

# JOHN TAYLOR MULTI ACADEMY TRUST



## Whistle Blowing Policy

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| <b>Policy owner:</b> | <b>Barbara Mahoney, JTMAT COO</b> |
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| Reviewed on:         | February 2024, April 26           |
| Next review date:    | September 2026                    |

## **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 reference to Trust refers to John Taylor Multi-Academy Trust.

This policy applies to all employees and workers, regardless of length of service, including contractors, subcontractors and agency workers. Other individuals including our volunteers, suppliers and those who are self-employed are also encouraged to follow this policy where necessary. This policy does not form part of the contract of employment and can be varied from time to time.

JTMAT is opposed to any form of slavery and human trafficking within its business and activities and will continue to demonstrate commitment to acting ethically and with integrity in all business relationships. We will implement effective controls and use all reasonable endeavours to ensure that slavery and human trafficking are not taking place in our supply chain.

### **What is whistle blowing?**

Whistleblowing is when a worker reports suspected wrongdoing at work which relates to risk or malpractice.

For example

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Risk or actual damage to the environment; and/or
- An incident(s) of sexual harassment and/or
- Breach of a legal obligation; and/or
- A risk 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
- sexual harassment
- a criminal offence
- the Trust 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.

## **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 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 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. Any colleague who believes this applies to them should raise the matter with the Headteacher in their school or the Trust's Chief Executive Officer, whichever is most appropriate in the circumstances.

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. Similarly, complaints regarding service provision in our schools, the JTMAT Complaints Policy should be followed.

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.

## **Raising a Whistleblowing 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 (after following the internal process) 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.

If you have any concerns relating to Safeguarding, you should act without delay and always follow the procedures set out in the Trust's Safeguarding Policy which can be found on the JTMAT website: [www.jtmat.co.uk](http://www.jtmat.co.uk)

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](mailto:help@nspcc.org.uk)

### **Process for Making a Whistleblowing Complaint**

As soon as you become reasonably concerned about a matter, we hope you feel able to raise it early so action can be taken. It could be something that has happened, is happening now or you believe will happen in the near future.

#### **Making a Complaint**

You should raise your concern in the first instance at any time, with the appropriate person in accordance with the matrix in Appendix A.

Your concern should be raised in writing, either via letter or email. We strongly recommend that you send any whistleblowing complaint marked 'Strictly Private and Confidential' and send it securely.

We recommend you use our Whistleblowing Concern Form which will help you provide us with the information that we need to address your concerns. It is important that we understand:

- what your concern is and who it relates to

- the background and context of your concern including any relevant dates and evidence you have (please note you are not required, and should not, investigate the concern yourself before raising a concern)
- the reason you are particularly concerned about the situation and why you believe the information to be true

You are encouraged to include your name and contact details on any concern you raise as it makes it easier to investigate if we can engage with you.

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).

### **Step 1 – Responding to a Complaint**

On receipt of your whistleblowing complaint, the recipient (as set out in Appendix A), will acknowledge receipt in writing within 5 working days (exceptions to this timescale may occur during a school closure period). The recipient of the complaint will seek advice and support from internal or external HR professionals and/or legal advisers to deal with your concerns fully and compliantly.

In some cases, the recipient may need to ask you to attend a meeting (in person or virtually) to clarify your complaint. This will be arranged as soon as possible but may occur at any time as required, during the course of dealing with your complaint. You may be accompanied at any such meeting by a trade union representative or appropriate work colleague.

The recipient of your complaint will determine what action to take or whether an investigation is required. The level of any investigation and the time taken will be dependent upon the nature and extent of the suspected wrongdoing. The investigation may be undertaken internally or externally. You will be updated on progress throughout the investigation.

On completion of the investigation, a report will be produced for the recipient of your complaint to determine any appropriate next steps, including whether it is appropriate to commence a disciplinary process. If the recipient determines that more serious action needs to happen such as report to the Police, external audit or an independent enquiry, the matter will be referred to the Trust's Accounting Officer (JTMAT Chief Executive Officer) without delay.

The recipient of the complaint will inform you of the outcome in writing. However, the Trust will protect the professional confidentiality of its employees regarding private employment matters, consistent with its legal obligations under their contract of employment, which means you may not be informed of action relating to our employees.

### **Step 2 – If you are dissatisfied with the outcome**

It is hoped that you will be satisfied with the way your concerns are addressed. However, if you are not, you can raise the matter in accordance with the matrix in Appendix A. This may involve raising your concerns externally. This should be with the relevant body who deals with the issue that you are raising – please see Appendix B. We advise you to seek advice before reporting a concern externally.

The Trust encourages you to raise your whistleblowing concerns internally in the first instance. Where you do believe it is appropriate to raise your concerns externally, it will very rarely, if

ever, be appropriate to alert the media, and as such you will not have the protection under whistleblowing legislation if you choose to make contact with the media.

### **Data Protection**

Where you raise a whistleblowing concern, we will maintain your confidentiality as far as possible during the process of dealing with your complaint. If we need to disclose your identity to anyone, we will notify you beforehand and we will discuss with you whether and how we can proceed. The exception to this is internal discussion with Trust and advisers.

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.

### **Wellbeing and Support**

We recognise that whistleblowing processes can be stressful for everyone involved. JTMAT employees can access support via the Occupational Health or ThinkWell Counselling Service.

Information and support for mental wellbeing can also be found at:

#### **MIND**

[Guides to mental health support and services - Mind](#)

#### **Mental Health Foundation**

[Emotional and practical support for teachers and education staff \(educationsupport.org.uk\)](#) **Protect**

#### **Charity for advice on Whistleblowing**

[Advice Line | Protect - Speak up stop harm \(protect-advice.org.uk\)](#)

## Appendix A

| Nature of whistleblowing complaint   | Recipient of Complaint – Step 1     | Recipient of Complaint – Step 3     |
|--|-------------------------------------|-------------------------------------|
| Any complaint that does not relate to the Headteacher or Chair of Governing Body | Headteacher                         | Chair of Governing Body             |
| Any complaint relating to the Headteacher  | Chair of Governing Body             | Chair of JTMAT Trust Board          |
| Any complaint relating to the Chair of Governing Body                            | Chair of Audit & Compliance         | Chair of the JTMAT Trust Board      |
| Any complaint relating to a member of the JTMAT Central Team                     | JTMAT Chief Executive Officer       | Chair of the Trust Board            |
| Any complaint relating to the JTMAT Chief Executive Officer                      | Chair of the Trust Board            | Regional Director of Education, DfE |
| Any complaint relating to the JTMAT Trust Board                                  | Regional Director of Education, DfE |                                     |

## **Appendix B – External Bodies to report your complaint to if you are dissatisfied after Step 3**

List of relevant bodies to report a whistleblowing complaint:

[Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-list-of-prescribed-people-and-bodies)

### **Public Concern at Work**

3<sup>rd</sup> Floor  
Bank Chambers  
6-10 Borough High St  
London SE1 9QQ  
Helpline: 020 7404 6609  
e-mail: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

### **Audit Commission**

Head Office  
1<sup>st</sup> Floor  
Millbank Tower  
Millbank  
London  
SW1P 4HQ  
Whistle blowers Hotline: 0845 0522646  
[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)

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

[www.acas.org.uk](http://www.acas.org.uk)

[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)

[www.pcaw.co.uk](http://www.pcaw.co.uk)

### **Other contacts**

Please note that the Academy Trust takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.