

JOHN TAYLOR MULTI ACADEMY TRUST



Whistle Blowing Policy

Policy owner: **Barbara Mahoney, JTMAT COO**

Implementation date: September 2016

Reviewed on: July 2022

Next review date: September 2024

Whistle blowing policy

John Taylor Multi-Academy Trust is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the Trust's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Any colleague raising a concern under this policy will not be treated less favourably for raising concerns as outlined in this procedure. This means that any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so.

Any reference to Trust refers to John Taylor Multi-Academy Trust. This policy applies to employees of JTMAT, referred to in this policy as colleagues including agency workers, trainees or anyone working on a casual basis.

The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

What is whistle blowing?

Whistleblowing is when a worker reports suspected wrongdoing at work.

For example

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above

A colleague can report things that are not right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistle blower and is protected under this policy.

The Trust will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Trust will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

Rights of the whistle blower

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the named Monitoring Officer.

Victimisation of a whistle blower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the Trust believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleague's own treatment at work that is arising from the whistleblowing matter they have raised previously.

Making a whistle blowing complaint

To make a whistleblowing complaint the whistle blower has to meet certain conditions.

If the disclosure is made to the Trust, it must be in the public interest and the person making the complaint ("the whistle blower") has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.

If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the Trust, the whistle blower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.

For example, a colleague will be eligible for protection if:

- they honestly think what they're reporting is true
- they think they're telling the right person
- they believe that their disclosure is in the public interest

If the disclosure is made to other external bodies then as well as satisfying the conditions required to the Trust, in all circumstances of the case it must be reasonable for them to make the complaint. Further the whistle blower must:

- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the council and/or relevant regulatory body and,

- reasonably believe that the information they provide and any allegations contained therein are substantially true.

If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in an Academy setting could include the alleged abuse of children or vulnerable adults in the Trust's care, or corruption, then the whistle blower will not be required to:

- have raised the matter concerned internally first;
- believe that they will be subject to a detriment for raising the disclosure internally;
- believe that the evidence is likely to be concealed or destroyed.

To make a disclosure of a Safeguarding nature, see **Appendix A**.

To make any other type of disclosure either telephone or write to Anthony Collins Solicitors, listed in **Appendix B**. If writing, mark the envelope: 'Strictly Private and Confidential'. Do not email these individuals, as email is not a secure medium and must not be used.

The solicitors will acknowledge receipt of your disclosure in writing, within 5 working days. They will also gather further information if need be, including by personal interview, at which you can be accompanied by an official of your trade union or professional association, or by a fellow employee or friend. When the precise nature of the malpractice has been established your disclosure may be referred to the Accounting Officer for a decision re: further action.

The Accounting Officer (or Chair of Trustees if the disclosure relates to the AO) will determine what further action, if any, is needed, which may comprise:

- internal investigation
- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

Throughout the process the solicitors will keep you informed on progress and (subject to legal constraints) the eventual outcome.

If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the Public Concern at Work. This will include advising who the appropriate prescribed regulator is. The website for Public Concern at Work is <http://www.pcaw.co.uk/> . **Appendix C**.

Data Protection

The organisation will comply with the provisions of the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Employee data will be processed by the organisation in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of the organisation's business. The organisation will ensure that personal information about an employee, including information in personnel files, is securely retained.

Appendix A

The First Response Team can be contacted on: 0800 1313126 or out of hours on: 0845 6042886

Staffordshire County Council's Local Authority Dedicated Officer (Safeguarding) can be contacted on:

(01785) 278958 or mobile: 07580 805368

In addition, the NSPCC has set up a dedicated whistle blowing advice line which can be accessed by phone or email:

Hotline: 0800 028 0285 (available 8.00 am – 8.00 pm Monday – Friday)

Email: help@nspcc.org.uk

Appendix B

Anthony Collins Solicitors
134 Edmund Street
Birmingham
B3 2ES
Telephone 0121 200 3242

Accounting Officer

Mr Michael Donoghue

Appendix C

Public Concern at Work

3rd Floor
Bank Chambers
6-10 Borough High St
London SE1 9QQ
Helpline: 020 7404 6609
e-mail: helpline@pcaw.co.uk

Audit Commission

Head Office
1st Floor
Millbank Tower
Millbank
London
SW1P 4HQ
Whistle blowers Hotline: 0845 0522646
www.audit-commission.gov.uk

Further background information on this topic is also available on the following Websites:

www.acas.org.uk

www.audit-commission.gov.uk

www.pcaw.co.uk

Other contacts

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