Manchester Communication Primary Academy

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Whistleblowing Policy

2024-2027

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Revision Information

This document has been approved for operation within	All Trust Establishments
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Section 89 of the Education and Inspections Act 2006 for maintained schools, and the Independent Schools Standards Regulations 2010 for Academies and Free Schools stipulate that all schools must have a behaviour policy.

It is the responsibility of the governing body, in consultation with the Headteacher, school staff, parents and pupils, to establish the general principles underpinning the behaviour policy.
Manchester Communication Primary Academy (MCPA) is dedicated to ensuring our school environment supports both the learning and the well-being of children, and adults, through a strong sense of community cohesion. We strive to embrace and celebrate the diversity of our school and the community it serves.

The 2010 Equality Act outlines the nine equality strands defined as protected characteristics: age; disability; gender assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Here at Manchester Communication Primary Academy (MCPA) co-operation, mutual support, and respect are the foundations of our community, and we work hard to provide a safe school where all feel included and valued.

With you…for you…about you…

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1. Introduction

This is the Whistleblowing Policy of Greater Manchester Academies Trust, referred to throughout this Policy as the 'Trust'.

2. Policy Links to Risk Management

The existence, review and adherence to this Policy is an explicit control of the Trust which mitigates the following identified potential risk, listed in the Trust's Risk Register:

Risk ID	Potential Risk from Risk Register
FIN005	Risk of fraud and material error
PEO002	Risk of employment issues
COM003	Risk of failing to comply with any legislation or regulation appropriate to the activities, size and structure of the Trust

Whilst it is not a legal requirement for an organisation to have a Whistleblowing Policy, it is deemed good practice and creates an open, transparent and safe working environment where staff, governors and trustees feel able to raise a concern. The Policy helps the Trust in its mitigation of risk.

3. Definition, Aims and Objectives

The legal definition of **whistleblowing** is: *when an employee or individual makes a 'qualifying disclosure' about suspected wrongdoing, malpractice, illegality or risk.*

A **qualifying disclosure** is one made in the public interest by a staff member, governor or trustee who has a reasonable belief that something is, or may be:

- a criminal offence
- failure to comply with a legal duty
- a miscarriage of justice
- a danger to the health and safety of any individual
- damaging to the environment
- a deliberate attempt to conceal
- fraud or corruption
- serious breaches of policy and procedure
- unethical conduct

A disclosure of information is not a qualifying disclosure if the person making the disclosure commits and offence by making it.

It is not necessary for an individual to have proof that such an act is being, has been, or is likely to be committed. A reasonable belief is sufficient.

The **principal objective** of the Policy is to protect our learners, our staff, trustees and governors, and our assets.

The Policy has other objectives as follows:

- to articulate when and how staff, governors, members and trustees may raise any genuine and legitimate concerns that they have about incidents of misconduct, malpractice, or incidents that meet the public interest test (Freedom of Information Act 2000).
- to help staff, governors, members and trustees identify the appropriate policy to raise any concerns they may have.
- to articulate how any concerns raised will be dealt with.
- to detail how concerns will be responded to and what happens during and after any investigation.
- to ensure that employees know what to do if they are not satisfied, and to detail relevant further escalation procedures.
- to allow for concerns to be expressed outside the normal line management structure, where necessary.
- to provide safeguards and reassurance for whistleblowers to share concerns without reprisal, victimisation or disciplinary action, if made in good faith.

The Public Interest Disclosure Act 1998, shortened to PIDA, is the law that protects whistleblowers from negative treatment or unfair dismissal. PIDA makes it unlawful to subject a worker to negative treatment or to dismiss them because they have raised a whistleblowing concern.

4. Policy Principles

The Trust is committed to ensuring that it demonstrates the highest standards of business conduct and that it maintains an honest and open environment within the Trust and its academies. The Trust must operate fairly, honestly and with integrity, and the Trust is obligated to promote an anti-fraud culture, the prevention and detection of fraud and irregularity, including the investigation of any such cases. Details of these are articulated in the Trust's Anti-Fraud, Bribery and Corruption Policy.

The Whistleblowing Policy sets out the way in which individuals may raise any genuine and legitimate concerns that they have about incidents of misconduct or malpractice and how these concerns will be dealt with. Whilst protection under the legislation covers most types of workers, it is not extended to volunteers, the self-employed or the general public. However, the principles outlined in this policy, as far as they can be, will be applied to whistleblowing allegations received from sources other than staff, governors or trustees.

This policy has specific sections to advise individuals of the process to be followed when raising a concern and how the school will respond. **Concerns about a colleague's professional capability should not be dealt with using this Policy.**

This Policy is not a substitute for normal line management processes, but an addition to them. The Policy aims to allow for concerns to be expressed outside the normal line management structure, if

necessary. It is not to be used where other more appropriate internal reporting procedures are available. Concerns about an employee's own situation including a breach of contract, should be dealt with using the Trust's Grievance Policy.

If any concerns are raised initially through a different route that raise serious concerns over wrongdoing and are in the public interest, the Trust will investigate under this Whistleblowing Policy.

Individuals who do not follow the steps identified in this Policy and take their concerns to other outside sources or third parties, may be subject to a formal disciplinary investigation in line with the Trust's Disciplinary Policy and Grievance Policy.

The timescales in this Policy may be amended by mutual agreement.

This Policy does not form part of an employee's contract of employment and is not intended to have contractual effect.

5. How to Raise Concerns

The Trust hopes that in many cases, individuals will be able to raise any concerns with their line manager, as together they may be able to agree a way of resolving a concern quickly and effectively.

Where the matter is more serious, or an employee feels that their line manager has not addressed the concern properly, or their line manager is not the most appropriate person then employees should raise the concern directly with the Academy Headteacher, Executive Principal, or a member of the Senior Leadership Teams.

If the concern relates to the Academy Headteacher, the matter should be raised with the Chair of Governors or the Executive Principal.

If the concern relates to the Executive Principal, the matter should be raised with the Chair of Trustees.

Employees are protected when they make a disclosure. In making a disclosure the employee must;
- Reasonably believe that the disclosure is in the public interest;
- Reasonably believe that the information / allegations are substantially true;
- The matters disclosed must fall within the matters prescribed for that regulator.

Any concerns should be expressed in writing, setting out the following information:
- What the allegation relate to;
- The background;
- Full details on the nature of the alleged wrongdoing and why there are particular concerns about the allegation;
- Details of any evidence in support of the allegation;
- Name and contact details (unless they wish to remain anonymous); and
- Reasons why the concern should be taken forward;
- What outcome is sought.

If an individual does not feel able to put the concern in writing initially, he or she should be allowed to telephone or meet the Academy Headteacher, Executive Principal or a member of the Senior Leadership Team who will make a note of the concern and will explain the next steps in the process.

6. Responses to Concerns Raised

The individual expressing concern will receive a written acknowledgement within 10 working days of the concern being received. This acknowledgement will indicate:

- how the Trust proposes to deal with the matter;
- the policy under which the matter will be investigated (i.e. whether it is the whistleblowing policy or a different school policy);
- contact details for the person handling the investigation (the designated 'Investigating Officer');
- arrangements for confidentiality;
- an estimate of how long it will take to provide a response on the outcome;
- any initial enquiries which may have been made;
- whether further investigations will take place, and if not, why not.

Some concerns may be resolved by agreed action, without the need for investigation. In these cases, confirmation should be sought from the whistleblower that they are satisfied that the matter has been resolved. This does not preclude matters being raised in the future if further concerns arise.

7. The Investigation Process

Allegations will be handled confidentially and discreetly by all who are directly involved in the investigation process. The Trust will do what it lawfully can to minimise any difficulties that an Individual may experience as a result of raising a concern.

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including who should undertake the investigation. In some cases, an investigation may be completed without the subject of the complaint being aware of the investigation.

If it is determined that the concerns or allegations fall within the scope of specific procedures (for example disciplinary procedures) it should normally be referred for consideration under those procedures.

It may be necessary for the designated Investigating Officer to arrange a meeting with the individual in order to obtain further information.

Witnesses may be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the individual, and particularly where witnesses are interviewed, it is important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

Investigation procedures into allegations of malpractice must be independent, skilled and objective. The Investigating Officer appointed must therefore not have had any previous involvement with the case and will be sensitive to the wishes of the individual wherever possible.

Where a complaint involves an Academy Headteacher or the Executive Principal, then a designated Investigating Officer may be a governor or trustee or even an appropriate third party (such as an external agency representative or a governor/trustee from another school or trust).

In any event, the Investigating Officer must be at an appropriate level of seniority and must have sufficient experience and/or training to allow a thorough investigation to take place. Depending upon the circumstances, external agencies may also be involved in the investigation.

During the investigation every effort will be made to protect the legitimate rights of all parties involved.

Throughout the investigation process, the individual, the alleged perpetrator and any witnesses interviewed are entitled to be accompanied at the meeting by either a companion or a trade union representative.

The Trust will endeavour to maintain strict confidentiality; however, it is to be acknowledged in this Policy, that there may exist circumstances where particular information needs to be shared, which has the possibility to identify an individual. It is also to be acknowledged that these will not be shared with the whistleblower in such circumstances.

The investigation should normally be completed within 30 working days of the complaint being registered. Where cases prove to be more complicated and it may not be possible to complete within the time scale, it will need to be extended to accommodate the particular circumstances. Where the timescale will probably exceed 30 working days, the designated Investigating Officer will advise the individual.

8. Investigation Outcomes

The Trust will, subject to legal constraints, seek to advise the individual on the outcome of the investigation. This will be done in writing by the Investigating Officer.

The investigation will conclude with a report by the designated Investigating Officer to the Academy Headteacher, Chair of Governors, Executive Principal, Chair of Trustees or other relevant person. This will summarise the designated Investigating Officer's findings on the allegations and recommend further action which could include but is not limited to:

- provision of a brief overview of the investigation conducted, and on what basis;
- a finding that the allegation was unfounded and therefore no action needs to be taken;
- a recommendation to take no further action on the complaint. This may be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue;
- a recommendation to take-action in order to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include:
    - written management advice; and/or
    - an instruction to a member of staff to undertake appropriate guidance and/or training; and/or

- appropriate changes in working arrangements or policy which must not be to the disadvantage of the complainant;
- a recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.

Where permitted, the Investigating Officer will write to the individual detailing the findings of the investigation and the action to be taken. This outcome letter will contain an undertaking that the individual and any witnesses will not be victimised or suffer any detriment as a result of having made the complaint. For the avoidance of doubt, the outcome letter and the investigation report are not necessarily the same.

Where the designated Investigating Officer considers that a complaint is untrue and malicious he/she will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary, but should be seen as a neutral act which does not of itself imply that any pre-emptive judgement has been reached.

9. Recording Instances of Whistleblowing

The Academy Headteacher, Executive Principal, Chair of Governors or Chair of Trustees (as appropriate) should maintain a confidential central record for a period of five years (seven years for allegations of financial irregularities) of all Whistleblowing allegations which have been raised and the responses provided.

Where there are financial irregularities, the Trust's Chief Financial Officer must be involved with maintaining the record.

In respect of anonymous allegations, should an Academy Headteacher, Executive Principal, Chair of Governors or Chair of Trustees consider that further action would be inappropriate, details of the allegation and reason for the decision must still be recorded.

These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the reporting process on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act 1998 (PIDA).

10. Anonymous Concerns

The Whistleblowing Policy encourages individuals to put their name to an allegation wherever possible as the school believes that open and confidential whistleblowing is the best means of addressing concerns, and protecting individuals. The effectiveness of any investigation may be limited where an individual chooses not to be identified.

All concerns expressed anonymously will be considered, the allegations taken as seriously as if the concerns were expressed by an identified person, and may be investigated. The level of investigation will depend upon the nature of the allegations; the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegations from attributable sources.

Concerns expressed anonymously may often be more difficult to fully explore and investigate, than when an individual is prepared to come forward formally. It will not of course be possible to report any findings back to the complainant in these circumstances.

Anonymous concerns will be recorded in accordance with Section 9.

11. False and Malicious Allegations

While encouraging staff, governors and trustees to bring forward genuine matters of concern, the school must guard against claims which are untrue and are made to deliberately damage the reputation of staff within the Trust.

If an individual makes a protected disclosure with the reasonable belief it is in the public interest but it is not confirmed by the investigation, no action will be considered or taken against them. However, if an individual makes false, malicious or vexatious allegations this will be treated as a serious disciplinary matter and action will be taken in accordance with the Trust's Disciplinary Procedures.

12. Harassment and Victimisation

The Academy Headteachers, Executive Principal or other relevant person will monitor how an individual is subsequently treated after raising a matter of concern and will ensure that if they find evidence of harassment or victimisation, this will be dealt with in accordance with the Trust's Disciplinary Policy

The Trust will not tolerate harassment or victimisation against a staff member, governor or trustee who has raised a genuine concern under this policy. Any individual who victimises a whistle-blower will be subject to disciplinary action which could lead to dismissal.

Any individual who believes they have been harassed or victimised as a result of raising a genuine concern should contact an Academy Headteacher, Executive Principal or a relevant person.

13. Safeguarding Concerns

All staff, governors and trustees have a duty to report concerns about the safety and welfare of pupils.

Concerns about one or more of physical abuse of a pupil; sexual abuse of a pupil; emotional abuse of a pupil; neglect of a pupil; or an intimate or improper relationship between an adult and a student **must be reported immediately to the Trust's Safeguarding Team or to the Executive Principal.**

14. Further Escalation

It is the desire and intention of the Trust, that any individual with a concern about the Trust's operation or its conduct, feels able to first raise those concerns internally with their line manager. However, in line with legislation, if an individual does not feel comfortable making a disclosure internally within the Trust, they have the right to take their concerns outside and further as set out below:

If an individual would like independent advice about raising a concern, they can speak to:

- A Union Representative;
- An independent legal advisor; and/or
- 'Public Concern at Work' (an independent charity: www.pcaw.org.uk)

If an individual is not satisfied with the outcome of the investigation, and feels it appropriate to take the issue further, they may make a protected disclosure to a third party (in accordance with the provisions of the Public Interest Disclosure Act 1998), the following other bodies are possible contact points:

- The Secretary of State for Education
- Office of Qualifications and Examinations Regulation
- Ofsted
- The Local Authority
- The Children's Commissioner
- The National Society for the Prevention of Cruelty to Children (NSPCC)
- The National Audit Office
- The Health and Safety Executive
- The Environment Agency

If a matter is taken outside of the Trust, the individual must take all reasonable steps to ensure that confidential information is not disclosed.

15. Whistleblowing and Data Protection

The Trust aims to ensure that the collection, recording, processing and storing of all data and information in relation to whistleblowing, is in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and in accordance with the Data Protection Act 1998.

The Trust's GDPR Policy articulates fully how this compliance is met.

16. Equality, Diversity and Inclusion

The Trust is committed to complying with the Equality Act 2010 and is committed to the principles of equality and strives to ensure that everyone who wishes to be involved in our Trust whether as learners (and their parents/guardians), staff, trustees, governors or as a general member of the public:

- has a genuine and equal opportunity to do so without regard to their age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion and belief, sex and sexual orientation; and
- can be assured of an environment in which their rights, dignity and individual worth are respected without the threat of intimidation, victimisation, harassment, bullying or abuse.

Under the Public Sector Equality Duty (PSED), the Trust is required to have due regard to:

- the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- the advancement of equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics.
- review all of its policies and procedures, through consultation with its academies and institutes, to ensure compliance with education and employment legislation including the Equality Act 2010.

The Trust has an Equality, Diversity and Inclusion Policy which is monitored and review annually as a minimum.

The Whistleblowing Policy does not and must not contradict the contents of the Equality, Diversity and Inclusion Policy.

17. Date of Next Review

The Policy must next be reviewed and approved by the GMAT Board of Trustees the sooner of November 2027, or when there have been material changes to relevant legislation, or material changes to other relevant courses of business.