the colleague should raise the matter with the Chair of Trustees.

Where a matter relates to a safeguarding issue the colleague should refer to The MAT Child Protection and Procedure Policy.

Where the matter relates to an individual's treatment at work the colleague should refer to the Grievance Procedure.

If a colleague is not satisfied with the response they receive they may raise a formal complaint via the Complaints Procedure.

Where the above channels are not appropriate or in situations where criminal activity or serious malpractice is suspected colleagues may consider notifying an appropriate external authority (see below).

### **Schedule of The MAT Contacts (Updated 1<sup>st</sup> September 2019)**

Should you need to make a disclosure, the current post-holders are:

Executive Headteacher: Mr Steve Jones                      Contact: sjones@perins.hants.sch.uk

Chair of Trustees: Mrs Alison Mayne Contact: amayne@perins.hants.sch.uk

Where such matters cannot be resolved internally, the matter can be taken to an appropriate external authority.

### **Appropriate External Authorities**

- The appropriate safeguarding authority  
For example: the Local Authority child protection officer  
This is not for individual cases where the Child Protection and Safeguarding Policy would apply, but would refer only to concerns of widespread negligence or non-compliance with the law
- A trade union
- A local Member of Parliament
- An appropriate professional association or inspectorate (eg: Ofsted or the Health and Safety Inspectorate)
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "Whistleblowing: list of prescribed people and bodies".
- The police

## **Section 5: You Should Consider what Support is Appropriate**

A colleague is entitled to ask their trade union representative, or another representative, to help them with the procedure. Where this is the case they should make it clear to their representative that that they intend to make a protected disclosure.

Where a colleague decides that the matter should be taken to an appropriate authority outside of The MAT, they are strongly urged to obtain legal advice to ensure that their rights and the rights of any other person involved are protected. This can be obtained from:

- A solicitor
- The Citizens Advice Bureau
- Public Concern at Work – independent advisors (pcaw.org.uk)
- Trade Unions

## **Section 6: You Should Consider Your Actions with Care**

### **Do not take matters into your own hands**

A colleague making a disclosure should not approach or accuse any individuals directly or try to investigate the matter themselves.

Whilst a colleague should retain any written evidence of their concern, they should not make this available to anyone other than the person they approach through the escalation route in section 4 or the appropriate external authority described in sections 4 and 5. They must ensure that the confidentiality of any other person associated with, but not responsible for the matter of concern, is maintained. You must not breach your responsibilities under GDPR.

### **Do not make frivolous allegations**

If a colleague makes an allegation frivolously, maliciously or for personal gain, then The MAT may take disciplinary action against them. In such cases, the Disciplinary Procedure will apply.

### **You must follow The MAT's procedures**

Colleagues must follow the procedure associated with this policy.

Colleagues may not disclose or discuss any matter relating to this concern with any other party, including the media. Colleagues who are found to have done so will be subject to disciplinary action, and the Disciplinary Procedure will apply.

### **Situations where Protected Disclosure (Whistleblowing) Procedures would apply.** This section is for guidance only, and does not form a part of the policy.

Situations where the Whistleblowing Procedures apply include:

- Conduct which is an offence or a breach of law, including:
  - The unauthorised use of public funds
  - Fraud or corrupt practices
- A breach of any legal obligation
- Disclosures related to miscarriages of justice
- Dangerous procedures, including:
  - Practices risking Health and Safety
  - Risks to the public as well as other employees
- Damage to the environment
- Practice which falls below established standards or practice, including:
  - Inappropriate use of Standing Orders, Financial procedures or Contract Regulations
  - Action which is contrary to the code of conduct for employees Sexual or physical abuse of pupils or others
  - Other unethical conduct
- Concealment of any of the above

These are for guidance only, and are not a legal interpretation of The Public Interest Disclosure Act 1998 (PIDA).

Version:	
Status	For Approval by the Trust Board
Approved by	Trust Board
Date	9/9/19
Circulation	Colleagues

Local Governors, Trustees, and Members

Volunteers

Contracted workers

## Appendix A

# The Perins MAT

## Whistleblowing Procedure

### Step 1: Raise Your Concern

You should initially raise any concerns you have under this procedure with your immediate line manager.

If you believe your manager is involved in the malpractice, you may raise your concerns with the Executive Headteacher.

If you believe it is not appropriate to raise the matter with the Executive Headteacher, you may approach the Chair of Trustees.

### Schedule of Perins MAT Contacts (Updated 1 February 2018)

Should you need to make a disclosure, the current post-holders are:

Executive Headteacher:	Mr Steve Jones	Contact:	sjones@perins.hants.sch.uk
Chair of Trustees:	Mrs Alison Mayne	Contact:	amayne@perins.hants.sch.uk

If the matter cannot be raised within The MAT, you can raise your concerns in accordance with Step 7.

The relevant manager should take advice from Education Personnel Services (EPS) who may involve other departments of Hampshire County Council (HCC) or other appropriate external authorities where appropriate as identified in sections 4 and 5 of the Whistleblowing Policy.

### How to Make Your Disclosure

You can raise your concerns either orally or, preferably, in writing. A written disclosure will be best for you and for the interests of The MAT and its community.

Your disclosure should provide as much information as possible about the matter, including:

- Dates
- Individuals involved
- Other possible sources of information

You must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

You may wish to make anonymous disclosures. But note that it may be important for the investigating manager to know the source of any information, to enable a full investigation. The manager would also need to take into account the nature and credibility of an allegation before deciding to proceed with an investigation. However, you can be assured that all disclosures will be treated in confidence and every effort will be made to preserve your anonymity. The Public Interest Disclosure Act 1998 (PIDA) provides protection against victimisation to anyone who makes a protected disclosure in good

faith.

## **Step 2: You will Get a Written Acknowledgement**

Within ten working days of a concern being raised, the person receiving the concern will write to you:

- Acknowledging receipt of your concerns
- Indicating what initial steps they will take to deal with it
- Where possible they will estimate the time it will take to provide a final response

## **Step 3: The Person who Receives Your Concern will Determine whether it is a Protected Disclosure.**

Disclosures of information which qualify as Protected Disclosures are those where you reasonably believe (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence  
(e.g. fraud, corruption, sexual or physical abuse of pupils/students or others);
- A failure by a person to comply with any legal obligation to which he/she is subject;
- A miscarriage of justice;
- A danger to the health or safety of any individual;
- Environmental damage;
- A deliberate attempt to conceal any of the above matters.

Following disclosure of one of the above matters, the person receiving the disclosure must determine whether it is a Protected Disclosure under the Act, by considering the following:

- Whether you have actually disclosed any factual information, as opposed to opinion only;
- Whether you believe that the information tended to show that one of the matters above has occurred, is occurring or is likely to occur; and
- Whether your belief was reasonable.

If the above criteria are met, the disclosure will qualify as a protected disclosure, and the remainder of this procedure will apply.

If the criteria are not all met but the manager believes your disclosure was made in good faith, investigations should still take place into the allegations and you should not be discriminated against because you have raised the allegation.

If it is found that your disclosure was made for malicious purposes or for personal gain, the MAT will deal with this under the disciplinary procedure.

#### **Step 4: There will be a Preliminary Investigation**

The manager will conduct a preliminary investigation to establish whether the alleged act or omission could actually have occurred, be occurring, or be likely to occur in the future.

The investigation is not, at this stage, to determine whether the alleged act or omission has actually occurred, but to determine the facts of the case. For example, was the alleged individual actually where they were purported to be, what does the evidence show? More about investigations can be found in the Manual of Personnel Practice and Procedure (MOPP):

#### **Step 5: Allegations that have a foundation will be followed up with a full internal investigation**

Allegations that have some foundation to them will be followed up with a full internal investigation, which may result in one or more of the following:

- No case to answer;
- Referral to Internal Audit.
- Disciplinary action taken against the alleged individual;
- Referral to Social Services or the Police, or other relevant organisation;

If the allegations are unfounded (no evidence or proper basis that supports the allegation), or unsubstantiated (can neither be proven nor disproven), no action need be taken by The MAT. However, The MAT will try to understand why you felt the need to raise the allegation. For example, is there a training need within The MAT or one particular school?

If it is found that you made the allegation for malicious purposes or for personal gain, the MAT will deal with this under the Disciplinary Procedure. Guidance on disciplinary issues can be found in the MOPP.

#### **Step 6: The MAT will Communicate the Outcome of the Investigation to You**

Subject to legal constraints and the need to protect the rights of individuals, you will be informed of the outcome of any investigation at the earliest practicable opportunity. Such information will not include confidential details about formal action taken against another staff member.

For reasons of sensitivity and confidentiality, all communications with you under this procedure will be sent to your home address, unless an alternative arrangement has been mutually agreed.

#### **Step 7: If You are Not Happy with the Outcome, You May Take Your Concern Further**

In the event that you feel that your concerns have not been resolved through the above process, you may write to the Chair of Trustees, outlining your concern, the action taken to date, and the reasons for your dissatisfaction.

Within 10 working days of you raising your concern, the Chair of Trustees will write to you to

acknowledge that they have received your concern, and indicate what further steps will be taken, as well as providing an estimate of the time it will take to provide a final response.

The Chair of Trustees may decide to set up a small group of Trustees to investigate your concerns further. The Chair of Trustees will then inform you of the outcome of this process on the same basis as required of the manager above.

Where appropriate, the Chair of Trustees should also involve the appropriate external authorities at an early opportunity.

In the event that the matter cannot be satisfactorily resolved within The MAT, you can escalate your concerns further. You can raise your concerns, as appropriate, with any of the following appropriate external authorities, subject to the concern being a protected disclosure (see Step 3, above):

- The appropriate safeguarding authority;
- A trade union;
- A local Member of Parliament;
- A relevant professional body or inspectorate (e.g. Ofsted or Health & Safety Executive);
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "Whistleblowing: list of prescribed people and bodies".
- The Police

You can only make a disclosure to a prescribed person if you:

- Make the disclosure in good faith;
- Reasonably believe the information is substantially true;
- Reasonably believe you are disclosing the issue to the appropriate person or body (e.g. Health and Safety issues to the HSE).

In taking your concern outside of The MAT, you must ensure that, as far as possible, the matter is raised without personal information relating to other staff, or confidential information about unrelated matters, being disclosed.

If you approach an accredited legal advice centre, e.g. Public Concern at Work (0207 404 6609 or [www.pcaw.org.uk](http://www.pcaw.org.uk)) or Citizens Advice Bureau, you must not breach your duty of confidentiality to the Trust Board or your responsibilities under GDPR.

## **Failure to follow this procedure**

If you unreasonably and without justification raise such issues on a wider basis, such as with the press, without following the steps and advice in this procedure, you may be liable to disciplinary action under the Disciplinary Procedure.

If you approach or accuse any individuals directly or try to investigate the matter yourself, you may be liable to disciplinary action under the Disciplinary Procedure.

If you make an allegation frivolously, maliciously or for personal gain, you may be liable to disciplinary

action under the Disciplinary Procedure.