



Mersey View
LEARNING TRUST

Whistle Blowing (Confidential Reporting) Policy

1 October 2024



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Mersey View Learning Trust • 19 Mount Pleasant, Waterloo, Liverpool, L22 5PL
T: 0151 317 9810 • E: admin@merseyview.com • www.merseyview.com

Version Control

Version	Date	Status	Author	Comments
0.1	16.02.24	Draft	M Wright	Initial draft
1.0	01.10.24	Approved	Trust Board	

Date of next review	
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Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
- Let all staff in within the Trust and its schools know how to raise concerns about potential wrong doing in or by the School.
- Set clear procedures for how the Trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though malicious or vexatious concerns may be considered a disciplinary issue).

This policy does not form part of the employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the Trust in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.

This policy has been written in line with the Academy Trust Handbook as well as Government guidance on whistleblowing and the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

Definition of whistleblowing

Whistle-blowing covers concerns made that report wrong-doing that is 'in the public interest'. Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption.
- Health and safety risks or dangers, including risks or dangers to the public as well as students, employees and visitors.
- Failure to comply with a legal obligation or statutory requirement.
- Disclosures related to miscarriages of justice.
- Damage to the environment.
- Unauthorised use of public funds.
- Failure to comply with any legal or professional obligation or regulatory requirements.
- Possible bribery, fraud and corruption.

- Sexual, racial or physical abuse of pupils/employees; or
- Other unethical conduct.
- The deliberate concealment of any of the above matters.

Any serious concerns that employees have about any aspect of service provision or the conduct of other employees or members of the Trust or others acting on behalf of the Trust can be reported under this Policy. This policy should not be used for complaints related to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Policy.

This policy does not replace the Trust's Complaints Procedure.

If your concern is in relation to safeguarding and the welfare of students at the school, you should consider whether the matter is better raised under the Trust's Child Protection Policy and in accordance with the arrangements for reporting such concerns i.e. via the designated safeguarding lead, although the principals set out in the policy may still apply.

Safeguards

The Trust recognises that the decision to report a concern can be a difficult one to make. If what an employee is saying is true, they should have nothing to fear in doing their duty to the employer and those for whom a service is being provided.

The Trust is committed to good practice and high standards, wants to be supportive of employees and will ensure the following safeguards:

4.1 Harassment and Victimisation

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern.

4.2 Confidentiality and Data Protection

All concerns will be treated in confidence and every effort will be made where possible not to reveal the identity of the employee raising the concern if it is so wished. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence.

5. Anonymous Allegations

This policy strongly encourages employees to put their name of any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered, and any action taken at the discretion of the school.

In exercising this discretion, the Trust will take the following factors into account when considering how to deal with any allegations:

- The seriousness of the issues raised.
- The credibility of the allegations; and
- The likelihood of confirming the allegation from attributable sources.

6. Malicious or Vexatious Allegations

If an allegation is made maliciously or with a view for personal gain, disciplinary action may be taken against the employee concerned in accordance with the School's Disciplinary Procedure. The Trust will provide full support to anyone who is falsely or maliciously accused of malpractice or wrongdoing.

7. Procedure for staff to raise a whistle-blowing concern

7.1 When to raise a concern:

- Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was/were illegal, breached statutory or Trust/School procedure, put people in danger or was an attempt to cover any such activity up.

7.2 How to raise a concern:

- As a first step, employees should normally raise a concern with an immediate Line Manager or Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that the employee's line manager is involved, then an approach to the Headteacher may be appropriate. If it is believed that the Headteacher is involved, an approach to the Trust CEO would be appropriate. If it is believed that the CEO is involved, an approach to the Stephen Cowperthwaite, Chair of the Finance/Audit Committee. Concerns may also be raised with the Chair of Trustees and/or a Trustee of the Trust.

Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to set out the following:

- The background and history of the concern, giving names, dates and places where possible
- The reason why there is particular concern about the situation.

The earlier an expression of concern is made the easier it will be for the Trust to take action.

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

Advice and guidance on how matters of concern may be pursued can be obtained from:

- The relevant Line Manager.
- The Headteacher.

- The CEO.
- The Whistleblowing Lead Trustee (the Chair of the Finance/Audit Committee).
- The Chair of Trustees.

Employees may wish to consider discussing their concern with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

Employees may invite their trade union representative or a work colleague to be present during any meetings.

8. How the Trust will respond

The Trust will respond to concerns raised. However, testing out concerns is not the same as either accepting them or rejecting them.

The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- Be investigated internally by the relevant Line Manager, Headteacher, CEO, or Trustee or through the disciplinary process.
- Be referred to the Police.
- Be referred to the external auditor.
- Form the subject of an independent inquiry.

Note: The course of action will be taken by the person to whom the matter is referred and not by the individual employee who raises the issue.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Trust will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures, (for example, safeguarding or discrimination issues) will normally be referred for consideration under those procedures.

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.

Within ten working days of a concern being raised, the Trust will write to the employee:

- 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 deal with the matter and provide a final response.
- Informing them whether any initial enquiries have been made.
- Supplying information on employee support mechanisms; and
- Stating whether further investigations will take place and if not, why not.

The amount of contact between the person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the person considering the concern on behalf of the Trust will seek further information.

Where a meeting is arranged, an employee can be accompanied by a trade union representative or a work colleague, who is not involved in the area of work to which the concern relates and who could not be called as a witness. The meeting can be arranged off site if preferred. Additional support may be agreed as appropriate.

The Trust will take steps to minimise any difficulties, which may be experienced, as a result of raising a concern. For instance, if employees are required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for them to receive advice about the procedure.

The Trust accepts that an employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Trust will inform the member of staff of the outcomes of any investigation.

Any employee who is the subject of an allegation should, at the appropriate times, be given details of the allegation in order to respond. The employee concerned would have the right to trade union representation. Additional support may be agreed as appropriate.

Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the individuals listed in paragraph 7.2.1. If the matter is not remedied you should raise it formally using our Grievance Procedure. Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

9. The Responsible Officer

Within the Trust, the Whistleblowing Lead Trustee, as Monitoring Officer, has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer maintains a record of genuine concerns raised and the outcomes are reported as necessary to the Governing Body in a form that endeavours to maintain the employee's confidentiality as far as possible.

10. How the Matter can be Taken Further

This policy is intended to provide an avenue within the Trust to raise concerns. The Trust hopes employees will be satisfied with any action taken. If not, and if they feel it is right to take the matter outside the Trust, the following are possible contact points:

- Your trade union.
- The Citizens Advice Bureau.
- A relevant professional body or regulatory organisation.
- A relevant voluntary organisation.
- The Police.

- The Local Government Ombudsman (0300 061 0614 or www.lgo.org.uk)
- Health and Safety Executive.
- Equality and Human Rights Commission
- Protect (Independent whistle-blowing charity) (020) 3117 2520 or whistle@protect-advice.org.uk (<https://protect-advice.org.uk/contact-protect-advice-line/>)
- External auditor.
- The NSPCC whistle-blowing helpline, 0800 028 0285, email: help@nspcc.org.uk
- Serious Fraud Office.

If the matter is taken outside the Trust, steps should be taken to ensure that there is no disclosure of confidential and privileged information. Where confidential or privileged information is inappropriately disclosed, the employee disclosing the information may be subject to disciplinary action.

Review

This policy is reviewed regularly by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

1. Heading 1

Normal text

1.1. Heading 2

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1.1.1. Heading 3

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