

# SHINE Multi Academy Trust Whistle-blowing policy

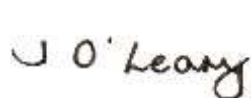


**Management log**

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<b>Author</b>	leader of governance
<b>Person responsible for the document</b>	CEO
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<b>Signed</b>	Signed



Chair of the board



CEO

**Document history**

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V1	May 2017	SHINE Team	22 June 2017	16 June 2017	To support SHINE's academies
V2	April 2019	Helena Brooks	1 May 2019	17 May 2019	Biennial review to support SHINE's academies.
V3	March 2023	SHINE Team	25 March 2023	27 March 2023	Review carried out – John Hunt Academy contact details added, PCAW (now Protect) information updated – no other revisions

**Related policies****Policy**

Child protection

Complaints

Equality

Keeping our academies safe

Managing allegations of abuse

**Website link**<http://www.shine-mat.com/pupil-welfare/><http://www.shine-mat.com/pupil-welfare/><http://www.shine-mat.com/pupil-welfare/><http://www.shine-mat.com/pupil-welfare/><http://www.shine-mat.com/pupil-welfare/>

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## 1. Equality statement

- 1.1 We will promote equality of opportunity and good relations between people from different groups (pupil, parent or carer, staff, members, trustees, local governors or visitors) regardless of their race, religion, background, gender, gender reassignment, age, sexual orientation or disability. We will reinforce positive attitudes to diversity.

## 2. Introduction

- 2.1 **This whistle-blowing policy is about the ways in which concerns about malpractice may properly be raised within the SHINE Multi Academy Trust (SHINE) and if necessary, outside whilst protecting whistle-blowers from dismissal and victimisation.**
- 2.1 The Public Interest Disclosure Act 1998 came into force in 1999. It applies to all organisations. It protects workers from victimisation when they blow the whistle inside and – where there is a good reason – outside an organisation. It encourages people to raise concerns about malpractice in the workplace. It helps ensure that organisations are able to focus on the message rather than the messenger, so that serious malpractice is not covered up.
- 2.2 Workers are often the first to realise that there may be something seriously wrong within their workplace. However, they may not voice their concerns because they feel that speaking out would be disloyal to their colleagues or their employer. They may also be worried about being harassed or victimised. In these circumstances, some people might find it easier to ignore the issues, rather than report what may be just a suspicion of malpractice.
- 2.3 It is important to strike a balance between the right of the individual employee to speak freely and the right of the employer or colleagues to protect themselves against false or malicious accusations.
- 2.4 It can be hard to raise a concern, especially if it could have an impact on friends, colleagues or managers (CEO/headteachers/leaders). A whistle-blowing policy / procedure shows how concerns about malpractice, either inside or outside the workplace, can be raised whilst protecting whistle-blowers from the threat of victimisation or dismissal.
- 2.5 Any disclosure made in ‘good faith’ will be protected by this policy if the whistle-blower has a reasonable suspicion that malpractice has occurred, is occurring or is likely to occur.

### **3. Definition**

- 3.1 Whistle-blowing inside the workplace is defined as the reporting by workers or ex-workers of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of leadership and management, the board of trustees (Board), local governing bodies (LGBs) or by fellow employees. Workers may include volunteers, contractors and outside agencies or others.

### **4. Principles supporting the procedure**

- 4.1 The Board, CEO, LGBs and headteachers are committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment we expect employees to tell us about any serious concerns they might have about any aspect of SHINE's process and procedures or colleagues. All employees have a legal duty to pass on any concerns involving the safeguarding or protection of children to someone who can deal with it. This will include concerns about fellow professionals, or anyone who works with or comes into contact with, children. We recognise that most cases will have to proceed on a confidential basis.
- 4.2 This policy document confirms that employees will be able to express their concerns without fear of being victimised or penalised in any way. It aims to encourage and enable employees to raise concerns internally, rather than ignoring the problem or taking it outside the organisation.

### **5. About this policy**

- 5.1 This policy applies to all employees, students on placement, volunteers, agencies and anyone else who has access to pupils or SHINE's academies. This includes contractors working on site, suppliers and those providing services either to the pupils or SHINE's academies.
- 5.2 Where the procedure refers to a manager or supervisor, this will normally mean their line manager, the headteacher or the CEO (as applicable to the employees place of work).
- 5.3 This procedure is in addition to the complaints procedure.
- 5.4 This procedure should be used to raise serious concerns. These include:
- conduct which has failed, or is likely to fail, to comply with a legal obligation;
  - disclosure related to miscarriages of justice;
  - actions which endanger the health or safety of any individual, including risks to children or the public as well as other workers;

- damage to the environment;
- theft or misuse of school property or assets;
- the unauthorised use of public funds;
- possible fraud or corruption;
- serious departure from professional standards;
- sexual or physical abuse of children / service users / workers;
- neglect or emotional abuse of children in the institution;
- serious breach of SHINE's policies and procedures.

**This is not a complete list.**

5.5 All employees have a duty to report fraud and offences of a criminal or child protection nature. They should use their own judgement, but it is better to report suspicions using these procedures rather than ignore concerns.

5.6 Employees can use these procedures to report concerns about service provision, or the conduct of employees or other people. This might include something that:

- goes against orders and/or policies of the academy or the Safeguarding Children Board;
- falls below established standards or practice;
- could be viewed as improper conduct; or
- makes individuals feel uncomfortable and goes against their experience of right and wrong.

## **6. Creating an ethical open culture.**

6.1 It is important that all employees raise their concerns as soon as possible rather than wait until they become more serious.

6.2 SHINE's code of conduct informs employees of what kind of conduct is considered unacceptable. All employees are expected to have read and understood the code.

## **7. Communicating concerns internally in a safe environment.**

7.1 Where there are serious concerns expressed about wrongdoing, these will be dealt with seriously and the whistle-blower protected.

7.2 We do not tolerate harassment or victimisation in any form and will take action to prevent it. Whistle-blowers will be treated as witnesses not complainants.

7.3 Victimising people who raise genuine concerns will be treated as a disciplinary offence.

7.4 At the same time, it is also a disciplinary offence to make allegations that are untrue or malicious.

## 8. Reporting concerns

8.1 When concerns arise the employee should first contact their line manager. If the line manager is the person named in the complaint then it should be referred to the next senior manager nominated to receive complaints, or the Nominated Safeguarding Children Adviser, or go directly to their headteacher or in the case of the complaint being about the headteacher inform the CEO.

## 9. Wider disclosure

9.1 Although the Board would prefer employees not to take their concerns to someone outside SHINE without first going through these internal procedures, there may be a good reason for doing so. For example, you may not be happy with the conclusions of the manager. Other reasons could be that senior managers are involved, or there are serious health and safety issues or possible discrimination.

9.2 The sources which could be used are:

- Chair of the board
- Children's Social Care Services if the matter is about child protection or safeguarding issues
- Police
- Health & Safety Executive
- Audit Commission
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Department for Education
- Ofsted
- Education and Skills Funding Agency (ESFA)

9.3 Employees who decide to take the matter outside of SHINE need to be aware that they should be careful not to reveal any confidential information.

9.4 Whistle-blowers must:

- reasonably believe that they will be victimised if they raise the matter internally;

or

- reasonably believe a cover up is likely;
- have already raised the matter internally and the issues have not been addressed.

9.5 Contracts of employment usually stipulate a duty not to disclose any matters that could be considered confidential. This prevents employees from publicly disclosing employers' confidential information unless it is in the public interest to do so, or unless SHINE has failed to deal with the issue properly.

9.6 Under the terms of the Local Authority procedures, employees should not approach elected members of the council unless they can show without doubt that their concerns are not being addressed, even at the highest officer level.

## 10. Confidentiality

10.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle-blower. However, in order to investigate the matter properly, the investigating officer may need to ask for files or question other employees, so it is impossible to guarantee complete confidentiality.

10.2 Some cases are clearly so serious that police may have to be involved. In these cases, it may be necessary to reveal the identity of individuals.

10.3 While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential.

10.4 Pupils may also have information which should be raised in the public interest. There should be procedures in place for them to air their concerns, such as a Pupil Council.

## 11. Anonymous allegations

11.1 It is far better for employees to put their name to any allegations, because anonymous allegations are not as powerful as those put forward by a named individual. However, managers will investigate anonymous allegations as far as possible.

## 12. Untrue allegations

12.1 If allegations are made in good faith but it is not confirmed by the investigation no action will be taken against the whistle-blower. If, however, the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual.



### 13. Role of trade unions

13.1 The management recognise that individuals may wish to seek advice and be represented by their trade union when following these procedures. We actively encourage trade union support for any employee who raises concerns.

### 14. Responding to a concern

14.1 Managers will always respond to concerns, but an investigation does not mean that we have accepted or rejected concern.

14.2 Where appropriate the matters raised may be:

- investigated by managers, internal audit, or through the disciplinary process;
- investigated under other procedures such as child / adult protection;
- investigated under procedures designed to deal with allegations made against professionals;
- referred to the Police;
- referred to the external auditor or other external investigation;
- the subject of an inquiry;
- investigated under other forms of prosecution and inspection such as the protection of public health and safety; or
- referred to an independent investigator.

14.3 We will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it will take. If the matter falls within the scope of specific procedures (for example, child protection or discrimination issues) it will normally be considered under those procedures.

### 15. The procedures

15.1 The person raising the concern should:

- Raise their concern with their line manager, the headteacher or the CEO (as applicable to their place of work). They can do this in writing, or by talking to them about it. They have the right to ask for the matter to be treated confidentially.
- If the line manager believes the concern to be genuine and that it is appropriate to use the whistle-blowing procedure, they will contact the headteacher or CEO (as applicable).

- If it is alleged that the headteacher is involved in the malpractice, a senior manager should be contacted. The matter should then be raised, in writing, with the chair of the LGB.
- If it is alleged that the CEO is involved in the malpractice. The matter should be raised, in writing, with the chair of the board.
- If the individual feels unable to discuss the matter with their line manager or their headteacher, they can take it directly to the CEO. If this is the case, the employee will be asked to justify why they feel unable to raise their concern in the normal way.
- If the individual thinks that they might be victimised, or there might be a cover up, or their concerns are being ignored, they may feel unable to raise the issue with any member of SHINE's employees. In these cases, they should contact the chair of the board, or other senior manager if the case involves possible child abuse.

## 16. The role of the line manager:

### 16.1 The line manager should:

- interview the employee privately within seven working days, or straight away if there is a risk of loss of life, serious injury or if the matter involves child protection;
- get as much information as they can from the person making the complaint about the malpractice. If it is a child protection or safeguarding issue, the manager will only need brief facts to decide whether to follow the specific child protection procedures, and what action to take;
- discuss with the individual what further steps should be taken and keep informed of any actions;
- advise on the best way forward if the matter does not fall under these whistle-blowing procedures;
- report all matters raised under this procedure to the chair of the LGB or the chair of the Board (as applicable).

16.2 A recognised Trade Union representative, work colleague or other person may be asked to attend the interview with the manager. The manager carrying out the interview may also ask another senior manager or HR advisor to join them if they wish.

16.3 Within ten working days of the interview, the manager should recommend to the headteacher or the CEO (if the manager is the headteacher) one or more of the following options. That the matter be:

- investigated internally by the academy;
- investigated by external auditors appointed by SHINE;
- reported to the Local Authority Designated Officer (LADO) under the Management of Allegations against Professionals Procedures;
- reported to Children's Social Care Services;
- reported to the Police;
- reported to the Department for Education;
- pursued by the whistle-blower using other procedures if their concerns do not fall within these procedures; or
- considered closed with no further action by SHINE.

16.4 The following examples can be considered grounds on which no further action need be taken.

- The line manager, headteacher or CEO is satisfied that there is no evidence and it is unlikely that malpractice, as defined by these procedures, has occurred, is occurring or is likely to occur.
- The line manager, headteacher or CEO believes that the individual is not acting in good faith.
- The matter is already (or has been) the subject of proceedings under one of SHINE's other procedures or policies.
- The matter is already the subject of legal proceedings, or has already been reported to the Police, Children's Social Care Service, the external auditors, the DfE or another public authority.

16.5 If it is alleged that the headteacher is involved in the malpractice, the line manager will refer the matter to the chair of the LGB, if the CEO is involved in malpractice the matter must be referred to the chair of the board.

16.6 The person who receives the line manager's recommendations (headteacher, CEO, chair of the board or the chair of the LGB) must ensure that it is acted on fully unless there is a good reason for not doing so. If there is a good reason for ignoring the recommendation, it must be reported to the next meeting of the Board or the LGB.

16.7 The whistle-blower's identity will be kept confidential unless they are happy to be named, or unless there are grounds to believe that they have acted maliciously. If there are no such grounds, the line manager, headteacher or CEO will only reveal the identity if:

- they have to do so by law;

- the information is already known;
- it is revealed in confidence to a qualified lawyer in order to get legal advice; or
- the whistle-blower has to provide evidence at a disciplinary hearing or other proceedings.

16.8 The whistle-blower will be told the outcome of any investigations within 28 days.

16.9 The information will be sent in writing to the individual's home address if so requested.

16.10 If the individual has not had a response within 28 days, they may appeal to SHINE's external auditors, but they must inform the line manager, headteacher or CEO before doing so.

16.11 The individual may discuss the matter in confidence at any time with a qualified lawyer in order to get legal advice.

16.12 SHINE will ensure that the individual is protected from any form of victimisation or discrimination.

## **17. Recording, monitoring and evaluation**

17.1 If there are any safeguarding or child protection issues, employees will need to follow Child Protection Procedures.

17.2 All employees should be made aware of the organisation's whistle-blowing policy and feel able to voice concerns about the attitude or actions of colleagues.

17.3 If an employee believes that a reported allegation or concern of a safeguarding nature is not being dealt with properly, they should report the matter to the Local Authority Designated Officer (LADO).

17.4 If an employee believes that other concerns are not being dealt with appropriately, they should contact SHINE's Human Resources provider. They can also contact their trade union.

17.5 The most senior manager, the chair of the board or the chair of the LGB when dealing with the disclosure will keep records and monitor progress. These will be kept in a safe location.

## **18. If the whistle-blower is dissatisfied**

- 18.1 If any employee is unhappy with the response, they can take the matter to a higher level or one of the organisations listed in this policy. Although the managers cannot guarantee that they will respond to all matters in the way that they might wish, the Board will always try to deal with the matter fairly and properly. This policy should help all parties achieve their aims.

## **19. Independent advice**

- 19.1 Any employee who is not sure whether to use these procedures, or who wants independent advice at any stage, can contact the charity Public Concern at Work. The issue needs to be of public concern and affect a third party. Their lawyers offer free confidential advice at any stage to people who are worried about something that is going on at work, or who are unsure about what to do next. They also advise people who have already raised concerns that have not been addressed and where the risk remains.
- 19.2 They can be contacted on their website at [www.pcaw.co.uk](http://www.pcaw.co.uk) or by calling 020 7404 6609.

## **20. Review**

- 20.1 The Board will ensure this policy is reviewed biennially to assess its progress and performance. All employees and people working within SHINE will be made aware of the policy.

## **21. Procedure – how to raise a concern**

- 21.1 You should first raise your concern with your line manager, the headteacher or the CEO.
- 21.2 You can do this in writing or by talking to them about it. You have the right to ask for the matter to be treated confidentially. If your concerns involve your line manager, you should approach the headteacher or the CEO. If you feel unable to discuss the matter with your line manager, the headteacher or CEO, you can take it directly to the chair of the board or the chair of the LGB (as applicable). If this is this case, you will be asked to justify why you feel unable to raise your concerns in the normal way. If the chair of the LGB is allegedly involved in the malpractice, then the matter should be raised with the chair of the board. If the matter concerns the chair of the board - the vice chair of board should be contacted. If you feel you might be victimised, or there might be a cover up, or your concerns are being ignored, you may feel unable to raise the issue with any SHINE leaders. In these cases, you should contact chair of the board or chair of the LGB if the

case involves possible child abuse. If, at any stage, you feel that your concerns are not being dealt with properly, you should move on to the next stage. You must put your concerns in writing within 48 hours at each stage. If you are not sure what to do, or you want independent advice at any stage, you can contact the independent charity Protect on 020 3117 2520 or visit their web site at <https://protect-advice.org.uk/>.

## **22. Investigating manager – response to a concern**

### **22.1 Your investigating manager should:**

- interview you within seven working days, in confidence, or straight away if there is a danger to loss of life, serious injury or the matter involves child protection;
- get as much information as they can from you about the alleged malpractice. If it is a child protection or safeguarding issue, your manager will only need brief facts to decide whether to follow specific child protection procedures, and what action to take;
- discuss with you what further steps should be taken, and keep you informed of any actions;
- advise you on the best way to deal with your concerns if it does not fall under these whistle-blowing procedures;
- report all matters raised under this procedure to the headteacher, CEO or chair of the board or chair of the LGB as applicable.

## **23. Contact details**

**23.1** All employees should use these procedures when raising concerns. This usually involves talking to their line manager in the first instances. If you feel unable to talk to your line manager about the problem, your next point of contact should be a higher level of management. If you feel that you have to take the case outside the organisation, you can contact the people and organisations listed here, but you must be able to justify your reasons for doing this.

**1. Address correspondence for the attention of the headteacher**

<b>CONFIDENTIAL</b> <b>Ironville</b> Victoria Street Ironville Derbyshire NG16 5NB Telephone: 01773 602936	<b>CONFIDENTIAL</b> <b>John Hunt</b> London Road Balderton Newark NG24 3BN Telephone: 01636 682007	<b>CONFIDENTIAL</b> <b>Langold<sup>1</sup></b> School Road Worksop Nottinghamshire S81 9PX Telephone: 01909 730396	<b>CONFIDENTIAL</b> <b>Ranskill</b> Cherry Tree Walk Ranskill Retford DN22 8LH Telephone: 01777 81846	<b>CONFIDENTIAL</b> <b>Scotholme</b> Fisher Street Hyson Green Nottingham NG7 6FJ Telephone: 0115 9781968	<b>CONFIDENTIAL</b> <b>Whitemoor</b> Bracknell Crescent Whitemoor Nottingham NG8 5FF Telephone: 0115 9786351
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**2. Address correspondence for the attention of the deputy head**

<b>CONFIDENTIAL</b> <b>Ironville</b> Victoria Street Ironville Derbyshire NG16 5NB Telephone: 01773 602936	<b>CONFIDENTIAL</b> <b>John Hunt</b> London Road Balderton Newark NG24 3BN Telephone: 01636 682007	<b>CONFIDENTIAL</b> <b>Langold<sup>2</sup></b> School Road Worksop Nottinghamshire S81 9PX Telephone: 01909 730396	<b>CONFIDENTIAL</b> <b>Ranskill</b> Cherry Tree Walk Ranskill Retford DN22 8LH Telephone: 01777 81846	<b>CONFIDENTIAL</b> <b>Scotholme</b> Fisher Street Hyson Green Nottingham NG7 6FJ Telephone: 0115 9781968	<b>CONFIDENTIAL</b> <b>Whitemoor</b> Bracknell Crescent Whitemoor Nottingham NG8 5FF Telephone: 0115 9786351
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**3. Address correspondence for the attention of the CEO****SHINE CEO****CONFIDENTIAL**

c/o Whitemoor Academy

Bracknell Crescent

Whitemoor

Nottingham

Nottinghamshire

NG8 5FF

Telephone: 0115 9786351

**4. The Chair of the Local Governing Body**

<b>CONFIDENTIAL</b> <b>Ironville</b> Victoria Street Ironville Derbyshire NG16 5NB Telephone: 01773 602936	<b>CONFIDENTIAL</b> <b>John Hunt</b> London Road Balderton Newark NG24 3BN Telephone: 01636 682007	<b>CONFIDENTIAL</b> <b>Langold<sup>3</sup></b> School Road Worksop Nottinghamshire S81 9PX Telephone: 01909 730396	<b>CONFIDENTIAL</b> <b>Ranskill</b> Cherry Tree Walk Ranskill Retford DN22 8LH Telephone: 01777 81846	<b>CONFIDENTIAL</b> <b>Scotholme</b> Fisher Street Hyson Green Nottingham NG7 6FJ Telephone: 0115 9781968	<b>CONFIDENTIAL</b> <b>Whitemoor</b> Bracknell Crescent Whitemoor Nottingham NG8 5FF Telephone: 0115 9786351
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Alternatively, contact the company secretary via email [admin@shine-mat.com](mailto:admin@shine-mat.com) who will treat all correspondence confidentially and forward the matter to the appropriate chair of the LGB.

**5. Chair of the board**

**SHINE chair of the board**  
**CONFIDENTIAL**

c/o Whitemoor Academy  
Bracknell Crescent,  
Whitemoor,  
Nottingham,  
Nottinghamshire.  
NG8 5FF  
Telephone: 0115 9786351

Alternatively, contact the company secretary via email [admin@shine-mat.com](mailto:admin@shine-mat.com) who will treat all correspondence confidentially and forward the matter to the appropriate chair of the board.

**6. External Auditors**

Smith Cooper  
2 Lace Market Square  
Nottingham  
NG1 1PB  
Telephone: 0115 9454300

**7. Protect**

The Green House,  
244-254 Cambridge Heath Road,  
London.  
E2 9DA  
Whistle-blowing Advice Line: 020 3117 2520  
General enquiries: 020 3117 2520  
Fax: 020 74038823  
UK advice line: <https://protect-advice.org.uk/contact-protect-advice-line/>

**8. Ofsted**

E-mail: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)  
Tel: 08456 404046  
Monday to Friday - 8am to 6pm



**9. Education and Skills Funding Agency (ESFA)**

Complaints about academies should be sent via the Department for Education's **schools complaints form** <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>

**Or in writing to**

Ministerial and Public Communications Division,  
Department for Education,  
Piccadilly,  
Gate Store Street,  
Manchester.  
M1 2WD