



### The Circle Trust Document: **Whistleblowing Policy**

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Approver:	Trustees
Owner:	Core Offer and Growth
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#### Changes History:

Version	Date	Amended by:	Substantive changes:	Purpose
1.0	02.18	Exec Head	New Document	First release
1.1	4.2.21	Co Sec	Change of name and contact details for Public Concern at Work (now Protect)	First review
1.2				
1.3				

## Purpose of the Policy

### 1 Introduction

- 1.1 This policy applies to all employees, former employees, agency staff and contractors engaged by The Circle Trust.
- 1.2 Employees are often the first to realize that there may be something seriously wrong with or within the Trust or the school where they work. However, an employee may not wish to express their concern because they may feel that speaking up may be disloyal or that it will damage future working relationships. An employee may also fear that such reporting may lead to negative consequences for their career or victimization. Therefore, an employee may feel it is easier to ignore a concern rather than report any suspicion of malpractice. It is important therefore that the act of whistleblowing be explained to employees as an appropriate act and encouraged to take place as part of safe and proper working practice.
- 1.3 In accordance with our ethos The Circle Trust seeks the highest possible standards of propriety and strongly encourages all employees with serious concerns to voice those concerns.
- 1.4 All employees are encouraged and enabled to raise concerns irrespective of seniority, role or status. An employee has the legal right to make a protected disclosure to certain third parties under the Employment Rights Act 1996.
- 1.5 The Whistleblowing Policy does not apply to concerns held by an individual member of staff about breaches of their own contract of employment, [The Circle Trust's Grievance Policy](#) is the policy under which breaches of employment should be raised.
- 1.6 The Circle Trust will ensure that whistle-blowers will be protected from suffering a detriment or harassment from another employee. Employees who mistreat another colleague as a result of whistleblowing will face disciplinary action.
- 1.7 Examples of whistleblowing concerns are:
  - Fraud in, on or by a school or The Circle Trust
  - Offering, taking or soliciting bribes
  - Unauthorised use of public funds
  - Financial maladministration
  - Physical, emotional or sexual abuse of pupils
  - Failure to comply with legal obligations
  - Endangering of an individual's health and safety
  - Damage to the environment

- Any criminal offence
- Failure to follow financial and contract procedure rules
- Showing undue favour to a contractor or a job applicant
- Misreporting performance data
- Neglect of children or young people.

## **2 The Aims and Objectives of the Whistleblowing Policy**

2.1 The Trust's overall whistleblowing approach is:

- To encourage employees, former employees, agency staff and contractors to raise concerns about malpractice within the organisation without fear of reprisal
- To reassure employees, former employees, agency staff and contractors that their concerns will be taken seriously
- To provide information about how to raise concerns and explain how The Circle Trust will respond.

## **3 The management of whistleblowing**

3.1 The Trustees have a fundamental role to:

- Ensure this policy is compliant to legislation
- Be satisfied that whistleblowing arrangements are actively managed, with the appropriate controls in place and working effectively
- Regularly review this policy to approve changes or improvements to key elements of its processes and procedures
- Review all whistleblowing investigations and subsequent action

3.2 The Executive Headteacher will:

- Implement this policy
- Operationally lead, monitor and review all matters relating to whistleblowing
- Ensure that whistleblowing is part of The Circle Trust's Code of Conduct Policy and the induction of new employees in accordance with The Circle Trust's Recruitment and Selection Policy
- Audit and review local school arrangements in relation to whistleblowing to ensure compliance
- Report whistleblowing incidents or infringement to Trustees and subsequent action. This includes any decisions not to investigate and why.

### 3.3 The Local Advisors have a fundamental role to:

- Be satisfied that this Whistleblowing Policy is actively managed, with the appropriate controls in place and working effectively in their school
- Review whistleblowing investigations and subsequent action affecting their school

### 3.4 A Headteacher with the oversight of Local Advisors will:

- Follow the procedures laid out in this policy in respect to whistleblowing
- Have responsibility for promoting whistleblowing to all staff
- Participate as necessary with the Executive Headteacher in any whistleblowing investigations

## 4 Whistleblowing procedures

- 4.1 Any whistleblowing allegation must be raised with the Executive Headteacher [ginny@thecircletrust.co.uk](mailto:ginny@thecircletrust.co.uk). If the concern is in relation to the Executive Headteacher, the concern in this instance should be addressed to the Chair of Trustees [Chairoftrustees@thecircletrust.co.uk](mailto:Chairoftrustees@thecircletrust.co.uk)
- 4.2 The whistleblowing allegation should be set out in writing. The letter or email should set out the background and history of the concern giving names, dates and places where possible, and the reason why the whistle-blower is making the allegation and is concerned about the situation. The earlier and more detailed the concern, the easier it will be to take correct action.
- 4.3 At this stage, the whistle-blower is not expected to prove any allegation, but they will need to set out that there are sufficient grounds for concern.
- 4.4 On receipt of the written allegation, the Executive Headteacher (or Chair of Trustees) will gather initial information and will determine whether a whistleblowing investigation should take place. It is expected that most whistleblowing allegations will lead to an investigation where they do not the reasons why must be clearly set out by the Executive Headteacher (or Chair of Trustees) and reported to the whistle-blower, Local Advisory Board of the school concerned and Trustees.
- 4.5 Where the whistleblowing allegation falls within the scope of specific procedures e.g. in relation to Safeguarding, The Circle Trust will follow the appropriate statutory arrangements.
- 4.6 It may be the case that the nature of the whistleblowing procedure is so serious or requires such specialist knowledge to properly investigate that a referral to an External Auditor or Ombudsman may be appropriate and form the subject of an independent enquiry

- 4.7 Where a whistleblowing investigation is required, The Executive Headteacher (or Chair of Trustees) must appoint a suitable person to carry out the investigation; this person is known as the Investigating Officer. If the Executive Headteacher considers him or herself the most appropriate person to act as the Investigating Officer, they may undertake this role.
- 4.8 The Investigating Officer must not have had any material involvement in the conduct or behaviour that gave rise to the whistleblowing allegation.
- 4.9 In order to protect the whistle-blower, the individual leading the initial information gathering, and if appropriate investigation, will minimise any difficulties which the whistle-blower may experience as a result of whistleblowing. For example, initial contact between the whistle-blower will be sought in a discreet manner. When any meeting is arranged, the whistle-blower may be accompanied. This may be with a union or professional body representative. Any meeting can be “off-site” if requested. The duty of care towards the whistle-blower will always be considered during any information gathering, investigation or subsequent action. Confidentiality will be maintained where at all possible, however, it may ultimately be necessary that the whistle-blower is required to give evidence in a Disciplinary Hearing (please refer to [The Circle Trust’s Staff Discipline Policy here](#)) or indeed criminal proceedings.
- 4.10 Any relevant witnesses must be interviewed, and statements taken and signed and dated. The witness statements should be written in full. There is no requirement for this to be done at the same meeting and a full statement may have to be written up and typed after the meeting. The Investigating Officer will note the date, time and place of each part of the whistleblowing investigation.
- 4.11 If a witness is a child or young person, their parents/carers must be advised and if age appropriate their consent obtained. A parent/carer may accompany a child during the interview but must not answer on behalf of the child or comment on their answers. A factual record of the discussion will be agreed to avoid where possible a child or young person being called as a witness at any subsequent hearing.
- 4.12 The witness statement should record what was asked, who was present, the child or young person’s responses (in their own words) and the date, time and length of the interview. The child or young person should be reassured that nothing will be held against them for having reported the incident or stating what they saw or heard.
- 4.13 The Investigating Officer should undertake further investigation with a view to finding other independent supporting evidence, e.g. documentary evidence, the evidence of contractors or other third parties or CCTV images.
- 4.14 In the case of CCTV images, wherever possible the images of other employees on the footage who are not relevant to the whistleblowing allegation should be obscured.

- 4.15 Once the investigation has been concluded the Executive Headteacher (or Chair of Trustees) can reach a decision which falls into one of the following categories:
- To take no further action because the whistleblowing allegation was unfounded
  - To deal with the matter informally outside a formal disciplinary process
  - To arrange for the matter to be dealt with under the formal disciplinary procedure
  - And/or inform and refer if appropriate to Department of Education (DfE) and/or Education, Skills Funding Agency (ESFA)
  - To refer to the police if a criminal matter
- 4.16 The whistleblowing investigation report and subsequent action subject to issues of confidentiality or legal precedent will be made available to Trustees and the Local Advisory Board of the school concerned.
- 4.17 It is a priority that the whistle-blower is assured that the matter they have raised has been properly addressed. Thus, subject to legal constraints, they will be informed as to what action has been taken to correct a working practice where fault has been identified in a whistleblowing investigation. The whistle-blower will also be informed of next external steps should they remain concerned or dissatisfied as outlined in section 6.2 of this policy. When a whistleblowing investigation is found to be untrue or unfounded, there will be no action taken against the whistle-blower.
- 4.18 If, however, a whistle-blower is found to make malicious or vexatious allegations, disciplinary action will be considered.

## 5 Whistleblowing safeguards

- 5.1 **Harassment and victimisation:** The Circle Trust recognises that to report a concern can be a difficult one to make not least because of the fear of reprisal from those responsible for any malpractice. The Circle Trust will not tolerate harassment or victimisation and will take clear action to protect the whistle-blower.
- 5.2 **Confidentiality:** The Circle Trust will respect confidentiality; however, it must be appreciated that any whistleblowing investigation process may, but only when necessary, reveal the source of the information and that any information (written or during an investigation) provided by the whistle-blower may be required as part of the evidence.
- 5.3 **Anonymous Allegations:** This policy encourages all employees to put their name to any concerns. Any occurrences of whistleblowing that are expressed anonymously are less capable of being investigated effectively, but they will be considered. In any anonymous whistleblowing The Circle Trust will take the following factors into account:
- Seriousness of the issues raised
  - The credibility of the concern

- The likelihood of confirming the allegation from attributable sources and information

## **6 How can whistleblowing issues be taken further?**

- 6.1 This policy gives whistle-blowers a clear procedure of how to raise concerns within The Circle Trust. However, if at the end of the process, the whistle-blower is not satisfied with how a disclosure has been dealt with, they may wish to pursue the matter by means of wider disclosure. The following points of contact are available:
- The Department of Education (DfE)
  - Education and Skills Funding Agency (ESFA)
  - The Police
- 6.2 If an employee decides to take the matter outside of The Circle Trust, they will need to ensure that they do not disclose confidential information. Further information and advice on whistleblowing can be obtained by an employee's Professional Bodies or Trade Union or from the charity Protect, The Green House, 244-254 Cambridge Heath Road, London E2 9DA, Protect Advice Line – telephone 020 3117 2520 and online [Protect Advice Line](#).