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| Policy:              | Whistle Blowing Policy |
| Owner:               | TDET HR                |
| Approving Board:     | Trust Board            |
| Date of review:      | January 2025           |
| Date of next review: | January 2027           |
| Publish Status:      | Statutory              |
| Version:             | V3                     |

## TDET Whistle Blowing Policy

### 1 Introduction

- 1.1 The employees and committee members of Thomas Deacon Education Trust seek to run all aspects of business and activity with full regard for high standards of conduct and integrity.
- 1.2 Any member of the Trust or academy staff, parents, committee members or the academy community at large that become aware of activities which give cause for concern, can refer to this whistle blowing policy.
- 1.3 This policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the trust's disciplinary procedure.
- 1.4 We encourage all staff to report concerns and suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously, and without fear of reprisals even if they turn out to be mistaken.
- 1.3 We are committed to tackling fraud and other forms of malpractice and treat these issues seriously.
- 1.4 We recognise that some concerns may be extremely sensitive. We have therefore developed a system which allows for the confidential raising of concerns within the trust/academy environment but which also has recourse to an external party outside the management structure of the trust.

### 2 Appropriate circumstances of whistle blowing

- 2.1 Individuals are encouraged to come forward with genuine concerns, knowing that they will be taken seriously.
- 2.2 A whistle blower should ask themselves a few questions about their concern before taking action:
  - Is it in the public interest?
  - Is it, or do you believe it to be, illegal?
  - Is it a criminal offence?
  - Is the environment damaged or likely to be damaged?
  - Is it, or do you believe it to be, against codes of practice issued by the Thomas Deacon Education Trust, the DFE or a professional body?
  - Does it contradict what the employee has been taught, or should have been taught?
  - Is it about an individual's behaviour or is it about general working practices?
  - Has the whistle blower witnessed the incident?
  - Does it constitute the covering up of wrongdoing?
  - Does it concern actions that negatively affect the welfare of children?

- 2.3 If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the staff member who raised the concern. If any individual raises malicious unfounded concerns or attempts to make mischief, this will be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.
- 2.4 The police may be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a learner or employee.
- 2.5 Examples of issues include:
- Manipulation of accounting records and finances.
  - Inappropriate use of academy/trust assets or funds.
  - Gross mismanagement of funds.
  - Decision making for personal gain.
  - Any criminal activity.
  - Damage to the environment of the academy/trust, to property belonging to the academy/trust or to a member of the trust community.
  - Dangerous practices.
  - Child protection issues including sexual, emotional or physical abuse of learners or others.
  - Abuse of position.
  - Serious misuse or abuse of authority.
  - A miscarriage of justice
  - Fraud and deceit or corrupt practices.
  - Serious breaches of academy procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest).
  - Other unethical conduct, including the circulation of inappropriate e-mails.
  - A breach of any legal obligation.
  - Suppressing information about anything listed above.

### 3 Confidentiality and data protection

- 3.1 Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the trustees/academy committee will make every effort to protect the identity of any member of staff who raises concerns.
- 3.2 The identity of the whistle blower will not be disclosed to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so. If it is necessary, this will be discussed with them first. Anonymous allegations will only be considered if the issues raised are:
- Very serious.
  - The credibility of the allegation is considered to be high.
  - The likelihood of confirming the allegation is high
- 3.3 Some circumstances in which complete confidentiality may be difficult to maintain include:
- If the matter leads to a legal procedure and evidence is required by the court.
  - If the issue raised comes within the remit of another trust procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.
  - When the safeguarding of children is the issue.

## **Procedure – Stage 1**

- 4.1 As the first step, you should raise the matter with an appropriate level of line management which would normally be your own line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you believe that your immediate manager(s) is involved, the Chief Executive/principal or trustee/chair of the academy committee should be approached.
- 4.2 Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone or email. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the whistle blowing policy.
- 4.3 You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.
- 4.4 If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.
- 4.5 If the allegation is made orally, you may bring a colleague or trade union representative to be present. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.
- 4.6 If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.
- 4.7 If you have raised the issue orally, you will be asked to put your concerns into writing, which you should date and sign.
- 4.8 You will be told what steps the line manager intends to take to address the concern. They may be able to take the appropriate steps to investigate the matter raised. Alternatively they may refer the matter to a member of the senior leadership team, the chief executive/principal or to trustees/chair of committee members.
- 4.9 Once the issue has been raised, you will be contacted within five working days by the nominated person who will arrange to meet to discuss the matter. You may bring a colleague or trade union representative to any meetings under this policy.
- 4.10 Notes will be taken of the details of the concern, and you will be asked to sign a copy of these notes.
- 4.11 Depending on the gravity of the allegation, the chief executive/principal will consult with the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example for the trust's disciplinary policy or even a matter for the police.
- 4.12 An initial response will be given within five working days. You will be informed of the progress of the investigation and if continued confidentiality is an issue.
- 4.13 When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.
- 4.14 The line manager/principal/chief executive will also notify the person who is the subject of the disclosure within five working days of the meeting. Upon receipt of the

information, the individual will be able to appeal against any decisions by writing to the chief executive/principal or trustee/academy committee.

## 4 Stage 2

- 5.1 If you are dissatisfied with the trust/academy's response, you can raise the matter within 10 working days of the date of the academy's response by writing to the chief executive.
- 5.2 The chief executive or nominated person will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly.
- 5.3 They may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.

## 5 Stage 3

- 6.1 If you are dissatisfied with the outcome of stage 2, you may opt to take the matter to stage 3, by raising the matter externally within 10 working days of the date of the decision letter at stage 2, with any of the prescribed people or bodies recommended in the government publication 'Blowing the whistle to a prescribed person: a list of prescribed people and bodies' available from [www.gov.uk](http://www.gov.uk).
- 6.2 In taking your concern outside the trust, you should ensure that, as far as possible, the matter is raised without confidential information being divulged.
- 6.3 You are protected by law from dismissal, harassment, bullying or other detriment by your employer or other members of staff with whom you work. If this occurs, you have the right to take your case to an employment tribunal.

## 6 Allegations against the principal

- 7.1 If an employee is concerned that the principal is the wrongdoer or involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, this should be reported to the chief executive.
- 7.2 The chief executive may investigate the allegation themselves in the first instance but are recommended to involve legal guidance.
- 7.3 If the employee feels that the chief executive has not dealt appropriately with the issue then they may wish to appeal direct to one of the following government departments as appropriate:
  - HM Revenue and Customs.
  - The Financial Services Authority.
  - The Office of Fair Trading.
  - The Health and Safety Executive.
  - The Environment Agency.
  - The Director of Public Prosecutions.
  - The Serious Fraud Office.
  - The Education Funding Agency.
  - The Department for Education.
  - The National College for Teaching and Leadership.