Whistleblowing Procedure

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1. Introduction

1.1 Maritime Academy Trust (the **Trust**) is committed to achieving the highest possible standards of service and ethical standards. This policy will enable you to raise concerns of serious wrongdoing without fear of reprisal.

1.2 This policy applies to all individuals working for the Trust at all levels and grades, whether they are employees, contractors, casual or agency staff.

1.3 Whistleblowing is distinct from the grievance procedure which should be used if you are an employee and have a complaint relating to your personal circumstances in the workplace. Concerns about:

(a) wrongdoing such as fraud, malpractice, mismanagement;
(b) breach of the Keeping Children Safe in Education statutory guidance;
(c) breach of health and safety law; or
(d) any other illegal or unethical act either on the part of management, Trust Board, Local Governing Body or by fellow employees, should be raised using this procedure.

2. Purpose

2.1 This policy:

(a) Encourages workers to feel confident in raising concerns.
(b) Establishes a fair and impartial investigative procedure.
(c) Provide avenues for workers to raise concerns and receive appropriate feedback.
(d) Ensure that workers receive a response to concerns and are aware of how to pursue them if they are not satisfied.

(e) Ensure that workers will be protected from any reprisals or victimisation provided that there is reasonable belief that the matter disclosed tends to show wrongdoing and that the disclosure has been made in an appropriate manner.

3. Scope

3.1 This policy may be used by all workers to raise concerns where the wellbeing of others, the Trust or one of its academies is at risk.

3.2 The term 'worker' broadly includes employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the Trust.

3.3 The policy is designed to sit alongside the Trust Grievance Procedure and Complaints Policy.

4. What is a Whistleblowing Concern?

4.1 The Public Interest Disclosure Act (2013) (the **PIDA**) lists matters about which concerns can be raised, provided they are in the public interest. These are as follows: (a) A crime has been committed, is being committed, or is likely to be committed. (b) A person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject.

(c) A miscarriage of justice has occurred, is occurring, or is likely to occur.

(d) The health and safety of an individual has been, is being, or is likely to be endangered.

(e) The environment has been, is being or likely to be damaged.

(f) Information tending to show any of (a) to (e) above has been concealed or is likely to be deliberately concealed.

4.2 Particular concerns that may fall within the terms of this policy include breach of a code of conduct, Keeping Children Safe in Education, wilful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that disclosure will most likely relate to the actions of employees, contractors, and casual or agency staff, but they may also relate to the actions of a third party.

5. Anonymous Disclosures

5.1 A worker raises a concern anonymously if no name is given when raising a whistleblowing concern.

5.2 Anonymous disclosures will always be considered. However, dependent on the information provided there may not be enough evidence to pursue an investigation.

5.3 When an anonymous concern is received, a decision to investigate will be based on the following:

(a) the seriousness of the issue(s) raised;

(b) the credibility of the concerns; and

(c) the likelihood of confirming the information from other sources.

6. Assurances to Workers

6.1 To ensure workers have the right to disclose a concern workers have the right to disclose a concern if the Trust or one of its academies does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Trust or one of its academies fails to properly consider or deal with the issue.

6.2 To protect workers

(a) If a worker makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real, the worker will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not tolerate the harassment or victimisation of any worker raising a genuine concern.

(b) While PIDA does not require a guarantee of confidentiality in whistleblowing matters, the Trust will endeavour to treat all disclosures as confidential. However, there may be situations where due to the nature of the wrongdoing being alleged it may be impossible to avoid disclosing the identity of the whistleblower. For example, in the event of a subsequent disciplinary investigation and to ensure that the Trust abides by the principle of 'natural justice'.

7. Procedure

7.1 Stage One - Notification

(a) The worker raising the concern should do so orally or in writing to their line manager in the first instance.

(b) If the worker feels unable to raise their concern with their line manager they may contact their Headteacher or Executive Headteacher.

(c) When a whistleblowing complaint relates to a Headteacher, Executive Headteacher, or member of the Executive Team it should be raised with the Chief Executive Officer.

(d) When a whistleblowing complaint relates to Chief Executive Officer it should be raised directly with the Chair of Trustees.

(e) Notwithstanding the above any complaint may be raised by any worker with the Chair of Trustees.

(f) If the worker provides insufficient information with their initial disclosure, they may be asked to provide additional information before any next steps are decided. (g) Once all relevant information has been received, appropriate HR/legal advice will be considered to make a determination as to whether the disclosure meets the definition of a 'Public Interest Disclosure'. If it is determined that concerns raised would be more appropriately dealt with using an alternative internal policy or procedure the worker will be advised in writing within 5 working days of their concern being raised.

(h) When a disclosure is deemed to fall within the remit of this policy the recipient of the complaint will appoint an appropriate impartial and suitably senior investigating officer. The recipient manager will write to the worker within 5

working days of their initial disclosure to confirm details of the investigating officer (the **Investigating Officer**) and the next steps to be taken.

8.2 Stage Two – The Meeting

(a) The Investigating Officer will interview the worker within ten working days of the notification from the recipient manager or earlier if there is an immediate danger of loss of life or serious injury.

(b) The Investigating Officer will obtain as much information as possible from the worker about the grounds for the belief of malpractice.

(c) The Investigating Officer will undertake any additional further investigations as required to reach a determination.

(d) At the interview, the worker may be accompanied by a recognised trade union representative or a work colleague. The Investigating Officer may be accompanied by a minute taker.

8.3 Stage Three – The Outcome

(a) Within ten working days of the interview, the Investigating Officer will recommend one or more of the following:

(i) the matter be investigated internally by the Trust or an academy within the Trust;

(ii) the matter be investigated by an external person appointed by the Trust;

(iii) the matter be reported to the Local Authority Designated Officer;

(iv) the matter be reported to the Department for Education;

(v) the matter be reported to the Police; or

(vi) no further action be taken.

(b) The grounds on which no further action is taken may include:

(i) the Investigating Officer is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur; (ii) the matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies; or

(iii) the matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority.

(c) Subject to any legal constraints, the worker will be informed in writing of the final outcome of the investigation. However, there may be situations where it may not be appropriate for full details to be provided. For example, when sharing information relating to a third party breaches the General Data Protection Regulations (GDPR).

9. External contacts

9.1 Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the worker is not content with the conclusion of the Investigating Officer under paragraph 7 above. Compelling reasons could be the involvement of the senior managers, serious health and safety

issues or possible discrimination. The external bodies which could be used include:
(a) the Department for Education;
(b) a Member of Parliament;
(c) the National Audit Office;
(d) the Health and Safety Executive; or
(e) the Police.

9.2 If you do not feel able to raise your concern in the ways outlined above, you should consult PIDA for information about other routes by which a disclosure may be made.

10. Malicious Accusations

10.1 Deliberately false or malicious accusations made by a worker will be dealt with in line with the Trust's disciplinary procedure.

Whistleblowing Procedure

Worker raises concerns initially with the Line Manager/HR Director/Chair of Trustees, who may request further information.

HR & Legal Advice to determine if the disclosure meets the definition of a 'Public Interest Disclosure'. and refer to alternative policy.

Yes

Written confirmation (within 5 days) and appointment of an Investigating Officer.

No

Written confirmation (within 5 days)

Investigating Officer to schedule a meeting within 10 days. Worker may be accompanied at the meeting.

Within 10 working days of the meeting the investigating officer will make a determination as to the outcome of the investigation.

No Further Action **Recommendations**

Further investigations
Referral to external bodies

Worker
informed in
writing of
the outcome of the
investigation