

WHISTLEBLOWING POLICY

Date of issue: 01/09/2023

1. Introduction

- 1.1 The Two Counties Trust is committed to the highest standards of honesty, integrity and expects all employees to maintain these standards in accordance with the Code of Conduct. All organisations face the risk of things going wrong from time to time and a culture of openness and accountability is essential in order to prevent such situation occurring or to address them if they do occur.
- 1.2 Whistleblowing is the disclose of information which relates to suspected wrongdoing or dangers at work.

2. Aims of this policy

- Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide staff with guidance on how to raise concerns.
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2. Scope

- 2.1 This policy sets out the way in which workers may raise a concern under the Public Interest Disclosure Act 1998 and how those concerns will be dealt with.
- 2.2 This policy applies to all individuals operating at all levels of the Trust including Employees, Trustees, Governors, Consultants, Contractors, Casual staff, Agency staff and Volunteers. These groups are collectively referred to as workers within this policy.
- 2.3 This policy is solely for the use of workers and should not be used where other procedures, for example the grievance or complaints procedures, are more appropriate.

3. Protected Disclosures

- 3.1 The law provides protection for workers who raise legitimate concerns about specified matters, known as Protected Disclosures.
- 3.2 A Protected Disclosure is one made in the public interest by a worker who has a reasonable belief of wrongdoing or dangers at work. This may include:
- Criminal activity
 - Miscarriages of justice
 - Danger to health and safety
 - Damage to the environment
 - Failure to comply with any legal or professional obligation or regulatory requirements
 - Bribery
 - Financial fraud or mismanagement
 - Negligence
 - Breach of internal policies and procedures (including safeguarding policies and the Code of Conduct)
 - Conduct likely to damage the Trust's reputation
 - Unauthorised disclosure of confidential information
 - Other unethical behaviour
 - The deliberate concealment of any of the above.
- 3.3 A Whistle-blower is a person who raises a genuine concern relating to any of the above. Any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) should be reported via this policy. A Protected Disclosure must include information about the concern and not merely be allegations of suspected malpractice.



- 3.4 A worker who makes a Protected Disclosure has the right not to be dismissed, subjected to any detriment, or victimised because they made a disclosure.
- 3.5 If a worker is unsure whether or not to raise a concern under this policy they should discuss their concern with their line manager, Headteacher, the Trust's Operational Resources Director or the Vice Chair of Trustees.
- 3.6 This policy should not be used for complaints relating to an employee's personal circumstances. In those cases employees should refer to the grievance procedure.

4. Safeguarding

- 4.1 If your concern is in relation to safeguarding and the welfare of students, you should consider whether the matter is better raised under the Trust's Child Protection and Safeguarding policy in accordance with the arrangements for reporting concerns.
- 4.2 If the whistleblowing relates to a safeguarding allegation about a member of staff in a school, the Trust has delegated the Headteacher of that school to be the responsible person to receive the concern. If the whistleblowing relates to a safeguarding allegation against the Headteacher, the Trust has delegated the Chair of Governors at the school to act as the responsible person to receive the concern.

5. Procedure for raising a concern

- 5.1 We hope that everyone feels comfortable to raise concerns with their line manager either in person or in writing. Line managers may be able to establish and agree a way of resolving any concerns quickly and effectively
- 5.2 Other than for whistleblowing concerns relating to a safeguarding allegation against a member of school staff (see above), if the worker reasonably believes their line manager to be involved in the wrongdoing, or if the worker does not wish to approach their line manager due to the seriousness and sensitivity of the issues involved, they may raise their concerns with their Head Teacher or, at the Trust, the Vice Chair of Trustees or the Operational Resources Director. If the concern relates to the Headteacher or the Operational Resources Director it should be referred to the Chair of Governors (for the Headteacher) or the Chief Executive Officer (for the Operational Resources Director).
- 5.3 The following information should be provided:
- The background and history of the concern, giving relevant dates and who else is involved;
 - The reason why the worker is concerned about the situation.
- 5.4 We will arrange a meeting with you as soon possible to discuss your concern. You may be accompanied by a trade union representative or work colleague at this meeting and any meetings called under this policy. Your chosen companion must respect the confidentiality of a disclosure and any subsequent investigation.

6. Investigation and outcome

- 6.1 Once a concern is raised, the person to whom the disclosure is made will carry out an initial assessment to determine the scope of any investigation and we will inform you of the outcome of the assessments. You may be required to attend additional meetings in order to provide further information.
- 6.2 We will arrange an investigation into the concern raise. In some cases we may appoint an investigating officer or a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter.
- 6.3 The investigating officer (s) will collate their findings and make recommendations for change to minimise the risk of recurrence in the future. This report will be sent to the Headteacher and Chair of Governors in the case of a school disclosure or in the case of a Trust disclosure, to the CEO and Chair of Trustees.
- 6.4 If the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the decision and advised that no further action will be taken under this policy. Considerations normally to be taken into account when making this determination may include the following:
- There is no reasonable belief that suspected malpractice is occurring; or
 - the matter is already the subject of legal proceedings or appropriate action by an external body; or
 - the matter is already subject to another appropriate procedure.



- 6.5 When a worker makes a disclosure which has sufficient substance or merit warranting further action, the Trust will take the necessary action including reporting the matter to any appropriate government department or regulatory agency. If misconduct is discovered, the disciplinary procedure may be used in addition to any appropriate external measures.
- 6.6 We will aim to keep the worker making the disclosure informed on the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent details being divulged. Any information that is shared with the worker must be treated as confidential and not disclosed to others.
- 6.7 If it is concluded that the Whistle-blower has made false allegations maliciously, or with a view to personal gain, the Whistle-blower may be subject to disciplinary action.

7. Confidentiality and anonymity

- 7.1 A worker making a disclosure under this policy can expect the matter to be treated confidentially and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing without their prior approval.
- 7.2 The Trust will take all reasonable steps to ensure that any report of recommendations or other relevant documentation produced does not identify the worker making the disclosure without their consent, unless the Trust is legally obliged to do so, or for the purposes of seeking legal advice.
- 7.3 We do not encourage workers to make Disclosures anonymously. Anonymous complaints make disclosures more difficult or impossible if further information cannot be obtained from the Whistle-blower.
- 7.4 Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed above and appropriate measures can then be taken to preserve confidentiality.
- 7.5 The Trust reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
- The seriousness of the issues raised in the disclosure;
 - The credibility of the concern; and
 - How likely it is that the concern can be confirmed from attributable sources.

8. Disclosure to external bodies

- 8.1 This policy provides a mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers should not find it necessary to alert anyone externally.
- 8.2 A worker has the right in law to make a disclosure outside of the Trust where there are reasonable grounds to do so, for example if having followed the internal procedure the worker reasonably believes that appropriate action has not been taken. In these circumstances workers may make a disclosure to an appropriate external body prescribed by the law. This list of prescribed organisations and bodies can be found on the GOV.UK website.
- 8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister or to their trade union.
- 8.4 If a worker seeks advice outside of the Trust, they must be careful not to breach any confidentiality obligations or damage the Trust's reputation in so doing. It will rarely, if ever, be appropriate to contact the media.
- 8.5 Whistleblowing concerns usually relates to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows a disclosure to be raised with a third party where you reasonably believe that it relates mainly to their actions or something that is their legal responsibility. All workers are encouraged to report such concerns internally first to their line manager or the individuals set out above.

9. Safeguards

- 9.1 A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) for making a genuine disclosure in accordance with this policy.



- 9.2 If a worker is threatened, bullied, pressurised, or victimised by a colleague for making a disclosure, disciplinary action will be taken against the colleague in question.

10. If you are not satisfied

- 10.1 If the worker is dissatisfied with the conduct of the investigation, resolution of the matter or has genuine concerns that the matter has not been handled appropriately, their concerns should be raised with the Chief Financial Officer who will arrange for a review of the investigation or carry out their own investigation and compile their own report. The worker will be notified of the outcome within a reasonable period of time and without undue delay.

11. Further assistance

- 11.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.
- 11.2 The Trust strongly encourages workers to seek advice before reporting a concern to anyone externally. Protect (formerly Public Concern at Work) is a whistleblowing charity that provides independent and confidential advice:

Helpline: 020 3117 2520

E-mail: whistle@protect-advice.org.uk

Website: <https://protect-advice.org.uk>

The Green House

244-254 Cambridge Heath Road

London

E2 9DA

12. Confidentiality and record keeping

- 12.1 The Trust will keep a record of all concerns raised under this policy, including cases where it is deemed that no action should be taken and will report to the Board of Trustees as appropriate.

13. General Data Protection Regulation

- 13.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

