



Community Policy

WHISTLEBLOWING

Last reviewed: July 2019

Person Responsible: HR

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1. Introduction

These procedures identify ways for dealing with concerns raised by employees.

As employees are often the first to realise that there may be something wrong within the Academy, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Board of Trustees is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Academy's work are encouraged to come forward and voice those concerns. This document makes it clear that employees who do so in good faith can 'whistleblow' without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Academy rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

2. Aims and Scope

These procedures aim to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately, and ensure that concerns are taken seriously;
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith;
- allow employees to take the matter further if they are dissatisfied with the Academy's response.

These procedures describe how any Academy employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, eg grievance, disciplinary, harassment and child protection procedures.

A whistleblower is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) s/he should report it under this procedures. Whistleblowing is the disclosure of information that relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- misuse of funds, financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- examination fraud
- the deliberate concealment of any of the above matters.

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, trustees or volunteers.

Concerns raised by employees about their own conditions of service, should be addressed via the trust's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the trust's pay policy.

3. Safeguards

Harassment or Victimisation

The Board of Trustees recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Board of Trustees will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing procedures.

Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Board of Trustees will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, eg disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Board of Trustees to address the concern and in some circumstances, the Board of Trustees may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Board of Trustees. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Board of Trustees deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

4. How to raise a Concern

As a first step, an employee should normally raise concerns with their immediate line manager or a senior colleague. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their line manager or senior colleague is involved, s/he should approach the Headteacher/Principal, CEO or Chair of governors/Board of Trustees. An employee (including the Headteacher/Principal and members of the Senior Leadership Team) can bypass the direct management line and the CEO/governors/Trustees if s/he feels the overall management and Board of Trustees of an Academy is engaged in an improper course of action. In this case please refer to section 6 below.

- Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistleblowing procedure.
- The earlier an employee expresses the concern, the easier it is to take action.
- Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.
- At each meeting under this procedure the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

6. The Role of Senior Leaders

A senior leader may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person, in writing or over the phone.

The senior leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

Stage One:

At the initial meeting the senior leader should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistleblowing Policy.

The senior leader should ask the employee to put her/his concern(s) in writing if s/he has not already done so. The senior leader should make notes of the discussions with the employee. The employee's letter and/or senior leader's notes should make it clear that the employee is raising the issue via the Whistleblowing procedure and provide:

- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign her/his letter and/or the notes of any discussion. The senior leader should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, eg an internal disciplinary hearing.

The senior leader should follow the procedures set out above and in particular explain to the employee:

- what steps s/he intends to take to address the concern;
 - how s/he will communicate with the employee during and at the end of the process; and
 - that a written response will be sent out within ten school days.
- that her/his identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before her/his name is disclosed;
 - that the Board of Trustees will do all that it can to protect the employee from discrimination and/or victimisation;
 - that the matter will be taken seriously and investigated immediately; and
 - that if the employee's concern (if raised in good faith) is not confirmed by the investigation, no punitive action will be taken against them.

The senior leader will explain to the employee that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Board of Trustees will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

Stage Two:

Following the initial meeting with the employee, the senior leader should consult with the Headteacher/Principal (or CEO if the concern relates to the Headteacher/Principal) to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary with anonymous allegations to consider whether it is possible to take any further action. When making this decision, senior leaders should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by an agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

Senior leaders will have understanding of other Academy policies and procedures, eg disciplinary, harassment, child protection procedures etc, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

Stage Three

Within ten working days of a concern being received, the person receiving the concern must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved; and
- providing the employee with details of whom to contact should s/he be dissatisfied with this response (see below).

7. Raising Concerns outside the Academy

The aim of these procedures is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for the employee to report her/his concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Board of Trustees's response, the employee should be made aware with whom s/he may raise the matter externally:

- 'Public Concern at Work' <http://www.pcaw.co.uk> Tel: 020 3117 2520*;
- recognised trade union;
- a senior LA officer;
- Department for Education;
- MP;
- the external Auditor;
- relevant professional bodies or regulatory organisations, eg Health & Safety Executive;
- a solicitor.

The senior leader should stress to the employee that if s/he chooses to take a concern outside the School, it is the employee's responsibility to ensure that confidential information in whatever format, is not disclosed or handed over to a third party.

Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.