



Enable Trust

Whistleblowing Policy

Reviewed by: Finance & Operations Committee

Date Policy Approved: March 2019

To be reviewed: March 2022

Contents	Pages
Introduction	3-4
Scope Of Whistle-Blowing Policy	4-5
Safeguards For Employees	5-6
Who To Contact To Raise A Concern	6-7
How The Trust Will Respond	7-8
What Should Employees Do If They Are Not Satisfied With The CEO's Response	8
The Responsible Officer	9
Other Workers And Suppliers	9
Appendix 1 – Whistleblowing Process Flow Chart	10

INTRODUCTION

1.1 Enable Trust:-

- ◆ is committed to the highest possible standards of service, honesty and accountability.
- ◆ believes that its employees are vital in maintaining these standards.

1.2 Whilst the Trust is subject to various external inspections and audits from various statutory and regulatory bodies, it recognises that wrong- doing, whilst rare, can occur.

1.3 The Code of Conduct for Employees makes clear that Enable Trust expects employees who have serious concerns about aspects of its work or practices which affect the integrity of the organisation or the safety of its employees or the general public (see paragraph 2.1 below for more detail) to come forward and voice those concerns. The Trust's view is that its employees have an important part to play in reporting any such situations, since they can be the first to realise that some wrong- doing is happening within the Trust.

1.4 Enable Trust recognises that employees or others involved with the trust may sometimes be reluctant to express their concerns because they feel that this would be disloyal to managers, employees and others in the Trust. They may also fear harassment or victimisation. These factors could lead individuals to ignore the problem rather than report it, particularly if it is just a suspicion.

1.5 This document therefore seeks to:-

- ◆ Reinforce Enable Trust's expectations that employees or others involved with the trust should raise serious concerns about wrong-doing at work.
- ◆ Provide such persons with guidance on how to raise concerns.
- ◆ Provide such persons with feedback on concerns raised.
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- ◆ Reassure individuals they will be supported and protected from victimisation or harassment.
- ◆ Inform individuals how they can take matters further if they are not satisfied with the Trust's response.

1.6 The Whistle-Blowing policy is not a substitute for Enable Trust's and the Academies within the trust, other policies and procedures on such matters as personal grievances, bullying and harassment or health and safety, etc. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

SCOPE OF WHISTLE-BLOWING POLICY

2.1 The Whistle-Blowing Policy is intended to provide for a protected disclosure of information in situations where individuals have a reasonable belief that there is serious wrong-doing at work by other employees, managers, governors, suppliers, contractors or others acting on behalf of the Trust. Concerns which should be raised could be about acts or omissions, which have led, or could lead to, future wrong-doing within the Trust. These include:-

- ◆ Conduct which is against the law, a miscarriage of justice, or fails to meet a legal obligation.
- ◆ Financial irregularities including fraud, corruption or unauthorised use of public funds.
- ◆ Failure to observe health and safety regulations, or action which involves risks to the public or other employees.
- ◆ Action causing major harm to the environment.
- ◆ Persons claiming benefits to which they are not entitled.
- ◆ Sexual, racial, physical, or other abuse of service users.
- ◆ Other cases of malpractice, negligent, unprofessional or unethical behaviour.
- ◆ Concealment of any of the above.

2.2 Enable Trust believes that the procedures described in this document will provide employees and others with the means to raise issues internally but it also recognises that there may be exceptional occasions where external disclosure is appropriate.

2.3 Where the Whistle-Blower raises an issue about another person's conduct then, following an initial investigation of the matter under the Whistle-Blowing policy, the matter may, if considered appropriate, be dealt with by the Trust, as part of an appropriate personnel procedure

2.4 Members of public should pursue any complaints through the Trust's complaints procedure.

SAFEGUARDS FOR EMPLOYEES

3.1 Enable Trust recognises that employees may sometimes be reluctant to raise concerns, and therefore stresses the following safeguards.

3.2 Enable Trust will support and protect employees who raise a concern about harassment/victimisation (including informal pressures). It will investigate any claims of harassment/victimisation and, depending on the outcome, may take action against the perpetrator in accordance with the Managing Employee Performance Procedure.

3.3 Enable Trust will endeavour to protect employees from victimisation or harassment if they raise any concerns, in accordance with the safeguards contained in the Public Interest Disclosure Act.

3.4 Employees should only make allegations in good faith and where there is a reasonable suspicion that serious wrong-doing has occurred, is occurring or will occur. If Enable Trust finds that an employee has made allegations maliciously or for personal advantage, it will take action against the employee in accordance with the Managing Employee Performance Procedure.

3.5 All reported wrong-doings will be treated in absolute confidence, with every effort made by Enable Trust not to reveal an employee's identity if they so wish.

At the appropriate time however, an employee may need to become an identified witness, particularly if it has not been possible to substantiate the allegations by other means. The implications of this and the setting up of appropriate support or protection arrangements will be carefully and sensitively discussed with the Whistle-Blower by management. However, once the Trust is aware of an allegation of serious wrong-doing, it will need to take appropriate action to investigate.

3.6 Employees raising concerns under the Whistle-Blowing Policy, and the Enable Trust Leadership Team (TSLT) to whom allegations are disclosed, must ensure that they maximise confidentiality in all areas, including amongst service users and other employees.

Anonymous Allegation

3.7 Anonymous allegations are those which are unsigned and unidentifiable. All allegations will be investigated, although employees need to be aware that anonymous allegations are much less powerful and are more difficult for the Trust to act upon. The Whistle-Blowing Policy encourages employees to put their name to the allegation.

3.8 In considering anonymous allegations, Enable Trust will take the following factors into account:-

- ◆ the seriousness of the matter raised.

- ◆ the credibility of the allegation made.

- ◆ the likelihood of obtaining information from other sources which can confirm the allegation.

WHO TO CONTACT TO RAISE A CONCERN

4.1 Persons should, when raising an issue, make it clear that it is as part of the Whistle-Blowing Policy. Details should also where possible, be provided in writing.

4.2 A person raising an issue about serious wrong-doing under this policy should first contact the Head Teacher of the Academy.

4.3 But if:-

- (1) An employee or person concerned considers the response of the Head Teacher is unsatisfactory or

- (2) Believes that the Head Teacher is involved in or has condoned, or taken no actions on, the wrong-doing, or

(3) Believes it necessary, for any good reason, to take the matter up outside the Trust, they should contact one of the following:-

- ◆ Chief Executive Officer
- ◆ Chair of Governors of the relevant Academy.

4.4 In some situations an employee may wish to take advice from and/or involve a colleague or Trade Union representative. These may also be present during any subsequent meetings or interviews.

HOW THE TRUST WILL RESPOND

5.1 Depending upon the nature of the alleged serious wrong-doing, Enable Trust will arrange for the matter to be investigated by an Investigating Officer from one of the following:-

- ◆ a member of the Trust Leadership Team
- ◆ a member of the academies Senior Leadership Team or School Business Manager.

5.2 Investigations will be properly planned and controlled to ensure a thorough and speedy conclusion.

5.3 In some situations the problem may be resolved without the need for a major investigation. If urgent action is required, for example to secure relevant evidence or to protect the safety of individuals, this will be taken immediately.

5.4 All cases raised under this Policy, will be registered immediately by the Academy Head Teacher who will write to the complainant within 10 working days of the concern being raised. The letter will acknowledge receipt of the concern and indicate how the Trust proposes to deal with the matter.

5.5 The Head Teacher will monitor the situation and ensure the matter is progressed.

5.6 The Investigating Officer will provide the person raising the concerns with initial feedback on the actions being taken, and the likely timescale, within 20 working days of the complaint being made. Thereafter, feedback will be provided on an agreed regular basis. Subject to any legal constraints, the Trust will inform the Whistle-Blower of the outcome of the investigation.

5.7 Enable Trust will identify an individual to provide support and advice to the employee raising the concern throughout the investigation and in any subsequent developments.

5.8 A contact/liaison officer will also be provided to any employee under investigation as part of a Whistle-Blowing complaint.

5.9 If the employee subsequently feels victimised or harassed as a result of raising a concern in accordance with this procedure, they should advise the person identified in paragraph 5.7.

5.10 If the employee or other individual, when informed of the management response to the complaint is dissatisfied, they should put their concerns in writing to the Chief Executive Officer (CEO) of Enable Trust who will arrange for their concerns to be further considered.

WHAT SHOULD EMPLOYEES DO IF THEY ARE NOT SATISFIED WITH THE CEO'S RESPONSE

6.1 Enable Trust considers that the Whistle-Blowing Policy provides effective mechanisms for employees to raise concerns internally.

6.2 If an employee is dissatisfied with Enable Trust's response through its internal procedures, they can consider contacting an external organisation. However, Enable Trust would not expect employees to make disclosures to the press. If the employee feels it is necessary to raise the issue externally, they should contact the appropriate external organisation e.g. External Auditor, Health & Safety Executive or Ofsted.

6.3 Employees need to be careful and take advice before making an external disclosure and they should normally have used the internal procedure first.

6.4 The Public Interest Disclosure Act 1998 provides some employment protection rights to individuals who "blow the whistle" outside their organisation. However, the types of information, and the situations in which concerns are disclosed externally, are tightly defined in the legislation. The Act only protects those making disclosures which are considered to be in the public interest and therefore not all issues listed in paragraph 2.1 would be covered.

6.5 Enable Trust must, however, reserve the right to take action in accordance with the Managing Employee Performance procedure against an employee where an external disclosure is made which is damaging to Enable Trust and is not protected under the terms of the Act.

THE RESPONSIBLE OFFICER

7.1 The Head Teacher of each academy in the trust is responsible for the operation of the Whistle-Blowing Policy and will ensure that it is kept under review and updated.

7.2 Any employee who is dissatisfied with the application of this policy should first contact their Academy Head Teacher.

OTHER WORKERS AND SUPPLIERS

8.1 The Whistle-Blowing Policy applies to all Enable Trust employees and other workers, including temporary, supply and agency staff, trainers, volunteers, consultants and contractors. The policy will be published to all such groups. Should such staff wish to raise a concern the procedures in this document should be followed.

8.2 This policy applies to all employees in organisations who work in partnership with the Trust who wish to raise any concerns they may have.

8.3 The policy is also available to suppliers. They should raise any issue with the Head Teacher.

Whistleblowing Process Flow chart

