



**EDUCATION
CENTRAL**
MULTI ACADEMY TRUST

Education Central Multi Academy Trust

PUBLIC INTEREST DISCLOSURE POLICY

Author	ECMAT Policy Team
Approved	16th September 2013
Reviewed	11th April 2016
Version	1
Review	By 31st August 2017

Public Interest Disclosure Policy (“Whistleblowing”)

1. Why is a policy needed?

Education Central Multi Academy Trust’s (ECMAT) core values are to act in a manner which is ethical, respectful, transparent, inclusive and fair, challenging, confident, collaborative and professional. ECMAT is also under a duty to account for the proper use of public funds and standards required in public life.

Under the Public Interest Disclosure Act 1998 “workers” are able to make disclosures about wrongdoing within their organisation to their employer so problems can be identified and resolved quickly within the organisation. This policy enables staff, students, parents, governors, the members of the Local Advisory Boards and members of the ECMAT community to raise, in good faith, concerns of malpractice, impropriety or wrongdoing without fear of reprisal. This policy details how such a disclosure can be made and how ECMAT will deal with the matter.

2. Who can make a disclosure under this policy?

The term “Workers” in this policy refers to staff, students, parents and governors and members of ECMAT community.

A person who makes a disclosure in good faith and without malice and in accordance with this policy will not be penalised for doing so. For this protection to qualify, the worker must reasonably believe one or more of the activities listed in section 3 (below) of this policy are either happening now, took place in the past or are likely to happen in the future. This belief need not be correct, but must be reasonably held at the time of the disclosure.

This procedure is not to be used by individuals seeking to challenge decisions already made by ECMAT or to consider matters already dealt with via internal procedures, such as disciplinary matters.

3. What types of activities are covered by this policy?

“Workers” are able to disclose serious concerns which are in the public interest. Examples of what constitutes “serious” are misconduct, impropriety or malpractice. ECMAT has a zero tolerance approach for these activities and will take such matters seriously.

Examples of serious misconduct, impropriety or malpractice, which may lead to such a disclosure are those which tend to show one or more of the following matters is either happening now, took place in the past or is likely to happen in the future:

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment;
- financial or non-financial administration, bribery, malpractice, fraud or theft;
- failure to report or disclose a serious conflict of interest;
- failure to comply with the MAT’s policies and procedures;

- evidence of academic or professional malpractice; and/or,
- a deliberate covering up of information tending to show any of the above matters.

Any suspicions of misconduct, impropriety or malpractice connected with ECMAT's business and corporate responsibilities should be reported.

4. Will my disclosure be treated in confidence?

ECMAT will endeavour to treat any disclosures under this policy in a confidential manner. If appropriate, the identity of the person making the disclosure will remain confidential for as long as possible, provided this is compatible with a thorough investigation. However, the identity of any reporter may need to be revealed at some stage during the investigation and the individual may need to make a statement for evidential purposes. If a criminal investigation ensues, the individual may be called as a witness in any proceedings. ECMAT will, however, seek to protect you from any subsequent victimisation as a result of a disclosure made in good faith (as detailed in section 13 of this policy).

5. Can I make the disclosure anonymously?

You may make an anonymous disclosure, however, individuals are encouraged to provide their name as the purpose of this policy is to promote transparency and discourage any fear of reprisal. It may also be more difficult to effectively address issues which are raised anonymously.

6. How do I make a disclosure?

A disclosure should be made to the Chief Executive. You may make your disclosure in writing either by email g.hampton@wlv.ac.uk, by post to Chief Executive Education Central Multi Academy Trust, University of Wolverhampton Science Park, Glaisher Drive, Wolverhampton WV10 9RU. Please ensure you mark your correspondence "private and confidential/to be opened by addressee only".

In circumstances where your disclosure involves or implicates the Chief Executive, you should send your disclosure direct to the Vice Chancellor of the University of Wolverhampton. This could be done via email to geoff.layer@wlv.ac.uk or post to Professor Geoff Layer, Vice Chancellor's Office, MA Building, Wulfruna Street, Wolverhampton, WV1 1LY. Please ensure you mark your correspondence "private and confidential/to be opened by the addressee only".

Statutory guidance "keeping Children Safe in Education" Sept 2016 states that where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at- Advice on whistleblowing
- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk.

The recipient or a delegated individual will then consider the disclosure and whether there are sufficient grounds for proceeding. If it is decided there are sufficient grounds, the delegated individual will decide what form the investigation will take and will undertake personally or appoint a relevant and appropriate person to undertake the investigation. The appropriate person will have no personal interest in the outcome of the case and no potential conflict of interest.

The person who made the disclosure will remain separate from the investigation.

7. What happens after the investigation?

Once the matter has been investigated, the delegated individual will make a decision about whether the matter should be progressed and how it should be dealt with. The outcome will be reported, where appropriate to the Chair of the relevant ECMAT Committee, the Chair of the Board and the Vice Chancellor of the University.

The reporting of the findings of the investigation will depend on the nature of the disclosure.

8. Disclosing to external bodies

A disclosure should normally only be made internally to ensure there is no possible prejudice to the internal investigation process.

Under the Public Interest Disclosure Act 1998 there are limited circumstances where an individual who makes a disclosure to an external body relating to one of the matters covered by the Act may be protected from detriment or dismissal.

In those limited circumstances, workers who are concerned about wrongdoing or failures can make disclosures to a person or body who are prescribed by the Secretary of State. If the worker makes such a qualifying disclosure it will be treated as a protected disclosure provided the worker makes the disclosure in good faith, reasonably believes the information and any allegation it contains are substantially true and reasonably believes the matter falls within the description of matters which the person/body has been prescribed for. The list of prescribed persons and details of matters which they deal with is located within the Department of Trade and Industry's Guide to the Public Interest Disclosure Act 1998 which is located at <http://webarchive.nationalarchives.gov.uk/+http://dti.gov.uk/employment/employment-legislation/employment-guidance/page16186.html>

9. What if I am named in a disclosure?

If an allegation is made against a named individual, at an appropriate point in the investigation the named individual will be informed of the allegation and supporting evidence. The nature of the investigation will dictate at what point they will be informed.

The named individual will be given an opportunity to respond either orally or in writing. If an interview is required, they will have the opportunity to take a member of ECMAT community to accompany them.

10. What will happen next?

Upon receipt, the report will be investigated. The individual who made the disclosure will be informed of the handling of the investigation and the outcome.

However, if the investigation is the result of an anonymous disclosure this will not be possible.

11. What do I do if I am unsatisfied with the outcome?

If you are unsatisfied with the outcome or the process of the investigation you may send your complaint to the Chair of the Board, Education Central Multi Academy Trust Room PA108, University of Wolverhampton Science Park, Glaisher Drive, Wolverhampton, WV10 9RU.

Upon receipt of such a report, the Chair in his absolute discretion shall decide the course of action to take and the form of response to you.

12. Unfounded Disclosures

Action will not be taken against any individual who has made a disclosure in good faith.

If subsequent investigation reveals that the individual has made a malicious or vexatious disclosure, they may be subject to disciplinary or other appropriate action.

ECMAT will not tolerate any victimisation of an individual who has made a disclosure in good faith under this policy. Such victimisation may provide grounds for grievance, disciplinary or other appropriate action.