



Whistleblowing Policy

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WHISTLEBLOWING POLICY

1 INTRODUCTION

- 1.1 This policy is intended to provide a means for workers to make serious allegations about standards, conduct, financial irregularity or possible unlawful action to be able to make those allegations in a way that will not be seen as being disloyal to their colleagues and will provide 'whistleblowers' with protection from being victimised, discriminated against or disadvantaged for having made an allegation in good faith. The procedure ensures that the Academy complies with its duty under the Public Interest Disclosure Act 1998.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who wish to make serious allegations about any aspect of the Academy's work to come forward and voice those concerns. This policy recognises that employees may sometimes wish to make serious allegations about how the Academy conducts its business but feel unable to raise these in the normal way.
- 1.3 This Whistleblowing Policy is intended to encourage and enable workers to make serious allegations within the Academy rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The procedure applies to all employees and those contractors working for the Academy or on the Academy's premises, for example, supply staff, agency staff and volunteers. It also covers suppliers and those providing services to the Academy under a contract with them.
- 1.5 This procedure is in addition to the Academy's complaints procedures and other specifically laid down statutory reporting procedures applying to some departments e.g. Child Abuse procedures, Teachers' Regulations.
- 1.6 Wherever possible issues should be resolved through the usual management channels by discussion and open dialogue. It is anticipated that this Policy will only be used should the process of normal management interchange break down or be inappropriate.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This Policy aims to:
- encourage workers to feel confident in coming forward with serious allegations ;
 - provide a means for workers to make serious allegations and receive feedback on any action taken;
 - ensure confidentiality if required;
 - reassure workers that they will be protected from possible reprisals or victimisation;
 - reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in good faith, genuinely believing their allegations to be valid.
- 2.2 This procedure does not replace other Academy procedures; in particular, if employees have a grievance about their manager and/or their working conditions, they should use the Academy's Grievance Procedure. Similarly, if employees have concerns about the conduct of fellow employees in the working environment they should raise these with their line manager, Principal or, where the complaint is about the Principal, the chair of the governing body. This procedure is not intended to cover conduct which can be dealt with through the Academy's normal procedures; it is intended to cover serious allegations that fall outside the scope of other Academy procedures, or where employees may lack the confidence or be too fearful to use these procedures.
- 2.3 This procedure applies to allegations about any of the following:
- conduct which is an offence or a breach of law;

- alleged miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical or verbal abuse, or bullying or intimidation of service users;
- other unethical conduct;
- where authority is being abused.

These are examples; the list is not exhaustive.

2.4 Thus, any serious allegation that you have about any aspect of service provision or the conduct of employees, or others acting on behalf of the Academy can be reported under the Whistleblowing Procedure. This may be about something that:-

- A significant and serious departure from accepted standards, or the standards the Academy subscribes to; or
- where someone appears to be vulnerable, or at risk; or
- amounts to serious improper conduct.

3. SAFEGUARDS

3.1 Harassment or Victimisation

3.1.1 The Academy is committed to good practice and high standards and wants to be supportive of employees.

3.1.2 The Academy recognises that the decision to make a serious allegation can be a difficult one to make. If, however, what you have reported has been done so in good faith, you have nothing to fear because you are doing your duty to the employer and those for whom you are providing a service.

3.1.3 The Academy will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect an employee who makes a serious allegation in good faith, from any reprisals, harassment or victimisation.

3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any employment procedures to which the employee making the allegation may be subject, or may have instigated.

4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, if the matter is subsequently dealt with through the Academy's procedures, e.g. the Disciplinary Procedure, the complainant's identity may have to be revealed in accordance with that procedure, if the matter is to be dealt with effectively.

5. ANONYMOUS ALLEGATIONS

5.1 This procedure, and the Academy, encourages you to put your name to your allegation whenever possible as anonymous allegations may often be difficult to substantiate/prove.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Monitoring Officer. In order to help you decide whether or not an issue should be raised, you may, in the first instance wish to discuss it with a trades union or professional association, or with someone who you feel that you have trust in their judgement. It may be that whomever you confide in may feel more comfortable taking the matter forward on your behalf. You may also find it easier to raise the matter if there are two (or more) of you who have had the same experience(s).

5.3 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the allegation;
- whether the allegation can be investigated from facts or sources other than the complainant.

6. UNTRUE ALLEGATIONS

6.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, the Academy may invoke disciplinary action against them.

7 HOW TO RAISE A CONCERN

7.1 As a first step, an employee should, if possible, raise a serious allegation with their line manager, Principal or Chair of Governors. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved it would be inappropriate for you to raise the matter directly with your Principal. For these reasons a range of alternative reporting methods have been put in place to enable you to raise the matter through the source that you feel most comfortable with.

The range of alternative contacts you can make therefore embrace:

- Trades Union or Professional Association representative;
- the Principal (or Chair of Governors if inappropriate).

7.2 Serious allegations may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provided covering:

- the name of the person making the allegation and a contact point. As referred to above it will be more difficult for the Academy to pursue issues if concerns have been expressed anonymously;
- the background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- the particular reason for the allegation.

7.3 The earlier the allegation is made, the easier it is to take action.

7.4 Although someone making the allegation will not be expected to prove the truth of any allegations, in order to assist management in any investigation to be carried out, they will need to provide information to the person contacted that there are reasonable grounds for the allegation.

7.5 The employee may invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the allegation.

8. HOW THE ACADEMY WILL RESPOND

8.1 The Academy will respond in every case to an allegation made under this procedure.

8.2 Where the allegation is made to the Academy, the person with whom the allegation is first raised (e.g. line manager, Principal, chair of governors) is the 'receiving officer'. The receiving officer will discuss the allegation with the complainant. If, following discussion, the complainant wants to proceed with the allegation, the receiving officer will take the following steps:

- 1) The receiving officer will notify the Chair of Governors or in the case of the Chair being notified, the Vice Chair by telephone or e-mail, that the allegation has been made, and give details of the allegation. This is so

that the allegation can be registered in the Register of Whistleblowing Complaints. The Register is confidential. The Chair/Vice Chair will become the Monitoring Officer.

- 2) If the allegation relates to fraud, or potential fraud or financial irregularity, the Monitoring Officer will notify the Academy's accountants in writing.
 - 3) The Monitoring Officer and the receiving officer will agree on the method of investigation. If the Monitoring Officer and the receiving officer cannot agree on the method of investigation, the Monitoring Officer's decision will prevail. In the case of fraud, potential fraud or financial irregularity, the method of investigation will be determined by the Accountants, after discussions with the receiving officer and the Monitoring Officer.
- 8.3 Where the complaint is made direct to the Monitoring Officer, then the Monitoring Officer, after liaison with any other appropriate officer(s)* will decide if, and how, the matter should be investigated and will follow the steps below.
- 8.4 If the allegation discloses evidence of a criminal offence, the Monitoring Officer or the Accountants may decide to inform the police.
- 8.5 Some of the allegations may be resolved by internal action, without the need for investigation.
- 8.6 Within 14 calendar days of an allegation being made, the Monitoring Officer will write to the person who raised the allegation (unless they have requested not to be contacted or to be contacted in a different way, other than by letter):
- Acknowledging the allegation has been received;
 - Indicating how the Council proposes to deal with the matter;
 - Giving an estimate of how long it will take to provide a final response;
 - Indicating whether any initial enquiries have been made;
 - Supplying information or employee support mechanisms; and
 - Indicating whether further investigations will take place and, if not, why not.
- 8.7 Where the allegation has been made internally and anonymously, obviously the Academy will be unable to communicate what action has been taken.
- 8.8 The amount of contact between officers considering the issues and the person making the allegation will depend on the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Academy will seek further information from the person making the allegation.
- 8.9 The Academy will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the Academy will arrange for them to receive advice about the procedure, and ensure that support mechanisms are made available where needed or desired.
- 8.10 The Academy accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, those making allegations will be informed of the outcome of any investigation.

9. CONFIDENTIALITY

- 9.1 The Academy will keep the identity of the complainant confidential at all times, unless the complainant requests otherwise.
- 9.2 A receiving officer will disclose the complainant's identity to the Monitoring Officer, but to no other person. A receiving officer and the Monitoring Officer will not reveal any facts which could lead to the disclosure of the complainant's identity. These may, depending on the circumstances, include the complainant's sex or position in the Academy.

10. REGISTER OF ALLEGATIONS

The Monitoring Officer has overall responsibility for the maintenance and operation of the procedure. The Monitoring Officer will maintain a Register of Allegations made under this procedure, and the outcomes. The recording and reporting procedure will be in a form which ensures confidentiality.