

WHISTLEBLOWING POLICY AND PROCEDURES



ENFIELD
LEARNING TRUST
BE INCLUDED

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This is a London Borough of Enfield model policy for employees and workers in maintained schools, PRUs, academies and others. This policy is for the reporting of malpractice and improper conduct.

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1. INTRODUCTION

Employees or workers bringing information about serious malpractice or wrongdoing to the attention of their employers or a relevant organisation are protected in certain circumstances under the Public Interest Disclosure Act (PIDA) 1998. This is commonly known as 'blowing the whistle'.

The law that protects whistleblowers is for the public interest – so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'. For a disclosure to be protected by the provisions of the PIDA 1998, as amended, and including also provisions implemented under the Enterprise and Regulatory Reform Act 2013, it must relate to serious matters that 'qualify' for protection.

The Board of Trustees are committed to developing and maintaining the highest possible behavioural standards and a culture encouraging openness, probity and accountability of all employees, workers and contractors. This Whistleblowing Policy provides a framework to enable and encourage you to raise and report, or 'disclose', genuine concerns regarding any relevant aspect of the *Trust's* work. The Policy aims to reassure you that you will be protected from possible reprisals or detriment if you have a reasonable belief that any disclosure you make is true.

2. WHO THE WHISTLEBLOWING POLICY APPLIES TO

This Whistleblowing Policy applies to all employees, inc. apprentices, trainees and work experience placements, trustees, local governors and volunteers. It also covers contractors working for the Trust on Trust premises, for example, agency workers and consultants, as well as suppliers and any organisations providing services under a contract with the Trust on their own premises.

Note that workers who are not employees cannot claim unfair dismissal due to blowing the whistle but, because of the protection afforded, they can claim 'detrimental treatment'.

The policy does not cover other persons such as members of the public or parents. The Trust has a separate Complaints Procedure in place for use by those persons not connected with the Trust through their own employment, work, training or provision of services.

3. MATTERS COVERED BY THE WHISTLEBLOWING POLICY

The Policy is intended to cover the most serious concerns about malpractice that fall outside the scope of other procedures.

'Qualifying Disclosures', i.e. disclosures or the reporting of serious concerns that afford an employee/worker protection in law, are disclosures of information where the employee/worker reasonably believes that one or more of the following is either happening, has taken place, or is likely to happen in the future and that disclosure is in the public interest:

- The unauthorised use, or misuse, of public funds
- A failure to comply with a legal obligation
- Conduct which is an offence or breach of the law
- Possible fraud and corruption (e.g. financial fraud or mismanagement, public examination fraud)
- Possible acts of bribery
- Serious Health and Safety risks, including risks to pupils and the public, as well as other employees/workers
- Damage to the environment
- Safeguarding or Child Protection matters
- Any conduct which may damage the Trust's reputation
- Miscarriages of justice

- Other unethical conduct
- Deliberate concealment of information relating to any of the above.

This list is not necessarily exhaustive. (See also 4. below).

4. MATTERS NOT COVERED BY THE WHISTLEBLOWING POLICY

The wrong doing, or malpractice, being disclosed **must be ‘in the public interest’**. There is no specific definition of what is meant by ‘in the public interest’. However, the matter cannot relate solely to the individual who is raising it. It must adversely affect, or threaten, others. This could mean pupils, parents or the public in general, for example. It could also be interpreted as including other employees/workers depending on all the factors involved. This may be the case only if a significant number are affected and will depend also upon the nature of the interests affected, the nature of the wrongdoing disclosed, even the identity of the alleged wrongdoer may be relevant - the more prominent s/he is, the more likely it is that the disclosure will be in the public interest. All the circumstances of the case would need to be considered to decide if the matter is in the public interest generally.

However, a disclosure may not be made for purely private matters, such as a problem with the individual’s own employment terms or contract.

Other Matters the Whistleblowing Policy does NOT Normally Cover

- **The general behaviour of another employee** (i.e. behaviour that does not fall within the types of malpractice listed in 3. above). Employees should refer a complaint about another employee’s behaviour to his/her Line Manager or otherwise pursue the matter through the Trust’s Grievance Procedure.
- **Concerns relating to another employee’s/worker’s performance or capability.** There are other, more appropriate, procedures in place for management to address such issues.
- **Matters relating to the abuse or neglect of an adult at risk.** Such concerns should be referred to the Enfield Adult Abuse Line: Telephone 020 8379 5212. *(Note that **Child Protection concerns** are covered in the next section of this document. See 5. (a) and (b) below).*
- Matters that would normally be dealt with by the London Borough of Enfield’s/the Trust’s **collective bargaining arrangements** with its recognised Trade Unions/Professional Associations. These should be reported, as appropriate, to:
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 - the **GMB** 020 8379 6138/3147 or email: branch@gmbenfield20.org.uk
 - **UNISON** (schools) 020 8379 4047 or email: schools@enfieldunison.co.uk
 - **UNITE** (North London District Office) 020 8800 0151
 - ****The National Education Union (NEU) NUT Section (Enfield) 020 8443 7072 or email: office@enfieldnut.org.uk or secretary@enfield.nut.org.uk**
 - ****The National Education Union (NEU) ATL Section (Enfield) 020 8961 2251**
 - **NASUWT** (Greater London) 020 7490 6130 or email: rc-london@mail.nasuwat.org.uk
 - **VOICE** (Head Office, Derby) on 01332 372 337 or email: contact@voicetheunion.org.uk
 - **NAHT** (General Enquiries) on 0300 30 30 333 or email: info@naht.org.uk
 - **ASCL** (Head Office, Leicester – General Enquiries) on 0116 2991122 or email: info@ascl.org.uk

Alternatively, you may wish to contact your Professional Association/Trade Union’s local School or Branch Representative in the first instance.

*** The NUT and ATL merged to become the National Education Union (NEU) with effect from 1st September 2017.*

- **Complaints from the public that relate to the standard of service delivered** by *the* Trust or the Trust's Contractors. These should be reported through the Trust's Complaints Procedure.

5. HOW TO RAISE A CONCERN

(a) PRIOR to raising a concern

(i) Where there are concerns relating to a child protection matter, action should be taken in accordance with the Child Protection Policy and any other advice and guidance set out by the Local Safeguarding Children Board (LSCB) and the Department for Education (DfE).

Statutory guidance issued by the DfE includes 'Working Together to Safeguard Children' and 'Keeping Children Safe in Education' (KCSIE). The relevant DfE website page can be located at:

<https://www.gov.uk/government/collections/statutory-guidance-schools#safeguarding-children-and-young-people>

The website for the local Enfield Safeguarding Children Board (ESCB) can be visited at:

<http://www.enfield.gov.uk/enfieldlscb/>.

Advice and policies specifically for professionals and volunteers can be located at the link:

http://www.enfield.gov.uk/enfieldlscb/info/8/professionals_and_volunteers/21/protocols

Specifically in relation to making a disclosure under this Whistleblowing Policy:

Where any concerns you may have are about the behaviour of another employee/worker in relation to a child protection matter, you should raise them as described under (b) below.

OR OTHERWISE

For other concerns that are NOT about the behaviour of another employee/worker in relation to a child protection matter, you should raise them under (c) below.

(ii) **If you are a member of a Professional Association or Trade Union**, it may have in place a Code, or rules, which set out how members should act in relation to raising concerns involving colleagues and/or in relation to dealings with colleagues in general. You are advised, in these circumstances, to familiarise yourself with any such Code or rules or contact your Professional Association or Trade Union for further advice before taking action. In any event, you may wish to consult your Professional Association/Trade Union for advice and support prior to raising a concern.

(b) How To Raise a Concern about the Behaviour of another Employee/Worker in relation to a Child Protection Matter

Part One of the statutory DfE guidance 'Keeping Children Safe in Education' (KCSIE) provides advice on what school staff should do if they have if they have concerns about another staff member. (For this purpose, this should also be taken to include any other trainees, workers, volunteers, trustees, local governors or others providing services to the Trust). In these circumstances:

- Any employee, worker or other person to whom this policy and procedure applies who has a concern(s) about another member of staff/worker/trainee at, or providing services to the Trust, should immediately, or at the earliest possible opportunity, refer the matter to the Headteacher in relation to the school or Chief Executive Officer in relation to the Trust.

Where it is decided that it meets the threshold of harm/risk of harm and is, therefore, an allegation, the Headteacher will report to the Local Authority Designated Officer (LADO)¹ – sometimes just known as the Designated Officer (DO) - within one working day. (If appropriate, the Police should also be notified within one working day – or immediately, if necessary).

- If the concerns relate to the Headteacher, the matter should instead be reported to the Chief Executive Officer. The Chief Executive Officer will then report to the LADO (and Police, as appropriate) in the above circumstances.
- If the concerns relate to the Chief Executive Officer, the matter should instead be reported to the Chair of Trustees. The Chair of Trustees will then report to the LADO (and Police, as appropriate) in the above circumstances.
- In the event of an allegation being made against the Headteacher, where the Headteacher is also the sole proprietor of an Independent school, allegations should be reported directly to the LADO.

Employees/workers or any other persons to whom this policy and procedure applies may consider discussing any concerns with the Designated safeguarding leads for each school within the Trust and make any referral via him/her.

Following the raising of a concern under this heading, further action will be taken in accordance with the procedures in place for addressing child protection matters. The referrer of the matter will be informed as appropriate.

It is hoped that concerns raised can be dealt with through these channels other than in exceptional circumstances. However, where you consider that your genuine concerns have not been satisfactorily resolved, or are not being addressed, other whistleblowing channels set out in 13. below, 'Taking Your Concerns Further – External Contacts'. (Note that Ofsted will normally address whistleblowing referrals about a Local Authority's general safeguarding arrangements. However, Ofsted does not have the authority to investigate or follow up whistleblowing concerns relating to individual cases, except where they provide evidence of more widespread or systematic failure).

(c) How To Raise a Concern that is NOT about the behaviour of another Employee/Worker in relation to a Child Protection matter

When raising your concern you may wish to take advice on the matter from any of those listed in the section below or discuss your concerns with a colleague first. It is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.

Step 1

As a first step, you should normally report any concerns to **your Line Manager or his/her Manager**.

¹ The role of the LADO is set out in the statutory guidance 'Working Together to Safeguard Children' and governed by the Authorities duties under section 11 of the Children Act 2004. The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has behaved in a way that has harmed, or may have harmed, a child or possibly committed a criminal offence against or related to a child; or behaved towards a child or children that indicates he or she would pose a risk of harm to children. The LADO is responsible for managing and overseeing individual cases from all agencies, providing advice and guidance to employers and voluntary organisations around allegations and concerns, chairing strategy meetings (known as 'Allegations against staff and Volunteers' [ASV] meetings in the London Child Protection Procedures), ensuring a fair and consistent process, monitoring progress of cases to ensure they are dealt with as quickly as possible and ensuring the child's voice is heard and that s/he is safeguarded.

It is always preferable for concerns to be raised in writing. Where this is the case, the following details should be included wherever possible:

- Background and history, names and relevant dates and the reasons why you are particularly concerned about the situation
- Whether you wish your name to remain confidential (see also Page 10 below, 'Your Confidentiality')
- Whether you want feedback
- The names and roles of any employees or others who may support your concern(s).

If you feel hesitant about putting your concerns in writing at this stage, you should speak to the manager to whom you wish to make the report and arrange to meet with him/her. However you may be asked to put the details in writing at a later stage.

Step 2

If you feel the matter is extremely serious, sensitive or involves your Line Manager or their Manager, you may report the matter, in the manner set out in Step 1 above, directly to the Headteacher, Chief Executive Officer or the Chair of Trustees, as appropriate.

Step 3

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, then you should contact:

Department for Education (EFA). (In these circumstances, the DfE/EFA will assess whether all Trust processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/EFA will refer the matter back to the Assessor);

- Member of Parliament;
- National Audit Office;
- Health and Safety Executive;
- Police.

6. HOW THE MATTER WILL BE HANDLED

Once you have raised your concern, an initial assessment will be made to determine what action needs to be taken. This may involve an internal inquiry or a more formal investigation. Do not forget that testing out your concerns is not the same as either accepting or rejecting the concern.

Where appropriate, the concerns raised may:

- be investigated internally by management, inc. Trustees (or by Officers from the London Borough of Enfield, where appropriate) and/or through the disciplinary process;
- be referred to the Police or another appropriate agency such as Her Majesty's Revenue and Customs (HMRC) or United Kingdom Visas and Immigration (UKVI);
- be referred to the external auditor, or ESFA in relation to an Academy; or
- form the subject of an independent inquiry, or investigation by Ofsted.

When you raise your concern you may be asked how you think the matter might best be resolved. You will also be required to disclose any personal interest in the matter at the outset.

Any concerns that should be dealt with through another procedure, such as the Grievance Procedure, will be redirected. 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.

You will be advised of the person responsible for handling the matter, how you can contact them and whether further assistance is required. Where requested, you will receive a letter summarising your concern and proposed actions to be taken.

Whilst the purpose of this Policy is to enable possible malpractice to be investigated and to take appropriate steps to deal with it, **you will be given as much feedback as permissible.** Please note, however, that it may not be possible to tell you the precise action being taken where this would infringe a duty of confidence owed to another party.

It should be noted that where a concern raised is linked to a potential redundancy, disciplinary and/or other managerial issue these processes will continue in parallel with the investigation of the alleged wrongdoing and will not prevent any subsequent action being pursued through to conclusion. This principle is not intended to prevent employees/workers from raising concerns.

Where employees/workers have genuine concerns about potential wrongdoing they are expected to raise these concerns at the earliest opportunity and not raise these in response to other managerial actions being instigated.

In all cases, when a concern is raised, the responsible person will write to you:

- Acknowledging that the concern has been received
- Indicating how we propose to deal with the matter
- Providing an estimated timeframe to provide a final response
- Advising whether any initial enquires have been made
- Supplying you with information on staff support mechanisms, and
- Informing you if further investigations will take place and, if not, why not.

In circumstances where you are asked to attend any meeting(s) relating to the concern(s) you have raised, you may find it helpful to be accompanied by:

- a local area or regional official of a Trade Union/Professional Association;
- a workplace Trade Union/Professional Association Representative, as long as s/he has been reasonably certified in writing by their union as having experience of, or having received training in, acting as an employee's companion at such meetings. Certification may take the form of a card or letter; or
- a work colleague.

7. IF YOU ARE DISSATISFIED

Whilst it cannot be guaranteed that you will receive a response to all matters in the way that you might wish, the matter will be handled fairly and in accordance with this policy. If you are dissatisfied with the response you receive it may be appropriate to seek external advice (see 13. below).

8. ASSURANCES TO YOU

The Board of Trustees are committed to the Whistleblowing Policy and recognise that the decision to report a concern can be a difficult one to make. If you raise what you reasonably believe to be a genuine concern under this policy, in the public interest, you will be protected from possible reprisal or victimisation. In these circumstances, it does not matter if you are mistaken, no action will be taken

against you. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

9. STATUTORY PROTECTION

The Public Interest Disclosure Act 1998, as amended, and including provisions implemented under the Enterprise and Regulatory Reform Act 2013, establishes your right to speak out about malpractice. The legislation provides individuals with protection from victimisation by others, dismissal or any other detriment, provided they follow the correct procedure, they reasonably believe that what they have reported is either happening, has taken place, or is likely to happen in the future and that disclosure is in the public interest.

An employee/worker will have to show three things to claim Public Interest Disclosure Act protection:

1. That s/he made a disclosure
2. That s/he followed the correct disclosure procedure
3. That s/he was dismissed or suffered a detriment as a result of making the disclosure.

A tribunal has the power to reduce any compensation by up to 25% if it thinks the disclosure was made in "bad faith".

Please be aware that, if you report your concerns to the media, in most cases you will lose your whistleblowing legal rights.

10. VICTIMISATION, BULLYING OR HARASSMENT

Employees/workers need to be aware that they must not in any way mistreat a whistleblower by subjecting them to detriment, victimisation, bullying, or harassment. The Trust will not tolerate any form of victimisation, bullying or harassment (including informal pressures) from your colleagues, peers, managers, or from external sources, and will take appropriate action to protect you when you raise what you believe to be a genuine concern in the public interest.

If you consider that you have been, are being, or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns as set out under any of the Steps 1 to 4 above, as appropriate to the circumstances. The matter will then be dealt with as a new referral under this procedure.

Any investigation into allegations of malpractice will not influence, or be influenced by, any disciplinary, capability or redundancy procedures that already affect you.

11. YOUR CONFIDENTIALITY

It is recognised that you may want to raise a concern in confidence under this policy. If you ask for your identity to be protected, it will not be disclosed without your consent. If the situation arises where the concern cannot be resolved without your identity being revealed (for example where you are needed to come forward as a witness or to give evidence in court), it will be discussed with you about whether and how the matter can proceed.

12. ANONYMOUS ALLEGATIONS

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trustees or the London Borough of Enfield, as appropriate. In exercising this 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.

Remember - if you do not state who you are, it will be much more difficult for the matter to be investigated, for your position to be protected or for you to receive feedback. Please note that neither the Board of Trustees nor the London Borough of Enfield will respond, or provide feedback, to unattributable email addresses.

13. TAKING THE MATTER FURTHER – EXTERNAL CONTACTS

The aim of this policy is to provide an internal mechanism for reporting, investigating and putting right any wrongdoing in the workplace. It is hoped that, in the majority of cases, you will not find it necessary to refer the matter to an external contact. You are strongly encouraged to seek advice before reporting a concern to an external body. However, if the steps within this policy do not provide a suitable resolution, there are other whistleblowing channels available to you provided that you have supporting evidence. There are also organisations that can provide general advice. As appropriate to the circumstances, such organisations include, for example, those listed overleaf.

IMPORTANT NOTE: If you decide that you need to make a disclosure to a prescribed person other than your employer, you must make sure you have chosen the correct person or body for your issue.

A full list of prescribed persons and bodies that you can make a disclosure to can be found on the following link:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

EXTERNAL CONTACT	TYPE OF ISSUE
Public Concern at Work (PCAW) Website: http://www.pcaw.org.uk Whistleblowing Advice Line 020 7404 6609; General Enquiries 020 317 2520 Email: UK Advice Line whistle@pcaw.org.uk	General Advice
Citizens Advice Bureau There are various ways to contact Citizens Advice. Visit the website to find out more details: https://www.citizensadvice.org.uk/about-us/contact-us/	General Advice
NSPCC Whistleblowing Helpline 0800 028 0285 (8am to 8pm Mon-Fri) Email: help@nspcc.org.uk Write to: NSPCC, Weston House, 42 Curtain Road, London. EC2A 3NH	Child Protection and Welfare
Ofsted Whistleblowing Hotline 0300 123 3155 (8am to 6pm Mon-Fri) Email: whistleblowing@ofsted.gov.uk Write to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester. M1 2WD **Policy and guidance document can be located at: https://www.safeguardingschools.co.uk/wp-content/uploads/2015/04/Whistleblowing to Ofsted about Safeguarding LAs April 2014.pdf	Local Authority general Safeguarding Arrangements**
Health and Safety Executive (HSE) Tel 0300 003 1647 Visit the website for further information and ways to contact HSE http://www.hse.gov.uk/contact/whistleblowers.htm	Health and Safety Matters
Environment Agency Incident Hotline 0800 80 70 60 (24 hour service) For more information and details of incidents covered, visit the website: https://www.gov.uk/report-an-environmental-incident	Environmental Matters

Information Commissioners Office (ICO) Helpline 0303 123 1113 Email: casework@ico.org.uk For further information visit the website at: https://ico.org.uk/concerns	Data Protection matters
Her Majesty's Revenue and Customs (HMRC) Write: HMRC Fraud Hotline, Cardiff CF14 5ZN Tel: 0800 788 887 Website: www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion General contact information can be located at the website: https://www.gov.uk/contact-hmrc	Financial Irregularities
The Comptroller and Auditor General To make a disclosure to the Comptroller and Auditor General 020 7798 7999 Write to: The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London. SW1W 9SP The website page can be located at: https://www.nao.org.uk/contact-us/whistleblowing-disclosures/	The Conduct of Public Business, Value for Money, Fraud and Corruption relating to the provision of Public Services
Grant Thornton (The London Borough of Enfield's Appointed Auditor) General Number 020 7383 5100; Email: website.enquiries.general@uk.gt.com Write: Grant Thornton House, Melton Street, Euston Square, London. NW1 2EP; Website: http://www.grantthornton.co.uk/	Public Sector Finance matters or Financial Irregularity
The Police	Criminal Offences
Education and Skills Funding Agency (ESFA) Cheylesmore House, 5, Quinton Road, Coventry. CV1 2WT Tel: 0845 377 5000	In relation to Academies, intervenes if there is risk of failure or mismanagement of public funds
Other relevant Professional Bodies or Regulatory Organisations; Relevant Voluntary Organisations	

Signature of Chair of Trustees:	Signature of Chief Executive Officer: