



## Whistle Blowing Code

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## **1. INTRODUCTION & RATIONALE**

The Code is intended to help employees in or working with Summit Learning Trust, to raise concerns about possible malpractice(s) at an early stage and in the right way. Summit is fully committed to supporting colleagues in raising any professional concerns at any point.

If something troubles employees, which they think the Trust should know about or look into, they are advised to use this policy. The Whistle Blowing Code is not for use in relation to personal grievances. The Trust's Grievance Procedure is designed for this purpose. This Whistle Blowing Code is primarily for concerns where the interests of others, or of the organisation, itself are at risk.

Situations covered by the Whistle Blowing Code are likely to include circumstances where employees believe that one or more of the following is possible: -

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
- A miscarriage of justice has been/is likely to occur
- The health or safety of any individual has been/is likely to be endangered
- The environment has been/is likely to be damaged
- Public funds are being used in an unauthorised manner
- The trust's governance arrangements have not or are not being observed or are being breached by students, staff employed in or those working with Summit LearningTrust
- Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children)
- Discrimination is occurring against any member of staff or service recipient on grounds of gender, sexual orientation, race or disability or any other protected characteristic
- There is evidence of activities taking place which do not reflect the promotion of British values or a democratic, multi-cultural, multi-faith inclusive Britain
- Any other form of improper action or conduct is taking place
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

## **2. AIMS OF THE CODE**

The Code aims to:

- Encourage employees in or working with Summit Learning Trust, to feel confident in raising serious concerns, and to question and act upon their concerns;
- Provide ways for employees in or working with Summit Learning Trust to raise those concerns and get feedback on any action taken as a result;
- Ensure that employees in or working with Summit Learning Trust are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure employees in or working with Summit Learning Trust that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate procedures are available, for example

- Grievances – (see Grievance Procedure)
- Harassment – (see Anti-Harassment Policy and Procedure)
- Complaints of misconduct against Trustees or Local Governors
- Child protection (see Child Protection procedures)

### **3. THE SCOPE OF THE SCHOOL'S WHISTLE BLOWING CODE**

All employees in or working with or assisting Summit Learning Trust may use this code. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employees' secondment, can also be raised under this Code.

### **4. ASSURANCE OF BEING TAKEN SERIOUSLY AND PROTECTED**

Employees raising a genuine concern under this Code, will not be at risk of losing their job or suffering any form of retribution as a result. Provided an employee is acting in good faith, it does not matter if they are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Board of Trustees will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that employees may, nonetheless, want to raise a concern in confidence under this code. Requests for confidentiality will be granted, and identity will not be disclosed without consent. If the situation arises where resolution of the concern is not possible without revealing identity (for instance because evidence is needed in court), discussions with the employee raising the matter will be held to decide on how to proceed.

#### **4a. MALICIOUS WHISTLEBLOWING ALLEGATIONS**

If it becomes clearly apparent that whistleblowing allegations or concerns have malicious or harmful intent, the Trust will implement disciplinary processes according to the staff disciplinary policy.

### **5. THE LEGAL CONTEXT**

The Public Interest Disclosure Act 1998 (hereinafter referred to as 'The Whistleblower's Act') protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover-ups' about these issues. To obtain protection, employees must first disclose the information to the employer.

Therefore, this code has been adopted to provide an avenue within the Trust to raise concerns. If an employee takes the matter outside the Trust, s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees in or working with or assisting Summit Learning Trust vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

Employees unsure whether to use this Trust's Whistle Blowing Code for their concern or require independent advice at any stage, are advised to contact

- If applicable, the relevant trade union; or
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give confidential advice at any stage about how to raise a concern about serious malpractice at work.

### **6. HOW SHOULD A CONCERN BE RAISED?**

As soon as an employee becomes reasonably concerned, the matter should firstly be raised with the Principal and/or Chair of the Local Governing Body (unless s/he is the potential transgressor), in which case it should be raised it with the HR Director, the Trust's CEO or Chair of The Board of Trustees. If s/he is the reason for the concern, or suspected of being connected with it, contact should be made with the Education Funding Agency or Ofsted.

Concerns may be raised orally or in writing. Employees who wish to make a written report should use the following format.

- The background and history of the concern (giving relevant dates).
- The reason why they are particularly concerned about the situation

## **7. THE RESPONSE OF THE BOARD OF TRUSTEES**

The relevant person (likely to be the HR Director) will also ensure that, in the most serious of concerns, the Summit Learning Trust or EFSA, whichever is the more relevant, receives adequate details of the employees using this code for corporate recording and monitoring purposes. The Board of Trustees will convene a panel of three Trustees to consider the most serious of concerns, and will be advised by the HR Director.

Once the Trust panel has been informed they will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. The employee will be told who may be handling the matter, how they may be contacted and whether further assistance may be needed. If the employee requests it, the Trust or Principal of the school involved will write to the employee summarising the concern(s) and setting out how it will be handled.

The employee may be asked how best the situation may be resolved, in their view. It is essential that they declare any personal interest at the outset. Should the concern fall within another policy of the Trust, for example the Grievance Policy, the employee will be informed at this point.

While the purpose of this code is to enable an investigation of possible malpractice and take appropriate steps to deal with it, the employee will be given as much feedback as is possible in the situation. If requested, the response will be in writing. Any response may be limited by other confidentiality.

Concerns or allegations which fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under that relevant procedure. 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.

Where appropriate, the matters raised may:

- Be investigated by the Executive team, representatives of the Board of Directors or through the disciplinary process.
- Be referred to the police.
- Be referred to the external auditor
- Form the subject of an independent inquiry.

Usually, within two weeks of a concern being raised, the person looking into the concern will write to the person raising the concern:

- Acknowledging that the concern has been received.
- Indicating how the Trust proposes to deal with the matter
- Giving an estimate of how long it will take to provide a full response
- Saying whether any initial enquiries have been made
- Supplying information on support available to you; and
- Saying whether further investigations will take place and if not, why not.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

**SAFEGUARDS ARE THERE FOR THE PERSON RAISING THE CONCERN**

- The Board of Trustees will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.
- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- Every effort will be made to ensure confidentiality as far as this is reasonably practical.
- Help will be provided in order to minimise any difficulties resulting from this referral. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site and with representation if that is the wish of the employee.

An employee unsure whether to use this Trust's Whistle Blowing Code or requiring independent advice at any stage, should contact

- If applicable, the relevant trade union; or
- Worklife Support on 08000 856 148

Employees in or working with or assisting Summit Learning Trust who are not satisfied with the action taken by the Trust or Board of Trustees and feel it right to question the matter further, may consider the following possible contact points:

- The EFSA's Lead Officer
- The school's independent auditors
- The employee's Trade Union
- The Citizens Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Local Government Ombudsman
- The Information Commissioner
- A relevant voluntary organisation
- The Police and/or Health and Safety Executive

## **8. CORPORATE RECORDING & MONITORING**

The Trust will ensure it has sufficient internal arrangements to address the requirements of the Code, including appropriate support for the Board of Trustees/Principals in implementing the Code.

The Trust will maintain a Whistle Blowing Register containing all concerns that are brought to his/her attention.

The Trust will review the Whistle Blowing Register and produce an annual report for the People and Resources Trust Committee. The report will not mention any employees, only the concerns raised, the number of such concerns, the fact that the concern relates to a school or other education service, and the nature of the job held by the person over whom the concerns were raised (if not confidential). The report will also note any issues arising from the same with the intention of: -

- a) preventing the occurrence of similar concerns in future; and
- b) consistency of treatment across schools and the education service

For the avoidance of doubt, the Whistle Blowing Register – along with any annual reports referred to above – will be available for inspection by Internal and External Audit, after removing any items which any employee in or working with or assisting Summit Learning Trust has asked should remain confidential.