



The
Rise
Partnership
Trust

Love • Learn • Laugh

Whistleblowing Policy

2021

Approved	June 2021
Review date	

Introduction

1.1 The Rise Partnership Trust (RPT) is committed to achieving the highest possible standards of service and ethical standards and this policy will enable you to raise your concerns of serious wrongdoing without fear of reprisal.

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

1.3 Whistleblowing is distinct from the grievance procedure which should be used if you have a complaint relating to your personal circumstances in the workplace. Concerns about wrongdoing within RPT Schools such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of leadership/management, the Trust Board and/or Local Governing Board or by fellow employees should be raised using this procedure.

1.4 This policy has been introduced in line with the Public Interest Disclosure Act 1998 (which you can consult at <http://www.opsi.gov.uk/acts/acts1998>) to enable workers to raise issues of concern in an appropriate manner.

2. Purpose

2.1 This policy aims to:

- Encourage staff to feel confident in raising concerns
- Establish a fair and impartial investigative procedure
- Provide avenues for staff to raise concerns and receive appropriate feedback
- Ensure that staff receive a response to concerns and are aware of how to pursue them if they are not satisfied
- Ensure that staff/workers will be protected from any reprisals or victimisation by the academy, 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 staff/workers within RPT to raise concerns where the wellbeing of others or RPT/a RPT school is at risk.

3.2 The term staff 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 academy.

3.3 The Whistleblowing policy is designed to sit alongside RPT's Schools Grievance Policy and Procedure and RPT Schools Complaints Policy.

As a guideline, concerns, which should be raised through these routes, are as follows:

- Employment related issues should be raised through RPT Schools' Grievance Policy and Procedure
- The RPT Schools Complaints Policy can be used for complaints about Trustees/Governors.

4. Equal Opportunities

4.1 The whistleblowing procedure must always be applied fairly and in accordance with employment law and RPT Schools Equal Opportunities Policy.

5. Responsibilities

5.1 RPT Schools are responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.

5.2 The principal has overall responsibility for the internal organisation, control and management of each school.

6. Timing

6.1 The whistleblowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

7. What to raise concerns about

7.1 The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest, which are as follows

- a) That a crime has been committed, is being committed, or is likely to be committed
- b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject,
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur
- d) That the health and safety of an individual has been, is being, or is likely to be endangered
- e) That the environment has been, is being or likely to be damaged
- f) That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

7.2 Particular concerns that may fall within the terms of this policy include, for example, breach of a code of conduct, 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.

8. RPT Schools assurances to staff

8.1 This policy applies to all RPT staff ensuring all staff have the right to disclose a concern. Staff have the right to disclose a concern/issue if RPT 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 Academy fails to properly consider or deal with the issue.

8.2 If staff make a disclosure on one or more of the matters listed above (see 7) and they have a reasonable belief that the concern is real, the staff member/s will not suffer any detriment, even if after investigation it transpires that the concern is

unfounded. RPT Schools will not tolerate the harassment or victimisation of any worker raising a genuine concern, this may include disciplinary action.

8.3 If a staff member requests that their identity is protected, RPT will not disclose it unless required to do so in law. If the situation arises where RPT is unable to resolve the concern without revealing the staff member's identity (for instance because the worker's evidence is needed in court), RPT will discuss with the staff member how the matter should proceed. However, it must also be stated that if a worker chooses not to disclose their identity it will be much more difficult for RPT Schools to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

9. Internal procedure

9.1 Stage one - notification

9.1.1 The staff member (the Representor) raising the concern should do so orally or in writing to their line manager or to the Head of School (where the employee is based in a school). The representor has the right to have the matter treated confidentially.

9.1.2. The Head of School, Principal if the matter relates to the HoS or Chair of Trust if the matter relates to the Principal the Chair of Trustees, will either act as Assessor or will appoint another Assessor who is not implicated.

9.1.3 If the representor feels unable to raise their concern with their line manager or in the first instance, they may contact the Assessor directly. If this occurs, the representor will be asked to explain why they feel unable to raise the concern with their line manager.

9.2 Stage two – the meeting

9.2.1 The Assessor will interview the representor within ten working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury and will:

- 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;
- Inform the representor of appropriate routes if the matter does not fall within the RPT Schools Whistleblowing Procedure;
- Report all matters raised under this procedure to the Principal or RPT Chair of Trustees

9.2.2 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.

9.3 Stage three – the outcome

9.3.1 Within ten working days of the interview, the Assessor will recommend to the person's line manager

- The matter be investigated internally by the school
- The matter be investigated by an external person appointed by the school
- The matter be reported to the Department for Education
- The matter be reported to the Police.
- No further action be taken.

9.3.2 The grounds on which no further action is taken may include:

The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;

The matter is already (or has been) the subject of proceedings under one of the school's other procedures or policies;

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.

9.3.3 Should it be alleged that the Head of School is involved in the alleged malpractice, the Assessor's recommendation will be made to the Principal

9.3.4 The recipient of the recommendation (Head of School, Principal or Chair of Trustees) 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 Local Governing Body and to the Assessor.

9.3.5 The conclusion of any agreed investigation will be reported by the Assessor to the representor in writing within twenty eight days and a copy passed to the Principal if they are not acting as Assessor.

9.3.6 If the representor has not had a response within the above time limits, he or she may appeal to RPT's Trust Board, but will inform the Assessor before doing so.

9.3.7 The representor may at any time disclose the matter on a confidential basis to a solicitor or trade union representative for the purpose of taking legal advice.

10. External contacts

10.1 Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the representor is not content with the conclusion of the Assessor. 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:

- The Department for Education
- Member of Parliament
- National Audit Office - Audit Commission Public Interest Disclosure Act Hotline
Tel: 020 7630 1019
- Health and Safety Executive
- Police.
- Public Concern at Work - Tel: 020 7404 6609

11. PROTECTION TO SCHOOL EMPLOYEES

11.1 No action will be taken against you by RPT if you make a report in good faith but it is not confirmed by the investigation.

11.2 RPT will treat any victimisation or harassment of an employee who has made a report in good faith under this procedure as a serious disciplinary offence.

11.3 If you consider that you have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of

making a report under this procedure, you should report your concerns to the Head teacher. The matter will then be dealt with as a new referral under this procedure.

11.4 Employees should not make reports which they do not reasonably believe to be true or which are malicious. Disciplinary action may be taken against an employee who makes an allegation frivolously, maliciously or for personal gain.

11.5 If you are already the subject of a disciplinary, capability or redundancy procedure, this will not normally be halted as a result of your report.

12. Malicious Accusations

12.1 Deliberately false or malicious accusations made by a representor will be dealt with under RPTs Schools disciplinary procedure.

12.2 RPT will ensure the representor is protected from any form of victimisation or discrimination.

12.3 Anonymous Allegations: Whilst it is accepted that anonymous allegations do not carry the same weight, any such reports received by RPT will be considered at its discretion and where such a decision is made, appropriate investigations made as far as possible into the circumstances. In exercising this discretion account will be taken of the seriousness, credibility of the matters raised and the likelihood of confirming the allegation from the sources quoted.

13. Review

13.1 This policy will be reviewed every two years in consultation with the recognised the JCC and trade union representatives.