



DRET Whistleblowing Policy

Introduction/Overview

Whistleblowing inside the work place is the reporting of wrong doing such as fraud, malpractice, mismanagement, abuse of child protection procedures, breach of health and safety law or any other illegal or unethical act on the part of any other employee.

This policy provides a framework within which staff can raise concerns about perceived wrongdoing at work, and protection for workers who “blow the whistle” providing a right not to be dismissed or suffer any detriment at work as a result of making a protected disclosure.

		Policy	
Version	Date Approved by Finance Committee	Ratified by Trust Board	Date Released to Academies
1	7 September 2016	26 September 2016	21 October 2016
2	13 September 2017	25 September 2017	2 October 2017



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1. Section 1 - Principles

1.1 The Trust seeks to create an ethical, open culture which is supportive of its ethos. Any employee may be approached to assist in drawing attention to irregularities or other concerns. The Trust will support and not discriminate against concerned employees provided a claim is made in good faith.

1.2 The Public Interest Disclosure Act 1998 is designed to protect 'whistleblowers' from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers.

1.3 Whistleblowing is the reporting of certain types of wrongdoing. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public. A whistleblower is protected by law – they should not be treated unfairly or lose their job because they 'blow the whistle'.

Concerns can be raised at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Complaints that count as whistleblowing include the following:

- a criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the Trust is breaking the law
- you believe someone is covering up wrongdoing

The malicious raising of unfounded allegations is a disciplinary offence.

1.4 Students may also have information which should be raised in the public interest and there will be proper procedures in place for them to air their concerns; e.g. the students' complaints procedure.

1.5 This process should not be used for complaints relating to personal circumstances. In these instances staff should use the processes contained within the Grievance Policy or the Anti-Bullying and Harassment Policy as appropriate.

2. Section 2 - Procedures

2.1 All parties will agree that the issue raised will be kept confidential while the procedure is being used.

The Representor (the person raising the concern) should:

- Raise their concern with the Chief Executive Officer of the Trust or the Director of Finance. The DRET Whistleblowing Policy/13 September 2017/as approved by Finance Committee
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Representor has the right to have the matter treated confidentially.

- The Chief Executive Officer or the Director of Finance may request that the Head of Finance or the Director of Human Resources investigate the issue. They will have the role of Assessor.

2.2 The Assessor should:

- Interview the Representor within seven working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury;
- Obtain as much information as possible from the Representor about the grounds for the belief of malpractice;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under the Trust's Whistleblowing Policy;
- Report all matters raised under this procedure to the Director of Finance, or, where relevant, the Chair of the Trust Board.

2.3 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a note taker.

2.4 Within ten working days of the interview, the Assessor will recommend to the Director of Finance or Chair of Trust Board as appropriate one or more of the following:

- The matter be investigated internally by the Trust;
- The matter be investigated by the external auditors appointed by the Trust;
- The matter be reported to the Education and Skills Funding Agency;
- The matter be reported to the police;
- The route for the member of staff to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by the Trust.

2.5 The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith in which case disciplinary action will be considered in accordance with the Trust's disciplinary policy;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, the external auditors, the Education Funding Agency or other public authority.

2.6 The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the



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Trust Board.

2.7 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- Where the Assessor is under a legal obligation to do so;
- Where the information is already in the public domain;
- On a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice;
- Where it is essential that the Representor provides evidence at a disciplinary hearing or other proceedings.

2.8 The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty eight days of completion of the investigation

2.9 All responses to the Representor will be made in writing and sent to the Representor's home address.

2.10 If the Representor has not had a response within the above time limits, they may appeal to the Chair of the Trust Board or, if appropriate, the appointed external auditors, but will inform the Assessor before doing so.

2.11 The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

2.12 Deliberately false or malicious accusations made by a Representor will be dealt with under the Trust's disciplinary procedure.

2.13 Whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. Compelling reasons could be the involvement of the Trust Board as a whole, serious health and safety issues or possible discrimination. The external sources which could be used are:

- Education and Skills Funding Agency
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police