

## **WHISTLEBLOWING POLICY**

### **What Is Whistleblowing?**

A “whistleblower” is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having “blown the whistle” and from detrimental treatment by their colleagues. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.

### **Our Policy**

The Academy Trust is run in accordance with the law. No employee will suffer a detriment for speaking up if they believe that something is wrong.

If you have information you believe shows any of the following:

- 1 A criminal offence was committed or is being or is likely to be committed
- 2 A person has or is or is likely to fail to comply with a legal obligation
- 3 A miscarriage of justice has occurred or is or is likely to occur
- 4 The health and safety of any individual has been or is being or is likely to be endangered
- 5 The environment has been, is being or is likely to be damaged
- 6 That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

please raise your concerns immediately with the Headteacher or Chair of the Local Governing Body.

Any concerns raised will be acknowledged within 10 working days with the following:

- an indication of how the concern will be dealt with;
- an estimate of how long it will take to provide a final response;
- whether any initial enquiries have been made;
- whether further investigations will take place, and if not why not;
- information on employee support services.

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

However, you will still be protected in law if you disclose the information to the following:

- 1 A legal adviser in the course of getting legal advice
- 2 A Minister of the Crown
- 3 One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g. disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).

Whistleblowing and allegations in relation to safeguarding and child protection may be referred to the LADO (Local Authority Designated Officer) and other agencies for further advice and guidance. Such instances will also require reference to relevant Safeguarding Policies and Procedures.

## Roles & Responsibilities

The Academy Trust recognises that the decision to report a concern can be difficult and uncomfortable. The Academy Trust is therefore committed to supporting individuals through the process and protecting them from any adverse repercussions.

**MAT Board** has overall responsibility for monitoring whistleblowing procedures.

**Local Governing Body** is responsible for ensuring all employees are aware of its existence and that it's put into practice and procedures are followed.

**Managers (including those with responsibility for safeguarding children or vulnerable adults) and Headteachers** are required to ensure all workers are aware of this policy, to take all issues raised seriously and to report any concern to the Headteacher or Chair of the LGB within 2 working days of the matter being brought to their attention.

**Employees, school staff (teaching and non-teaching) and other workers**, who genuinely believe that people they observe are behaving in a way that seems inappropriate or have a serious concern about the legitimacy of an aspect of a service, will be acting in the public interest by reporting the concern. They should, however, have reasonable grounds for raising the concern, in the public interest.

**Human Resources** can advise on the application of this policy and the support arrangements for employees.

**The Finance & Business Manager** will advise on the application of this policy, maintaining a register, monitoring all whistleblowing concerns and reporting details to relevant stakeholders.

**Trade Unions and Teacher Associations** are a point of contact and can provide advice and guidance to individuals raising concerns.

Disclosure to any other person is not generally protected except in very limited circumstances. This policy provides individuals with a mechanism to report an act of perceived wrongdoing that will enable Academy Trust to take corrective action. If the investigation finds the concerns unsubstantiated and all internal procedures have been exhausted, but an individual is not satisfied with the outcome, the Academy Trust recognises that the employee retains the lawful right to still make disclosures outside Academy Trust.

This policy has been developed to enable employees to express concerns on the basis that it is in the public interest to make such matters known to the Academy Trust or other relevant authority.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. They can be contacted on (020) 7404 6609, by email to [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) or via their website: [www.pcaw.co.uk](http://www.pcaw.co.uk).

After you have raised a concern, we will decide how to respond in a responsible and appropriate manner. This will usually involve making internal enquiries. The Initial enquiries will be made to decide whether an investigation is appropriate in each case. It may become necessary to carry out a full investigation which may be formal or informal depending on the nature of the concern raised. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by management, which may for example, take the form of a disciplinary investigation or an investigation by Audit and Risk Management Services;
- a referral to the Police;
- a referral to the District Auditor;

the setting up of an external independent inquiry. We will endeavour to complete investigations within a reasonable time.

We will keep you informed of progress and let you know when the investigation is completed. We will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.

If you use this policy to raise a concern which you reasonably believe to be in the public interest, we assure you that you will not suffer any form of retribution or detrimental treatment.

If employees raise a genuine concern in the public interest, but it is not confirmed by a subsequent investigation, no action will be taken against that employee and they will be fully supported after the event.

In making a disclosure an individual should exercise due care to ensure accuracy of the information. However, if an individual makes an allegation that they do not reasonably believe to be in the public interest e.g. it is made despite knowing it to be untrue, or made solely for malicious reasons / solely for personal gain, disciplinary action may be taken which could result in dismissal. For non-employees other action may be considered.

Equally, if malicious allegations are made against the employee (where there is no other basis in the public interest), the Academy Trust will ensure that the employee is fully supported and that appropriate disciplinary action is taken against the person making the purely malicious allegations.

If a pupil makes an allegation which is found to be solely malicious, appropriate action will be taken.

Any employee who criticises, bullies or victimises a fellow employee by reason of their whistleblowing will be liable to disciplinary action up to and including dismissal, depending on the seriousness of the conduct.

The Finance and Business Manager will maintain a register of all concerns that have been raised under this policy within the Academy Trust.

All Academy Trust managers will notify the Finance & Business Manager within 2 days of a concern being raised so that it can be included in this central register. This will include the following information:

- the date the concern was raised;
- a summary of the concern including the individuals involved;
- the date the investigation commenced;
- the Investigating Officer appointed and details of other individuals involved;
- the outcome(s) of the investigation and a summary of actions taken; and
- the date the individual raising the concern was notified of the outcome.

All officers receiving an allegation under this policy must ensure that the Finance & Business Manager receives prompt information in relation to allegations to enable this register to be maintained correctly. This information will be held in accordance with the Data Protection Act.