Whistle Blowing Policy

Aims:	• To create an honest and open culture whereby individuals feel able to speak freely on a range of matters • To encourage individuals to raise serious concerns without fear of reprisal or victimisation • To support the right of the Trust, each Academy and employees to protect themselves against inappropriate allegations • To support and foster the spirit of trust and respect in line with the Trust's values • To ensure the Trust employees all operate with a common set of high values and are self-monitoring *This will be achieved by:* • In an honest and open environment, developing a culture of trust that all concerns raised will be followed up quickly and thoroughly
Targets/ Outcomes	• Create suitable guidelines for all parties in terms of expected conduct, ethics and the values of the Trust • Establish safe routes for concerns to be communicated, offering fair protection to those who raise and those who are the focus of such concerns • Create a fair and impartial investigative procedure to consider and respond to concerns raised in a timely manner • Malicious and unfounded allegations are avoided
Definition:	• Whistle blowing is the reporting by employees or ex-employees of wrongdoing or other illegal or unethical acts undermining the ethos of the Trust or any individual academy on the part of either other employees, management, any local governing body or the Trust board, without fear of reprisal. Employees may, for this purpose, include contractors and agency workers. • That one or more of the following matters has happened, is happening or is likely to happen in the future: 1. A criminal offence 2. The breach of a legal obligation 3. A miscarriage of justice 4. A danger to the health and safety of any individual 5. Damage to the environment 6. Breach of the Trust's Code of Conduct 7. Deliberate attempt to conceal any of the above. • Whistleblowing is not appropriate for dealing with issues covered by other policies and procedures such as: o Employment disputes o Pupil complaints o Safeguarding
Roles and Responsibilities:	
Students will:	• Report appropriate concerns in line with the relevant academy's established students' complaints procedure
All employees will:	• Actively commit to the honest and open culture engendered by the Trust and each academy and report appropriate concerns in line with the specified procedure of each academy • Seek to discuss and resolve concerns promptly to maintain the positive spirit and values of the Trust and each academy • Raise concerns at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future • Not use whistleblowing falsely or maliciously • Adhere to the requirement not to publicly disclose the Trust or any academy's confidential information, unless the Trust or academy fails properly to consider or deal with an issue in line with the specified procedure
Team leaders/Line Managers will:	• Listen carefully and considerately to concerns and give appropriate feedback • Emphasise their support for an honest and open culture and treat all concerns raised to them diligently and sensitively in line with the relevant procedures
Parents and carers will:	• Inform the relevant academy if their child has made any complaints or they have genuine concerns relating to a teacher or employee • Support the academy in the fair and balanced implementation of its performance management procedure
The Academy SLT will:	• Build student and employee confidence in the policy • Investigate escalated concerns diligently and sensitively • Support and not discriminate against concerned employees who apply the whistleblowing procedures, provided any claim is made in good faith • Implement, monitor, review and revise the policy with governors and the Trust board
Related Docs:	Students Complaints Procedures, COLAT Complaints Procedure, Trust Safeguarding Policy and individual academies' safeguarding procedures, and Trust Grievance and Disciplinary Policies Public Interest disclosure Act 1998 GOV.UK - Whistleblowing: Public Concern at Work Individual whistleblowing procedures in place at each Academy

	Approval Date:	**Monitored By:**	**Full Review Due:**	**Review By:**
CITY OF LONDON ACADEMIES TRUST	5 July 2017 Reviewed 18 July 2018,11 July 2019, 9 July 2020, 8 July 2021 and 14 July 2022	Trustees	July 2023	Trust, Local Governing Bodies, employees,

TEMPLATE WHISTLEBLOWING PROCEDURES

Employees may, on a confidential basis seek prior guidance from the Principal/Headteacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Principal/Headteacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Academy or any person under these procedures.

1 WHISTLEBLOWING PROCEDURE

1.1 Any issue raised will be kept confidential while the procedure is being used.

1.2 The Representor (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing.

1.3 However, if the concern relates to the Representor's line manager or any person to whom he or she reports, other than the Principal/Headteacher, the Representor should raise the issue with the Principal/Headteacher;

1.4 If the concern relates to the Principal/Headteacher, the Representor should raise the matter with the Chair of the Local Governing Body.

If the concern relates to the Trust Chief Executive Officer, the Representor should raise the matter with the Chair of the Board of Trustees.

1.5 The person with whom the matter is raised is referred to as the "Assessor".

The Assessor will:

1.5.1 Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;

1.5.2 Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;

1.5.3 Consult with the Representor about further steps which could be taken;

1.5.4 Advise the Representor of the appropriate route if the matter does not fall under this Procedure;

1.5.5 Other than in the case of paragraph 1.4, report all matters raised under this procedure to the Chair of the Local Governing Body.

1.6 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy staff to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

1.7 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:

1.7.1 The matter be further investigated internally by the Trust or the Academy;

1.7.2 The matter be further investigated by external consultants appointed by the Trust/Academy;

1.7.3 The matter be reported to an external agency;

1.7.4 Disciplinary proceedings be implemented against an employee;

1.7.5 The route for the Representor to pursue the matter if it does not fall within this procedure; or

1.7.6 That no further action be taken by the Trust/Academy.

1.8 The grounds on which no further action is taken include:

1.8.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;

1.8.2 The Assessor is satisfied that the Representor is not acting in good faith;

1.8.3 The matter is already (or has been) the subject of proceedings under one of the Trust's or Academy's other procedures or policies;

1.8.4 The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.

1.9 The recommendation of the Assessor will be made to the Principal/Headteacher. However, should it be alleged that the Principal/Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Local Governing Body.

1.10 The Principal/Headteacher or Chair of the Local Governing Body, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Local Governing Body.

1.11 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

1.11.1 Where the Assessor is under a legal obligation to do so;

1.11.2 Where the information is already in the public domain; or

1.11.3 On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

1.12 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.

1.13 All responses to the Representor will be made in writing and sent to the Representor's home address.

1.14 If the Representor has not had a response within the above time limit or such reasonable extension as the Academy requires, the Representor may go to an appropriate external agency, under paragraph 3, but will inform the Assessor before doing so.

1.15 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

2 MALICIOUS ACCUSATIONS

2.1 A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

3 INFORMING EXTERNAL AGENCIES

3.1 Within the Trust all employees have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust or the academy fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

3.2 Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct. The external agencies which may be used if disclosure is permitted under paragraph 3.1 are:

3.2.1 Department for Education (DfE/ESFA). (In these circumstances, the DfE/ESFA will assess whether all school processes have been applied and that the Assessor has done

everything possible to resolve the issue. If this is not the case, the DfE/ESFA will refer the matter back to the Assessor);

3.2.2 Member of Parliament;

3.2.3 National Audit Office;

3.2.4 Health and Safety Executive;

3.2.5 Police.

3.3 Whistleblowing to the media is not appropriate or permitted in any circumstances.