



The de Ferrers Trust

Whistleblowing Policy

Ratified by Board 20 March 2018

Consulted with Unions January 2018

Whistleblowing Policy

Adapted from Staffordshire County Council's Whistleblowing Policy (HR99 - January 2004) which transferred to the Academy in accordance with the TUPE Regulations

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Introduction

This policy enables you to report, confidentially, serious concerns about any aspects of the Trust's work which you suspect involves criminal behaviour or other specific forms of malpractice – damage to the environment, for example, or action that threatens health and safety.

Provided that you act in good faith, and that you have a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur, you can disclose your concerns, using this procedure, and be protected by law from victimisation or dismissal.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or other relevant HR policy unless related to treatment as a consequence of a whistleblowing matter raised previously.

The law in question is the Public Interest Disclosure Act, which came into force in 1999.

What is Whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing at work. For example

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above.

Eligibility

This policy, like the Act, covers all employees of the Trust, contractors, agency staff and the Trust's partners, formal and informal.

Provisions

This policy describes the circumstances in which concerns can be reported confidentially or 'disclosed', and the conditions which must be met if the protection offered by the Act is to apply.

Making a Disclosure

The whistleblower has to meet certain conditions. The disclosure must be in the public interest and they must have a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur. The whistleblower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.

Employees are strongly urged to take advice from their Trade Union or Professional Association before making a disclosure.

To make a disclosure write to the Chief Executive or the Chair Trust Board, marking the envelope: 'PIDA – Strictly Private and Confidential'.

The Chief Executive or Chair of the Trust Board will acknowledge receipt of your disclosure in writing. They will also gather further information if need be, including by personal interview, at which you can be accompanied by an official of your trade union or professional association, or by a fellow employee. When the precise nature of the malpractice has been established a decision will be taken regarding what further action, if any, is needed, which may comprise:

- internal investigation
- report to the Police
- independent enquiry
- any combination of the above

Throughout the process the Chief Executive or Chair of the Trust Board will keep you informed on progress and (subject to legal constraints) the eventual outcome.

Further Appeal

If at the end of the process you, or any other person covered by the Act, are not satisfied with how a disclosure has been dealt with, you may refer to one of the list of prescribed people and bodies whose details are listed on the Gov.Uk Website at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2> As with internal disclosure, before referring to one of these bodies you should consider: do I honestly and reasonably believe that my concerns are well founded and that any allegations I am about to make are substantially true? Again, employees are strongly urged to take advice from their Trade Union or Professional Association before contacting an external organisation.

Legal Protection

Exceptionally, the Act offers protection in respect of disclosures made to people or bodies not included in the prescribed list but only when, all things considered, it is reasonable to do this and the disclosure is not made for personal gain. In addition, one of the following must apply:

- The matter must have been raised already with the employer and/or relevant regulatory body; or
- You reasonably believed that you would be victimised if you raised the matter internally; or
- There is no relevant regulatory body, and you reasonably believed that evidence was likely to be concealed or destroyed.
- Your concern is of an "exceptionally serious" nature, which is for you to determine.

It would be exceptionally rare for a disclosure to the media to be appropriate, **if ever.**

Confidentiality

The Trust will treat your disclosure in confidence, and only reveal your identity if absolutely necessary (e.g. if required in connection with legal action).

Responsibilities

The Trust has overall responsibility for this policy and will decide on the action to be taken in respect of all disclosures.

Unions and professional associations can also support and assist their members.

Regulators and other external bodies can deal with concerns in specified circumstances.

Frivolous/Malicious Claims

If you make a disclosure where there is evidence that it is frivolous, malicious, or made for personal gain this may result in disciplinary action being taken against you.

Victimisation

Anyone who harasses or victimises someone who makes a protected disclosure will be subject to disciplinary action.

Further Advice and Information

This policy document is for general guidance only. If you need any further advice about how this policy applies to you please contact your manager.

If you belong to a recognised trade union or professional association you can get support and assistance from them or if you prefer to seek independent, external advice this can be obtained from the charity Public Concern at Work or the Audit Commission at:

Public Concern at Work Suite 306 16 Baldwins Gardens London EC1N 7RJ Helpline: 020 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk	Audit Commission 1 Vincent Square London SW1P 2PN Telephon: 020 7828 1212 E-mail: enquiries@audit-commission.gov.uk
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Further background information on this topic is also available on the following Websites:

www.gov.uk/bis

www.acas.org.uk

www.audit-commission.gov.uk

www.pcaw.co.uk

Other contacts

Please note that the Trust takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.