

POLICY

WHISTLEBOWLING POLICY



Hindley Green Community Primary School
St. Peter's C. of E. Primary School, Hindley
St. John's C. of E. Primary School, Hindley Green
St. John's C. of E. Primary School, Abram
University Collegiate School, Bolton

Reviewed September 2024
Next Review Date – September 2026

1. Introduction

QUEST is committed to achieving high standards and values in public service. All employees of Quest are bound by the code of practice and a culture of equality and mutual respect. Quest's Code of Conduct holds this at the heart of its statements. We recognise that we all play a vital part in creating and maintaining an ethical climate at work and may often be the first to notice unacceptable behaviour or practice within Quest.

Whistleblowing is when an individual 'makes a disclosure in the public interest' about a matter which has come to their attention through work. Whistleblowing occurs when a worker raises a concern about danger or illegality that affects others, for example members of the public. The disclosure may be about the alleged wrongful conduct of their employer, a colleague, or any third party. The whistleblowing policy covers all employees, volunteers, trainees, agency workers and contractors.

Typically, the whistleblower is not directly, personally affected by the danger or illegality, although they may be. Personal complaints such as harassment, discrimination or breaches of their own employment contract, are not usually treated as whistleblowing and should be handled according to Quest's Grievance or Dignity at Work policies. Quest policies and procedures can be accessed from the Quest website.

Examples of the situations covered may include:

- Financial malpractice (including the Academies Financial Handbook relating to the use of public funds)
- Criminal offences
- Behaviour amounting to improper conduct
- Matters which fall below established standards of practice
- Risks to health and safety
- Failure to comply with a legal obligation or contravening Trust policy
- A miscarriage of justice
- Environmental damage
- Bringing the Academy Trust into disrepute

2. Purpose

The Board of Trustees are committed to the highest possible standards of openness, probity and accountability and to working in close partnership in resolving matters raised through this Whistleblowing Policy.

Employees are often the first to realise that there may be something seriously wrong within their workplace environment. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. In line with these commitments, employees with serious concerns about any aspect of Quest and its schools' work are encouraged to come forward and voice those concerns without fear of reprisals from the schools, their colleagues or Quest.

This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the schools or Quest rather than overlooking a problem or 'blowing the whistle' outside. However, the policy does not override any statutory rights an employee may have.

3. Safeguards Harassment or

Victimisation

The Board of Trustees recognise that 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 Board of Trustees will not tolerate harassment or victimisation by the schools, their colleagues or Quest and will do what it lawfully can to protect employees when they raise concerns under this policy.

This does not mean that if an employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality

The Board of Trustees and Quest will do its best to protect the identity of an employee when a concern is raised and the employee does not want their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence, particularly if the Police or External Auditors or the Courts become involved. The employer may be required by law to disclose the source of the information, in which case confidentiality cannot be guaranteed. To take effective action, the Board of Trustees and/or Quest will need proper evidence which may be required to stand up to examination in Courts or Tribunals.

Raising a concern anonymously

This policy encourages employees to put their names to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Board of Trustees and Quest.

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Unfounded concerns

If a concern is made under this policy which was made in the public interest, but it is not founded in the outcome of the investigation, no action will be taken against the employee raising the concern. This includes protection for the employee of no less favourable treatment for raising the concern, by the school / Quest or the employee's colleagues. If an employee has concerns about this, they should raise these through the appropriate internal policies and procedures detailed in section 1.

If, however, an employee makes a malicious or vexatious allegation, or allegations which are false and they know to be untrue, an investigation will take place to determine whether the employee had a reasonable belief that the concern was in the public interest at the time. If it is found that it was not, then disciplinary action may be taken and the employee may face defamation proceedings or a prosecution for wasting Police time.

4. The responsible officer

The CEO (as Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. He/she will maintain a record of concerns raised including the outcomes and will report as necessary to the schools and the Board of Trustees. If the employee requests their identity to remain anonymous, then the CEO will do what they lawfully can to protect the employee's identity but they may be obliged to disclose it by law to the Police, the External Auditor or the Courts.

5. The Law

The Public Interest Disclosure Act 1998 (PIDA) is the key piece of UK legislation protecting individuals who 'blow the whistle' in the public interest. The law protects 'workers', which includes employees.

Disclosures in the "public interest" would include those which highlight misconduct, wrongdoing or risks to the public, promote openness or transparency, or promote freedom of expression. The scope of "public interest" is, therefore, potentially very broad. The legislation is clear however, that "public interest" is not the same as "what the public is interested in". In addition, if an employee reports their concern to the media, in most cases they will lose their whistleblowing law rights.

A worker will have to show three things to claim PIDA protection:

1. that he or she made a disclosure
2. that they followed the correct disclosure procedure
3. that they were dismissed or suffered a detriment as a result of making the disclosure

Workers who make a 'protected disclosure' can make a claim to an employment tribunal if they're treated badly or dismissed; however, they must now be able to show that the disclosure was made at the time in the reasonable belief that it was "in the public interest". This protection however does not detract nor remove from the employee's own responsibilities in accordance with their role e.g. you must still take actions to respond to a safeguarding concern with a child, in line with safeguarding procedures, in addition to raising a whistleblowing complaint highlighting the cause of the incident which is in the public interest.

Quest must also be aware that confidentiality clauses used in settlement agreements do not affect a worker's right to make a protected disclosure. In addition, an employee who makes a protected disclosure after their employment has terminated will still be protected by the legislation.

How to raise a concern

1. Raising a concern to your employer

As a first step, you should normally raise concerns with your immediate manager e.g. Head of Key Stage or Department, a member of the Senior Leadership Team or the Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that leadership is involved, you should approach the Headteacher, Head of Teaching & Learning, the Chief Finance Officer, the Chief Executive Officer or the Chair of Trustees.

Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person listed above.

The earlier you express the concern, the easier it is to take action.

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

To raise the matter on your behalf, you may invite a union or professional association representative or a work colleague however they must not be directly involved with the matter relating to the complaint. You may also have such a companion to represent you at any meeting which is held relating to your concern.

2. How Quest will respond

Quest will respond to your concerns.

The action taken by Quest will depend on the nature of the concern as determined by the CEO. Quest could decide that the matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry

In order to protect individuals and Quest, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. The overriding principle, which Quest will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten school working days of a concern being received, the person you raised your concern to e.g. your immediate line manager, Chair of Trustees, Headteacher etc. will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter if possible at such an early stage
- giving an estimate of how long it will take to provide a final response if possible at such an early stage
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.

The amount of contact between the persons considering the issues and the employee raising these concerns, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.

When any meeting is arranged, which can be off-site if you wish, you have the right to be accompanied by your chosen companion. This may be a recognised trade union or professional association representative or a work-based colleague however they must not be directly involved with the matter relating to the complaint. A summary of the meeting will be made for record keeping purposes, which you may have a copy of if you wish. You are invited to make personal notes of the meeting if you prefer.

Quest will do what it lawfully can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Quest will advise you about the procedure. Quest cannot however provide legal representation for you.

Where appropriate, counselling may be provided, which can be accessed through the Health Management Employee Assistance Programme (EAP) or the employee's GP.

In addition, the Education Support Partnership (formerly the Teachers Support Network) is available to provide support on a wide range of issues. The schools/Academy Trust may also wish to explore providing mediation for individuals, to help rebuild trust and relationships in the workplace. This can be provided by contacting Quest's Central Team.

Quest accepts that you need to be assured that the matter has been properly addressed. Therefore, subject to legal and confidentiality constraints, you will receive information about the outcomes of any investigations, within the confines of Quest's internal policies and procedures.

3. How to pursue the matter further

This policy is intended to provide employees with an avenue to raise concerns within Quest. If you are dissatisfied with the handling of your concerns, or if you feel it is right to take the matter outside of Quest, an employee may raise their concerns with:

- The Police
- A Solicitor
- The Responsible Officer or Internal Auditors (Moore & Smalley)
- External Auditors (Hallidays)
- Relevant professional bodies / regulatory organisations
- Their trade union/professional association
- ACAS

4. Contacts

4.1 Public Concern at Work

Whistleblowing Charity

Telephone: 020 7404 6609

Their lawyers provide independent and confidential advice to workers who are unsure whether or how to raise a public interest concern. Their advice line is managed by qualified lawyers with a wealth of experience in whistleblowing law and practice

4.2 Advisory, Conciliation and Arbitration Service (ACAS)

Telephone: 0300 123 1100

Textphone: 18001 030 0123 1100

4.3 External Auditor – Hallidays

Telephone: 0161 476 8276

4.4 Audit Commission public enquiries team

Telephone: 0303 444 8330

4.5 Greater Manchester Police

Telephone: 0161 872 5050

4.6 Employee Assistance Programme – EAP

The Education Mutual EAP can be contacted on <https://educationmutual.co.uk/request-help.html>

4.7 Education Support Partnership (formerly the Teachers Support Network)

Telephone 0800 562 561

Email: support@edsupport.org.uk

5. Responsibility for implementing the Policy

The contents of this document will be brought to the attention of existing and newly appointed staff on a regular basis.

The responsibility for ensuring that all employees follow this code of practice rests with the Headteachers of each school within QUEST.

This policy has been reviewed with due regard to the Equality Act 2010 and approved by Trustees during the Autumn Term 2024.

Signed by: Crispin Pailing
Chair of Board of Trustees

Date: 17.09.24