



**Transforming
Futures**
TRUST

Whistleblowing Procedure

Procedure Information	
Procedure Owner	HR Manager
Issue Version	1.0
Approving Committee	The Board of Trustees
Adopted Date	July 2021
Review Cycle	Every 3 years/Tri-annual
Last Review Date	July 2021
Next Review Date	July 2024

Adoption of the Policy

This Policy has been adopted and reviewed by the Trustees of Transforming Futures Trust

Signed
(Chair of Trust)

Date: 01.07.21



1. Purpose

Transforming Futures Trust (the Trust) encourages its employees and workers to raise genuine concerns about suspected wrongdoing at the earliest possible stage.

The Trust wants to promote throughout the organisation a culture of openness and a shared sense of honesty by inviting all employees and workers to act responsibly to uphold our reputation and maintain the public's confidence in us.

This procedure has been created to provide employees and workers with a means to raise genuine concerns of wrongdoing in connection with the Trust, without fear of repercussions. The law allows workers to raise such concerns externally and this procedure informs workers on how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status in law.

This procedure applies to all employees including apprentices and to all 'workers' which includes;

- any casual/zero-hour workers
- employees of subcontractors
- agency workers engaged by the Trust

The above persons will be referred to as 'workers' in this procedure.

This procedure will be made available to employees and workers through 'onboarding' and internal communications processes.

2. Guiding principles of this procedure

The guiding principles of our organisational values that promote openness and accountability which underpin whistleblowers are reflected in this procedure.

This policy is based on the following principles:

- We are committed to creating a workplace that our staff value and enjoy working in, one that encourages and supports productivity and engagement. Line managers and leadership will adopt a fair and consistent approach when supporting employees who have raised a concern/concerns under the Trust's Whistleblowing Procedure. The Trust will ensure all staff dealing with matters subject to this policy will be appropriately trained.
- This procedure also aims to create a balance between the need to provide protection for employees and workers who raise genuine concerns about wrongdoings and the need to protect other employees and workers, members of the Board of Trustees, students and the Trust against incorrect allegations which can cause serious difficulty to innocent people.

The Trust recognises the importance of maintaining our reputation and the confidence

in the people served by our Trust and is committed to the prevention of bribery and all forms of corruption. Transforming Futures Trust operates a zero-tolerance approach to bribery and any allegations of bribery or other forms of corruption by a member of management or employee will be taken seriously. Such complaints will be dealt with in accordance with the Trust's Anti-Fraud Policy, which may result in matters arising being escalated under the Trust's Staff Disciplinary Policy and reported to the relevant authorities as appropriate.

3. Protected Disclosures

The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure of information must relate to a specific subject of wrongdoing (see section 4 below) and the disclosure must also be made in an appropriate way (see section 5 below). A 'protected disclosure' must, in the reasonable belief of the worker making it, be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected wrongdoing or malpractice.

So called "gagging-clauses" within employment contracts and settlement agreements are void insofar as they conflict with the protections provided by the Public Interest Disclosure Act.

4. Specific Subject Matter

If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this procedure if: -

- 4.1.1 a criminal offence has been committed, is being committed or is likely to be committed.
- 4.1.2 an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- 4.1.3 a miscarriage of justice has occurred, is occurring, or is likely to occur.
- 4.1.4 the health and safety of any person has been, is being, or is likely to be, endangered.
- 4.1.5 the environment has been, or is being, or is likely to be, damaged.
- 4.1.6 information tending to show any of the above, is being, or is likely to be, deliberately hidden or concealed.

If a worker wants to raise a concern about any of the above, they may use the procedure set out below. This will enable the Trust to treat all disclosures consistently and fairly. However, if the employee or worker has a complaint about their own circumstances, they must use the Trust's existing grievance procedure. For example, if a worker does not

receive the correct amount of pay, this is a personal grievance rather than a disclosure made in the wider public interest, and the grievance procedure must be used.

5. Procedure for making a disclosure

The Trust actively encourages all workers to identify themselves when making a disclosure. If an anonymous disclosure is made, the Trust will not be in a position to notify the individual making the disclosure of the outcome of the action taken by the Trust. Anonymity also means that the Trust will have difficulty in investigating such concerns.

The Trust reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations: -

- 5.1.1 the seriousness of the issues raised in the disclosure.
- 5.1.2 the credibility of the concern.
- 5.1.3 how likely it is that the concern can be confirmed from attributable sources.

Workers need to be aware that making a disclosure anonymously can make it more difficult for them to qualify for protections as a whistleblower. This is because there would be no documentary evidence linking the worker to the disclosure to be considered.

In line with Keeping Children Safe in Education Statutory Guidance 2021 (Section 55), if you have any concerns about a child's welfare, you should act on it immediately. In this instance you should raise it with your line manager and/or a member of Senior Leadership Team.

If you have information which you reasonably believe to show one or more of the situations given in section 4, you should raise it, in confidence, as soon as possible, to a Responsible Person, being one of:

- Chair of the Finance & Audit Committee
- A member of the Executive team Chief Executive Officer (CEO) or
 Chief Finance Officer (CFO) or
 Chief Executive Officer (COO)

The Responsible Person should then raise the issue with the Headteacher and CEO (or Clerk to the Board if the disclosure is against the Headteacher; or the Chair of Board of Trustees if the disclosure relates to the CEO or the Clerk). The Responsible Person will appoint assessors comprising at least three (but no more than five) members of staff of appropriate experience within the Trust, including at least two Trustees and appoint one of the members as the lead assessor.

An assessor may refuse to become involved on reasonable grounds, including:

- a possible previous involvement or interest in the matter concerned.
- being ill.
- being unavailable; or
- an assessor is satisfied, after consulting the lead assessor, that some other assessor

would be more appropriate to consider the matter.

- 5.2 If you pass information to an assessor under this procedure, please do so in writing. If this is not possible you can speak to the assessor. You should provide as much written evidence as possible and the reasons for your belief of wrongdoing. There is no requirement to provide evidence to enable the Trust to investigate the concerns raised, but it will assist the Trust to consider if the disclosure does have sufficient merit to warrant further action.
- 5.3 When the assessor receives your information, they will offer you a confidential interview as soon as possible and within no more than 10 working days. The purpose of the interview will be for the assessor to gather as much information as possible about your reasons for believing wrongdoing has taken place and to consult you about further steps which we could take. You can have a work colleague, trade-union representative, or friend with you at the interview. If your friend is a lawyer, they cannot be there in their legal capacity. The assessor may have an administrative assistant with them to take notes. For issues to do with confidentiality, see section 8 below.

6. Further Steps

As soon as possible after the interview (or after you tell the assessor if no interview takes place), and within no more than twenty working days, the assessor will recommend what further steps should be taken.

These recommendations may include, but are not limited to, the following:

- 6.1.1 The matter may need to be reported to the police.
- 6.1.2 The matter may need to be investigated either by the Finance & Audit Committee or some other committee of the Board or referred to other internal or external auditors or investigators. The matter may be referred to relevant external bodies such as OFSTED, the Health and Safety Executive or the Information Commissioner's Office.
- 6.1.3 The matter may need to be reported to the Education and Skills Funding Agency (ESFA), the Department for Education (DFE), the National Audit Office (or any organisation which takes over from them) or any other appropriate regulatory or public authority.
- 6.1.4 You or another member of staff may need to be given the opportunity to take action through the grievance or complaints procedures or by making an appeal under the disciplinary procedures relating to staff if the concerns relate to either you or the other member of staff's own personal circumstances rather than wrongdoing within the Trust.

The reasons when the assessor may recommend no further action are as follows:

- 6.2.1 If the assessor is satisfied that you do not have a reasonable belief that wrongdoing has taken place or is likely to.

- 6.2.2 If the matter concerned is already being dealt with under legal proceedings or has already been referred for appropriate action by an external body.
- 6.2.3 If the matter is already being (or has already been) dealt with under one of the Trust's other procedures relating to staff or students.
- 6.2.4 If the assessor is satisfied, after investigation, that the wrongdoing has not taken place, is not taking place, or is not likely to.

The assessor will make any recommendations under this procedure to the Headteacher unless it is alleged that the Headteacher is involved in the alleged malpractice or unless there are other good reasons for not doing so. If this is the case, the assessor will make the recommendations to the Chair of the Board of Trustees. Wherever possible, the assessor will make the recommendations without revealing your identity as shown in 8.1.

The assessor will take all steps possible to make sure that the recommendations are put into practice unless there are good reasons for not doing so. If the Headteacher decides not to put any of the recommendations into practice, they will write to the Chair of the Board as soon as possible and give their reasons. This will be within ten working days of receiving the recommendations.

Once the Headteacher has decided what further steps (if any) should be taken, the assessor will let you know the decision within ten working days. If the Trust plans to take no further action, the assessor will give you the reasons for this.

You may also appeal if you have good reason for believing that all the assessors are or were involved in the alleged malpractice or that you may suffer as a result of releasing the information. You may, at any time, pass the matter confidentially to a professionally qualified and practising lawyer to get legal advice.

7. Passing information outside the Trust

If, having followed this procedure, you are not satisfied with the further steps (if any) the Trust has decided on or the outcome of these steps, you may appeal against the outcome by raising the issue with the Clerk to the Board of Trustees within ten days. A Panel of Trustees, who have not previously been involved will make a final decision on action to be taken and notify the worker making the disclosure.

If an assessor believes that the circumstances of a particular situation will mean they need to get guidance, such as from a regional trade union official, they may do so. In these circumstances the assessor will have to do their best to make sure that the matter stays strictly confidential, unless:

- allowed for by this procedure; or
- this is not possible by law; or
- until such time as it becomes public knowledge.

8. Protection

- 8.1 Any report or recommendations by the assessor will not, if possible, identify you, unless you agree in writing or unless there are reasons to believe you have not acted in the public interest or have acted maliciously or vexatiously. If you do not agree, or there are no good reasons, the assessor will not reveal your identity under this procedure unless:
- they legally must.
 - the information is already public knowledge.
 - it is on a strictly confidential basis to the assessor's administrative assistant.
 - it is on a strictly confidential basis to a professionally qualified lawyer for the purpose of getting legal advice; or
 - it is necessary as part of a proper investigation.

However, while the Trust takes all practical steps to avoid identifying you, you must accept that in some circumstances it is going to be obvious who has provided the information. Because of this, the Trust cannot guarantee to keep your identity confidential.

The assessor will keep any documents (including electronic files) relating to the matter secure, so that as far as possible only they and their administrative assistant have access to them. As far as possible, any documents the assessor keeps will not reveal your identity.

- 8.2 If, under 7 above, you involve a local trade-union representative or work colleague in this procedure, you must make sure that the representative or work colleague keeps this matter strictly confidential, unless:
- allowed for by this procedure; or
 - this is not possible by law; or
 - until such time as it becomes public knowledge.

The Trust may tell you to take part in any enquiry or investigation into the matter that the Trust organises.

Where you take part in this enquiry or investigation, it will usually be on an open rather than a confidential basis. However, the assessor's obligations under 8.1 of this procedure will still apply about your identity.

9. Protection against disciplinary action/detrimental action

No formal disciplinary action will be taken against you on the grounds of making a disclosure made under this procedure. This does not prevent the Trust from bringing disciplinary action against you where the Trust has grounds to believe that a disclosure was maliciously or vexatiously made, or where a disclosure is made outside the Trust without reasonable grounds.

You will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the Trust for making a disclosure in accordance with this procedure. Equally where you are threatened, bullied, pressurised, or victimised by a colleague for making a disclosure, disciplinary action will be taken by

the Trust against the colleague in question.

10. Disclosures to external bodies

- 10.1. This procedure has been implemented to allow workers to raise disclosures internally within the Trust. A worker has the right to make disclosure outside of the Trust where there are reasonable grounds to do so and in accordance with the law.
- 10.2. Workers may make a disclosure to an appropriate external body identified by the law. This list of identified organisations and individuals can be found in information on the GOV.UK website.
- 10.3. Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 10.4. If a worker seeks advice outside of the Trust, they must be careful not to breach any confidentiality obligations or damage the Trust's reputation in so doing.

11. Accountability

The Trust will keep a record of all concerns raised under this procedure (including cases where the Trust deems that there is no case to answer and therefore that no action should be taken) and will report to the Finance & Audit Committee on an annual basis as appropriate.

12. Further assistance for workers

The Trust will not tolerate any harassment or victimisation of workers who make disclosures. If at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter in writing to the CEO.

12.1 A worker making a disclosure may want to confidentially request counselling or other support from the Trust's occupational health services. Any such request for counselling or support services should be addressed to the Head of Human Resources. Such a request would be made in confidence.

12.2 Workers can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues.

Contact details are as follows:

3rd Floor, Bank Chambers
6 – 10 Borough High Street
London SE1 9QQ

Whistleblowing Advice Line: 0207 404 6609

<http://www.pcaw.org.uk> or;

[Whistleblowing for employees - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Additionally, if you are not happy about with the way the Trust has dealt with your concern you can contact ACAS; the whistleblowing charity Protect or your trade union for more guidance.

13. Procedure monitoring, review, and evaluation

The HR team will periodically monitor the use of this procedure to consider its impact upon the Trust and will review it as necessary in line with changes to legislation, regulations, or best practice to ensure that the Trust is kept fully up to date with its responsibilities and duties regarding whistleblowing and the protection of whistleblowers.

A standard review will take place every three years, considering feedback from;

- Disciplinary Authorities
- Invoking Officers
- Trade Union Representatives

For any proposed changes we will endeavour to consult with our Union partners and any changes agreed will be communicated. Where proposed changes are disputed the Trust will maintain final decision/authority on any changes recommended; however, in the first instance will seek to come to an agreement where reasonable and practicable.

14. Legal Considerations

Employment Rights Act 1996
Public Interest Disclosure Act 1998
Enterprise and Regulatory Reform Act 2013
Academies Financial Handbook 2020
Department for Business Innovation & Skills Whistleblowing Guidance for Employers 2015.

15. Trust Policies and other references

Staff Grievance Procedure (February 2021)
Staff Disciplinary Policy (2018)
Anti-Fraud Policy (February 2021)
Gifts & Hospitality Policy (February 2021)

Appendix 1 – Version Control Amendments

Version No	Date	Summary of Changes