

BURY COLLEGE EDUCATION TRUST

Whistleblowing Policy



Date agreed by Trust Board: January 2018

Date ratified by Local Governing Body: January 2018

Date to be reviewed: January 2020

Bury College Education Trust

Whistleblowing Policy

1. PURPOSE AND STATUS OF THIS DOCUMENT

1.1 This policy outlines the Bury College Education Trust's approach to employee disclosures on "whistleblowing". The Trust is committed to providing a working environment to protect the health, safety and welfare of all its employees. The Trust is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrong doing. It is therefore committed to a policy which seeks to protect individuals who make disclosures with regard to any instance of malpractice or wrong doing in the public interest.

2. WHAT IS WHISTLEBLOWING

2.1 "Whistleblowing" is the term which has been adopted to describe arrangements which allow persons, usually employees, to express concerns about any types of malpractice which may be occurring in the work place. This could be something that is, or may be:-

- _ Unlawful or a criminal offence
- _ A breach of a legal obligation
- _ In disregard of health and safety legislation
- _ Against financial regulations
- _ Improper conduct
- _ Inappropriate or unauthorised use of schools funds
- _ A deliberate cover up of information tending to show any of the above.

- Whistleblowing arrangements are closely linked to the creation of a culture which encourages employees to express their concerns without fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and in confidence, and will be fully investigated.
- Whistleblowing arrangements allow for concerns to be expressed outside the normal line management structure, if necessary. One of the important aspects of Whistleblowing is that it enables employees to speak out in a situation where it is usually employees most closely involved with the particular service area who are most likely to know if malpractices are occurring.

2.2 Members of staff are often the first to realise that there may be something seriously wrong within the school. However, they may feel that expressing their concerns would be disloyal to their colleagues. It may be easier to ignore these concerns than report what may just be a suspicion of malpractice. They may also fear harassment or victimisation.

2.3 The Trust therefore, will continue to encourage employees and others with serious concerns of misconduct or malpractice to come forward and voice those concerns. This

Policy makes it clear that members of staff can do so without fear of reprisals or victimisation.

2.4 Whistleblowing arrangements also recognise, however, that it is possible that allegations of wrongdoing may be false or malicious and the arrangements make clear that false allegations will be treated as a serious disciplinary offence.

3. The aims of the policy are to:

- Provide a channel and process for individual members of staff to raise genuine and legitimate concerns about incidents of misconduct or malpractice.
- Give a commitment that misconduct and malpractice is taken extremely seriously.
- Ensure confidentiality, to provide reassurance that employees who raise concerns in good faith can do so without fear of reprisals or victimisation.
- To provide guidance setting out arrangements and procedures for applying the policy.
- Allow the Headteacher to give guidance where appropriate or to appoint other appropriate agencies to conduct an investigation into those concerns on behalf of the Headteacher/Governing Body/Trust and to take appropriate action to resolve the situation.

4. Confidentiality

4.1 The Headteacher and Governors will do everything possible to protect an employee's identity when a concern is raised and where the individual does not want their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings.

5. Anonymous concerns

5.1 All complaints will be considered/investigated but the level of investigation will depend upon the nature of the allegations; the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegations from attributable sources.

5.2 Concerns expressed anonymously are much less persuasive than when an employee is prepared to come forward formally. It will not of course be possible to report any findings back to the complainant in these circumstances.

6. False and malicious allegations

6.1 While encouraging staff to bring forward matters of concern, the Headteacher, Governors and Trust will guard against bogus claims made to deliberately damage the reputation of other staff at the school.

6.2 If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken. However, if a member of staff makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action may be taken.

7. Responsibilities

7.1 Staff Responsibilities

- It is the responsibility of all members of staff to ensure that their own behaviour is appropriate to the school as a workplace and does not contribute to an environment in which malpractice or wrong doing is either ignored, condoned or encouraged. All staff should challenge such behaviour if it occurs, or bring it to the attention of a relevant person e.g. a line manager, member of the school's Senior Leadership Team or the Headteacher.

7.2 Headteachers' Responsibilities

Headteachers have a duty which they share with others in leadership/managerial roles to establish and maintain a positive and accountable working environment. In particular, Headteachers are responsible for:

- communicating the policy to all staff in such a way as to promote its understanding and making it easily accessible:
- managing staff in a professional and sensitive manner;
- ensuring that the school environment has a culture where malpractice and or wrong doing is unacceptable;
- ensuring that the policy is implemented effectively and efficiently at all levels throughout the school;
- taking all concerns raised seriously, ensuring the necessary action is taken to address the matter promptly, and as sensitively and confidentially as possible;
- ensuring that appropriate support is available to complainants during the investigation of their complaint; this may be via a colleague or trade union representative;
- making it clear that malicious and vexatious allegations are serious matters and will not be tolerated;
- ensuring that appropriate support is available to witnesses during the investigation of the complaint; this may be via a colleague or trade union representative.

7.3 Trust Board Responsibilities

The Trust has the responsibility to:

- meet its legal duties and responsibilities and act at all times within the legal framework;
- have an up-to-date and comprehensive Whistleblowing policy;
- receive reports from the Headteacher on the application of the procedure;
- agree that the Interim Senior Executive/Accounting Officer be the contact for complaints made against the Headteacher;
- Agree that in the event of a complaint against the Chair of the LGB, the Interim Senior Executive/Accounting Officer will be the contact.

8. How to Raise a Concern

8.1 The Trust acknowledge that the decision to report a concern can be a difficult decision for a member of staff to take, not least because of the fear of reprisal from those responsible for the malpractice. The Headteacher/governors will not tolerate harassment or victimisation and will take appropriate action to protect any person who raises a concern in good faith.

8.2 The Headteacher or relevant person will monitor how a member of staff is subsequently treated after raising a matter of concern and will ensure that if they find evidence of harassment or victimisation, this is dealt with under disciplinary arrangements.

8.3 Employees should raise their concerns with their immediate line manager if possible. However, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

8.4 Where the individual believes that their manager is involved in the matter of concern, they should then contact the Headteacher (or the Interim Senior Executive/Accounting Officer if the concern raised is related to the Headteacher).

8.5 Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why the member of staff is particularly concerned about the situation.

8.6 If a member of staff does not feel able to put the concern in writing initially, he or she should be allowed to telephone or meet the appropriate person who will make a note of the concerns.

8.7 The member of staff will need to demonstrate to the person contacted that there are sufficient grounds for concern to enable the matter to be taken forward.

8.9 In the event both the Headteacher **and** the Chair of Governors are the subject of the concerns the complaint must be made in writing to the Interim Senior Executive/Accounting Officer for the Bury College Education Trust.

9. How the Matter will be investigated - Informal Stage

9.1 Allegations will be handled confidentially and discreetly by all who are directly involved in the investigating process.

9.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including who should undertake the investigation. In some cases an investigation may be completed without the subject of the complaint being aware of the investigation.

9.3 Some concerns may be resolved by agreed action, without the need for investigation. In these cases confirmation should be sought from the employee that they are satisfied that the matter is resolved. This does not preclude matters being raised in the future if further concerns arise.

9.4 If it is determined that the concerns or allegations fall within the scope of specific procedures (for example disciplinary procedures) it should normally be referred for consideration under those procedures. Before any further investigatory action is taken the Headteacher should consult HR.

9.5 If it is determined that the matter should be dealt with formally, the Headteacher (or Interim Senior Executive/Accounting Officer if appropriate) should notify HR before any further action is taken.

9.6 To assist the nominated person's investigation you will find at Appendix 1 a "Record Sheet" to record progress.

10. Formal Stage

10.1 The member of staff expressing concern will receive a written acknowledgement within 10 working days of the concern being received. This acknowledgement will indicate:-

- how it is proposed to deal with the matter
- an estimate of how long it will take to provide a response
- any initial enquiries which may have been made
- Whether further investigations will take place, and if not, why not.

10.2 Having acknowledged receipt of the concern raised, the Headteacher or (Interim Senior Executive/Accounting Officer in the case of the Headteacher) will consult with HR if assistance is required with the investigation.

n.b. If urgent action is required in response to a concern this may be taken before a full investigation is conducted.

10.3 If necessary, further information will be sought from the member of staff at the outset. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.

10.4 At any meeting arranged to discuss the member of staff's concerns they may if they so wish, be accompanied by a representative or a companion who is not involved in the area to which the concern relates.

10.5 Investigation procedures into allegations of malpractice must be independent, skilled and objective. The Investigating Officer appointed must therefore not have had any previous involvement with the case and will be sensitive to the wishes of the complainant wherever possible.

10.6 Where a complaint involves the Headteacher, then an Investigating Officer must be appointed who does not work at, or with the school. In any event, investigating officers must be at an appropriate level of seniority and must have sufficient experience and/or training to allow a thorough investigation to take place. Depending upon the circumstances, external agencies may also be involved in the investigation.

10.7 The investigation should normally be completed within 30 working days of the complaint being registered. Where cases prove to be more complicated and it may not be possible to complete within the time scale, it will need to be extended to accommodate the particular circumstances. Where the timescale will probably exceed 30 working days, the investigating officer will advise the complainant.

10.8 During the investigation every effort will be made to protect the legitimate rights of all parties involved. In particular, the following principles shall be adhered to:

- strict confidentiality must be maintained at all times. Any breach of confidentiality may lead to consideration of disciplinary action;
- Throughout the investigation process, the complainant, the alleged perpetrator and any others interviewed are entitled to be accompanied by either a companion or professional association/trade union representative.

10.9 The first step in the investigation to be taken by an Investigating Officer will be to speak to the complainant and then to the alleged perpetrator. Witnesses may be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the complainant, and particularly where witnesses are interviewed, it is important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

11. Outcome of the Investigation

11.1 The investigation will conclude with a report by the Investigating Officer to the Headteacher, Interim Senior Executive/Accounting Officer or other relevant person. This will summarise the Investigating Officer's findings on the allegations and recommend further action which could include:

- a finding that the allegation was unfounded and therefore no action needs to be taken;
- a recommendation to take no further action on the complaint. This will be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue;
- a recommendation to take action in order to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include:

_ written management advice; and/or

_ an instruction to the member of staff to undertake appropriate guidance and/or training; and/or

_ appropriate changes in working arrangements which must not be to the disadvantage of the complainant;

- a recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.

11.2 The Headteacher/relevant person (Interim Senior Executive/Accounting Officer in the case of a Headteacher) will write to the complainant and the alleged perpetrator detailing the findings of the investigation and the action to be taken. This letter will contain an undertaking that the complainant and any witnesses will not be victimised or suffer any detriment as a result of having made the complaint.

11.3 Where a Headteacher/relevant person determines to take no action irrespective of the recommendation made he/she shall give written reasons for this determination to the complainant (and the alleged perpetrator). Failure to give such information will be regarded as a breach of this procedure.

11.4 Where the Investigating Officer considers that a complaint is untrue and malicious he/she will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary but should be seen as a neutral act which does not of itself imply that any pre-emptive judgement has been reached.

11.5 The Headteacher (or Interim Senior Executive/Accounting Officer in the case of the Headteacher) should maintain a confidential central record for a period of five years (seven

years for allegations of financial irregularities) and a copy should be held by HR of all Whistleblowing allegations which have been raised and the responses provided.

11.6 In respect of anonymous allegations, should a Headteacher or the Interim Senior Executive/Accounting Officer consider that further action would be inappropriate details of the allegation and reason for the decision must still be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the process of reporting back to members on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act.

12. How the Matter can be Taken Further

12.1 It is intended that the whistle-blowing Policy and these procedures will enable the governing body to satisfactorily deal with concerns raised by employees. If an employee is not satisfied, and feels it appropriate to take the issue further, the employee may make a protected disclosure to a third party, in accordance with the provisions of the Public Interest Disclosure Act 1998. There is an independent charity "Public Concern at Work" (telephone 0171 404 6609) which provides free advice to employees wishing to express concerns about fraud or other serious malpractices.

12.2 The governing body should make every effort to ensure that a satisfactory conclusion is reached to minimise the cases where the employee feels they must resort to these measures. Ultimately, however, the Local Authority does not wish to inhibit the effective investigation of any matters of concern which have been raised in the public interest.

Review date: January, 2018

Next review: January, 2020

Interim Senior Executive/Accounting Officer signed:

L.Taylor

Chair of Trustees signed:

Mark Granby

School Whistleblowing Record Sheet

Please print out this document and fill it in

Date concern/allegation received. _____

Name of employee making
complaint/allegation (unless
anonymous).

Nature of concern/allegation
raised.

Date acknowledgement
provided to employee
(within 10 working days).

School nominated person
responsible for undertaking
investigation.

People to be interviewed, inc dates of any interviews.	
Outcome of investigation.	