


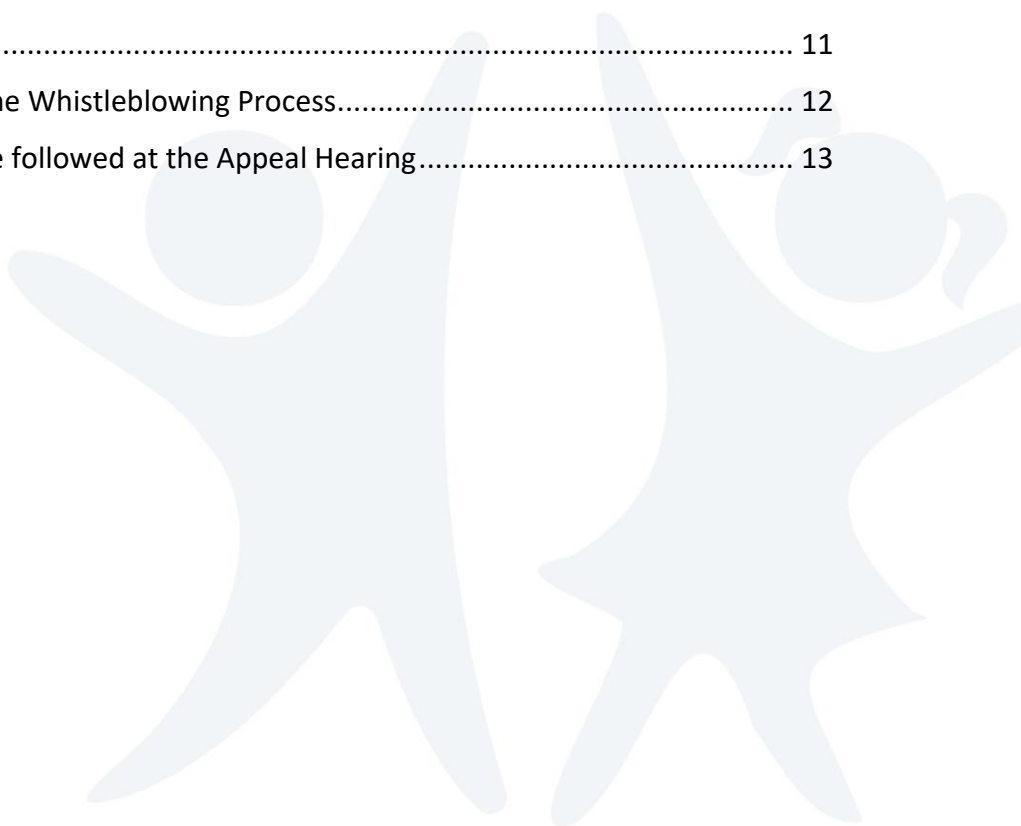
Whistleblowing Policy and Procedure 2024-27



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Policy statement

Manor Multi Academy Trust (MAT) (**'us'** / **'we'** / **'our'**) are committed to adopting policies and procedures to encourage a positive working environment and promoting the highest standards of integrity and accountability for all employees (**'you'**). We are committed to fostering an environment where you, contractors, suppliers, and other stakeholders feel empowered to raise concerns about wrongdoing or unethical behaviour without fear of retaliation.

In implementing this policy, the intention is to ensure, so far as is reasonably practicable, compliance with the provisions of the relevant legislation, including your rights as conferred through the Public Interest Disclosure Act 1998, which came into force on 2 July 1999 and the Employment Rights Act (ERA 1996). The Disclosure Act introduced specific rights for those who disclose information to a third party about an alleged wrongdoing, in defined circumstances.

The provisions in the ERA protect an individual who has disclosed information in the public interest regarding a qualifying disclosure as specified in section 43B of the Act.

Grievances regarding the employment of an individual (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless the particular case is in the public interest.

All stages of this policy will be implemented in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010.

We are committed to equality and value diversity. As such we are committed to fulfilling our Public Sector Equality Duty (Equality Duty) obligations and expect you and any volunteers to share this commitment.

If you consider that any of our practices, policies or procedures may be indirectly discriminatory, you should report your concerns and the basis for them to your line manager, who will take appropriate action and ensure that you receive a written response in respect of the concerns that you have raised.

Where applicable, data will be kept in line with our retention schedule. Retention of data will be proportionate to the purpose for which the data is collected, whilst taking into account any legal statutory requirements in terms of retention periods.

This policy does not form part of your contract of employment with us. We reserve the right to amend this policy at any time.

We are responsible for ensuring the effective implementation of this policy. As part of equality monitoring, we will review and monitor the operation and impact of the policy on a

regular basis and in accordance with the policy review date, alongside consultation with the recognised trade unions. As part of this monitoring and review this policy will be equality impact assessed.

Scope

This policy applies to all employees and workers employed by Manor MAT. Other individuals, including contractors, subcontractors, suppliers, and volunteers are also encouraged to follow the procedure set out in this policy.

What is Whistleblowing?

Whistleblowing refers to the act of reporting suspected or actual instances of wrongdoing, unethical behaviour, fraud, corruption, or any other misconduct that may harm the interests of the company or its stakeholders.

This policy covers qualifying disclosures of:

- Unlawful acts
- Miscarriage of justice
- Conduct or behaviour which falls below established standards of good practice
- Improper, unethical conduct or malpractice, including abuse of pupils/staff
- Health, safety or environmental damage or risk
- Deliberate concealment of information about any of the above

A qualifying disclosure means that it is your reasonable belief, when making the disclosure, that one or more of the above has occurred, is occurring or is likely to occur.

The purpose of the policy is to ensure that qualifying disclosures can be raised without fear of reprisal, victimisation, or dismissal, and dealt with properly and with due consideration.

The approach is intended to encourage confidential freedom of expression so that you feel confident to raise qualifying concerns within your place of work, rather than externally, or by overlooking a problem.

It is not necessary for you to prove the wrongdoing. However, to be protected by whistleblowing laws against detrimental treatment or dismissal, you must reasonably believe that the wrongdoing (related to one of the categories listed above) is being, has been, or is likely to be committed and that the disclosure is in the public interest. The law also covers a deliberate attempt to cover-up any of these.

It may be the case that the whistleblower may not be directly or personally affected by the danger or illegality. A disclosure must be for the right reason, but equally should not go beyond being to the right person for the right reason or motivation.

Procedure

Anyone wishing to raise a concern under the policy may, in the first instance, wish to discuss the issue informally, in confidence, with a colleague, other senior manager, trade union/professional association representative or a HR representative. It is important that you, the whistleblower, ask questions if you are unsure if your concern qualifies for protection.

Stage 1 Raising a Concern

Where you feel that an informal resolution has not been effective or is not appropriate and you decide to pursue the issue formally you should ensure that you follow the guidance in this policy with advice and support as appropriate.

You should usually raise a whistleblowing concern with your Headteacher (or line manager for central Trust staff) or CEO who will log the concern raised and allocate the management of the process to an executive leader.

You can raise your concern orally, or in writing. It is important that you set out your concerns clearly, detailing:

- the details of the suspected wrongdoing;
- the names of any individual(s) involved; and
- and what action (if any) you are seeking.

It is recommended that you use our form to raise a whistleblowing concern which is located in the **All MAT Staff** area on Teams. The form should be submitted to the Governance Professional, who will in turn forward to the appropriate individual. For example, the form will be forwarded to your Headteacher (or in the case of central MAT staff, your line manager), unless your concern relates to your Headteacher (or central line manager), in which case the form will be forwarded to the CEO/CEA. If your concern relates to the CEO/CEA then the form will go to the Chair of the Trust. If your concern relates to the Chair of the Trust then the form will go to the Vice-Chair of the Trust.

On receipt of a formal concern the relevant leader (see above) will write to you to acknowledge receipt of the concern within five working days. The relevant leader as above will then invite you to a formal meeting within 10 working days of receiving the concern, to request for you to explain your concern further and to discuss how it could be resolved. It may be necessary during or following the meeting to adjourn for further investigation to take place.

You are advised to contact your trade union representative or to seek advice from Protect (see [Protect](#) section). You, as the whistleblower, have the right to consult with, and be accompanied by, a trade union representative during the operation of the procedures and at all meetings held under the policy.

Stage 2 Investigation

The leader to whom the concern has been raised will decide if an investigation is required and, if required, who is the most appropriate person to conduct it. The leader will write to you confirming who will be conducting the investigation.

The level of investigation and time this will take will vary depending on the nature of the disclosure and will be conducted in accordance with the [Acas guide to conducting workplace investigations](#). The investigating officer will have received adequate training to conduct the investigation or will seek HR advice and guidance on conducting an investigation. This can occur at any stage of the formal process where it is considered necessary. The relevant leader will provide the Investigating Officer with clear terms of reference outlining the concerns that are the focus of the investigation.

Following the investigation, you will be informed of the outcome and/or next steps in writing. While the aim will be to provide you with comprehensive feedback, in some cases this may not be possible, for example where data protection rules apply or where there are sensitive issues that need to remain confidential.

Stage 3 Appeal

Where you feel that your disclosure has not been satisfactorily resolved you will have the right to appeal. An appeal should be submitted to the Trust Governance Professional via governanceprofessional@manormat.com five working days of receiving the letter in writing, clearly stating your grounds for appeal.

If the nature of the appeal is unclear or insufficient information is provided, clarification will be sought before any Appeal Hearing takes place.

On receipt of the appeal letter, arrangements for your appeal to be heard by a Panel consisting of three members, at least two of whom will be Directors of the Trust. Other persons who can make up the third place are members of the Executive Leadership Team or Headteachers from within the Trust, provided that they do not have a conflict of interest and/or have had no prior involvement in the case. The panel members will be impartial and will have had no previous involvement in the handling of the disclosure. In the event that a three-person panel from within the Trust cannot be achieved, we will consider bringing in panel members external to the Trust.

You will receive an invitation to attend the Appeal Hearing within 10 working days of the submission of your appeal; you have the right to be accompanied at the Hearing by a work-based colleague or trade union representative and should be given at least 10 working days' notice of the Hearing. If, however, arrangements can be mutually agreed for the Hearing to take place within a shorter timescale the Hearing should proceed without delay.

The remit of the Appeal Hearing will be to consider the grounds for appeal and review the manner in which the original whistleblowing procedure at Stage 2 was managed. **As such it will not be a re-hearing**, but in the event that relevant new evidence comes to light which, with good reason, was not available at the time at which the outcomes of Stage 2 of the process were determined, the Panel may decide to consider the new evidence. New evidence will be shared where appropriate to relevant parties and the relevant parties will be given chance to respond to the new evidence. The Panel will consider the terms of reference for the investigation, in order to determine whether further investigation is required to ensure the grounds of appeal are fully considered.

In this event it may be necessary to allow you and the manager responsible for Stage 2 of the process to call witnesses or to provide documentation, the names and positions of witnesses, the reasons for calling them and any documentation to be considered, must be provided to the Panel at least three working days prior to the Appeal Hearing, or as soon as possible where shorter timescales have been agreed.

The procedure to be followed at the Appeal Hearing is set out in [Appendix B](#). In response to your appeal the Panel may uphold the appeal and determine that alternative action is to be taken, may uphold the decision/s made at Stage 2 and reject the appeal, or may determine that an alternative outcome is appropriate.

You will receive written confirmation of the outcome of the appeal within five working days of the outcome of the Hearing being determined. The decision of the Appeal Committee will be final.

Confidentiality

You should feel comfortable about raising a whistleblowing concern openly and are actively encouraged to do so. To protect the interests of the person complained about, you (the person who has raised the complaint) and any others who may be involved as witnesses or otherwise, confidentiality will be maintained during this process as far as possible.

Any records or documentation in relation to the application of this policy and procedure will be confidentially secured and retained in accordance with our Data Protection Policy.

Should you fail to maintain confidentiality, then Disciplinary action may be taken.

Untrue Disclosures

An allegation you made in good faith but not confirmed by investigation will not be held against you.

Using this policy and procedure to further private disputes or making unfounded allegations for malicious or vexatious reasons will not be tolerated. Where such bad faith is established, disciplinary action may be taken against those involved. **Before embarking upon such action, advice must always be sought.** Please refer to our **Disciplinary Policy**, located in the **All MAT Staff** area on Teams [or for Managers, the **HR Hub** area], for details on conducting investigations, the role of the investigating officer and disciplinary procedures and sanctions.

Raising Concerns Externally

If you are not satisfied about the way the qualifying concern has been dealt with or do not believe that we will deal with this appropriately, you may contact an external body, as detailed below.

The external bodies may include:

- A **legal advisor** provided it is done in the context of obtaining legal advice.
- A **government minister** if the individual is appointed under a Parliamentary Act by the minister and the disclosure is made in good faith.
- A **prescribed person** (e.g. HMRC, the Health & Safety Executive, Ofcom, Ofsted etc.), in which case the following conditions below must be met:
 - the disclosure must be 'in good faith'.
 - the disclosure must be to a person prescribed for a particular purpose (for example, the Commissioners of the Inland Revenue).
 - the employee must reasonably believe the matter falls within the recipient's remit.
 - the employee must also reasonably believe the information and any allegation contained in it are substantially true.

If a disclosure is to some **other person to whom it is reasonable to disclose**:

- the disclosure must be 'in good faith'.
- you must reasonably believe the information and any allegation contained in it are substantially true.
- the disclosure must not be for personal gain.

Furthermore, and in addition to the above, one of the conditions below must also be satisfied through which you can demonstrate that:

- at the time the disclosure is made, you reasonably believe you will be subjected to detriment by us if the disclosure is made to us, or to a prescribed regulator instead; or
- there is no prescribed regulator, and you reasonably believe that disclosure to us will lead to the destruction or concealment of evidence; or
- you have previously made a disclosure of substantially the same information to us, or a prescribed regulator.

You are advised to seek advice, such as from your trade union representative, before reporting a qualifying concern to anyone external.

Prescribed persons are mainly regulators and professional bodies. A complete list of prescribed persons can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

An appropriate organisation for an external complaint would be the Education and Skills Funding Agency (EFSA).

Should you approach the media with your concerns you are likely to lose your rights under whistleblowing law. In doing so you cannot be acting for personal gain and must reasonably believe the information you disclose is substantially true. If you bypass this internal procedure or a prescribed person before contacting the media, you must reasonably believe that we will subject you to detriment for making the disclosure internally.

Disclosure to the media is not encouraged and is rarely, if ever, appropriate. If you are considering making a disclosure to the media, you are strongly urged to take advice from your Trade Union before doing so.

The procedures set out in this policy are in place to ensure an appropriate way to raise public interest concerns and should be used as priority. Accordingly, we will normally treat any unnecessary contact with the press on matters for which this policy applies as a serious disciplinary issue justifying dismissal.

Anonymous Disclosures and Confidentiality

Although you are encouraged to put your name forward in the disclosure of your concerns, we encourage anonymous reporting over remaining silent. Concerns expressed anonymously are much less powerful, but you should satisfy yourself of whether or not your allegation has any substance by considering:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the disclosures from attributing sources.

If you raise a concern, you should give your name only on condition that it is not revealed without your consent. Raising an anonymous concern does not stop others from successfully guessing who raised the concern. In addition to this, it can lead people to focus on the whistleblower and perhaps begin to suspect that you are raising the concern maliciously. It is also harder for those tasked with investigating the concern if they cannot ask follow-up questions and it is easier to get protection under the Public Interest Disclosure Act if your concerns are raised openly.

Your identity as whistleblower will only be released by the appropriate person, if there is a legal requirement to do so i.e. a court order or if you give written permission to do so.

Although we will endeavour to investigate any concern that is reported anonymously to the best of our ability, an anonymous report is likely to be more difficult to investigate and there will be no opportunity to provide you with any feedback.

Reporting Arrangements

This procedure is required to be published, brought to the attention of all employees and made available in every workplace. The appointed person for Manor MAT, to whom concerns that are unable to be raised with a manager or are submitted anonymously, should be addressed/reported initially is the Trust Governance Professional. In the event your concerns relate to the Governance Professional, your concerns should be submitted to the Chief Financial Officer.

We will maintain a register of qualifying disclosures lodged under the policy, report those qualifying disclosures to the relevant body and will make available for external inspection, such reports/statistical information as may be required. The relevant body may be, for example, The Financial Services Authority, the Regional Schools Commissioner, Local Professional Association Trade Union, and Exam Board or the Local Authority.

Protection For Whistleblowers

You have the right to not be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have raised a whistleblowing concern.

It is recognised that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from the alleged wrongdoer. We will ensure that you are treated with dignity and respect and will take action to protect anyone who raises a concern in good faith. Protection against reprisal or victimisation applies equally if the concern turns out later to be untrue.

If you are told not to raise or pursue a whistleblowing concern, or you believe that you have been subjected to detrimental treatment because you have raised a whistleblowing concern, then you should report the matter to the Trust Governance Professional via governanceprofessional@manormat.com. Alternatively, you can raise your concern in accordance with our Grievance Policy and Procedure, located in the **All MAT Staff** area on Teams.

The activation of this policy will not, however, halt the operation of other procedures which may be in place affecting you.

If you feel that you have been treated unfairly as a result of making a disclosure, you should raise your concerns in accordance with our Grievance Policy and Procedure, located in the **All MAT Staff** area on Teams. Subsequently, if you feel that you have not received a satisfactory outcome through the full internal grievance procedure then you can decide to take your case to an employment tribunal. It is strongly advisable when considering either course of action that you seek advice from your trade union representative.

We will deal with any suspected cases of victimisation or where an employee feels they have been treated unfairly as a result of making a disclosure, in line with our Dignity at Work and Disciplinary Policies and Procedures, located in the **All MAT Staff** area on Teams.

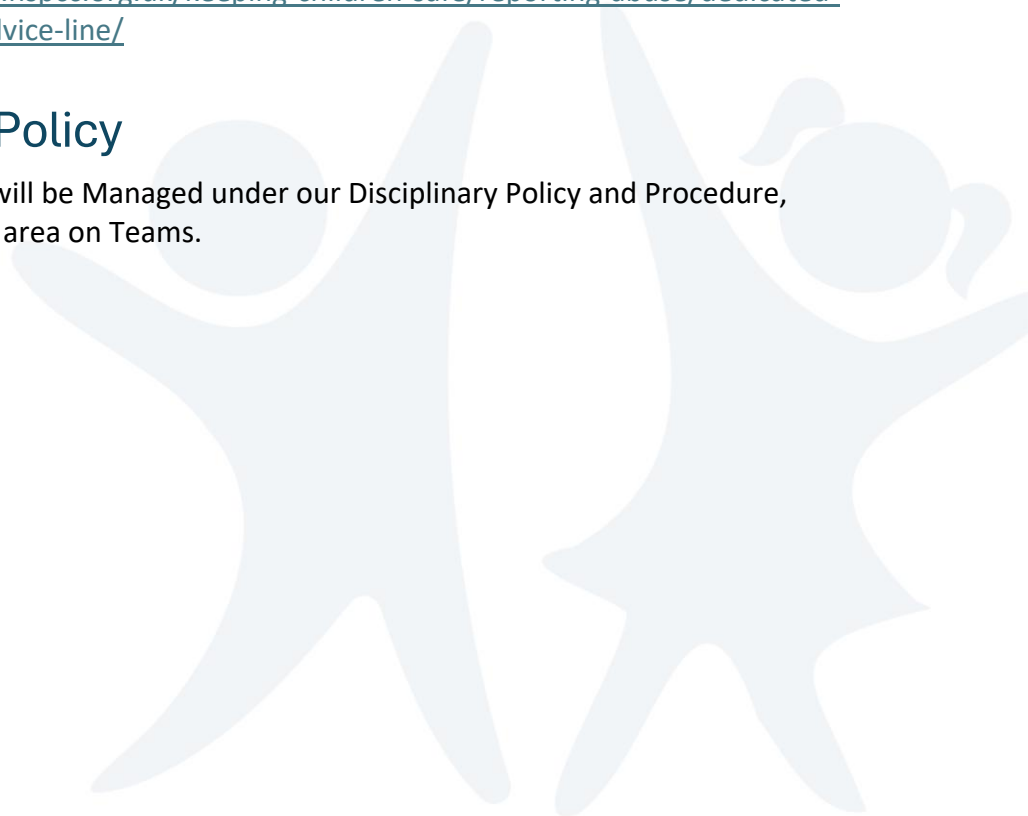
Protect

A free, confidential employee helpline service (tel: 020 3117 2520) is provided by the independent charity "Protect" which offers independent advice to anyone worried about malpractice in the workplace. Further information is available online at www.pcaw.org.uk.

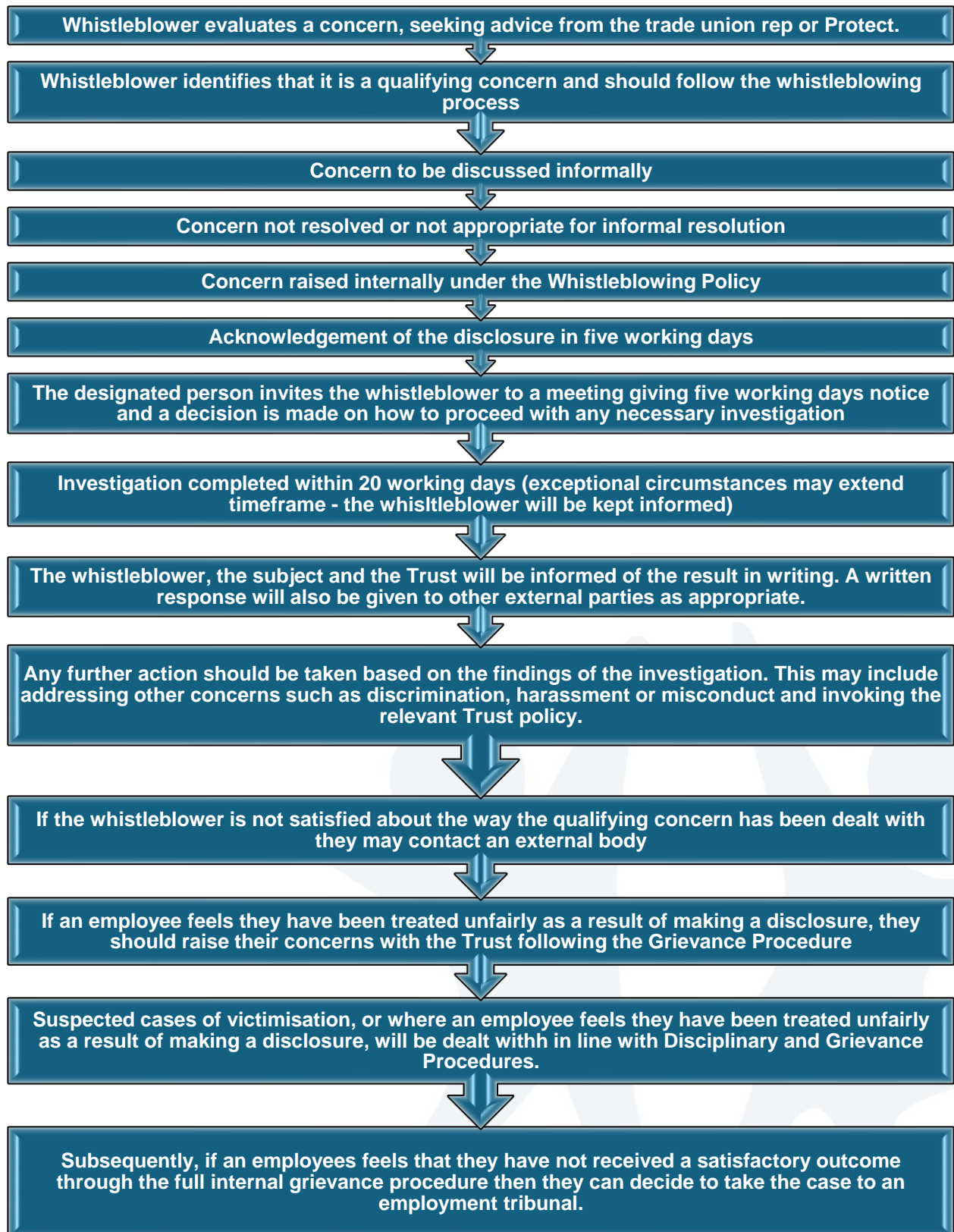
For staff who do not feel able to raise concerns regarding child protection failures internally, staff are now able to report their concerns via the NSPCC whistleblowing helpline on 0800 028 0285 or by email: help@nspcc.org.uk. For more information visit the Whistleblowing Advice Line: <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>

Breaches of this Policy

Any breaches of this Policy will be Managed under our Disciplinary Policy and Procedure, located in the **All MAT Staff** area on Teams.



Appendix A: Flow Chart of the Whistleblowing Process



Appendix B: Procedure to be followed at the Appeal Hearing

1. Introductions and housekeeping
2. Chair of the Appeal Committee to explain the purpose of the Hearing, the format for the Hearing and the potential outcomes.
3. Any person present may request an adjournment.
4. The employee and their representative will be invited to present the employee's grounds for appeal.
5. The Chair of the Formal Hearing Committee and any HR professional accompanying them may ask questions of the employee.
6. The Committee and their Adviser may ask questions of the employee.
7. The Chair of the Formal Hearing Committee will respond to the employee's appeal.
8. The employee and their representative may ask questions of the Chair of the Formal Hearing Committee
9. The Committee and their Adviser may ask questions of the Chair of the Formal Hearing Committee
10. The Chair of the Formal Hearing Committee will be invited to make a concluding statement.
11. The employee and their representative will be invited to make a concluding statement.
12. The Appeal Hearing will adjourn, and all parties will withdraw with the exception of the Committee, and their Adviser.
13. Where it is possible for a decision to be made within a reasonable timescale, the Appeal Hearing will be reconvened, and the decision communicated to the employee. The decision will be confirmed in writing within five working days of the appeal hearing taking place. Where a longer period of time is required to make a decision, the Appeal Hearing will close, and the outcome will be communicated to the employee within five working days.
14. The decision of the Appeal Committee is final and there will be no further right to appeal.