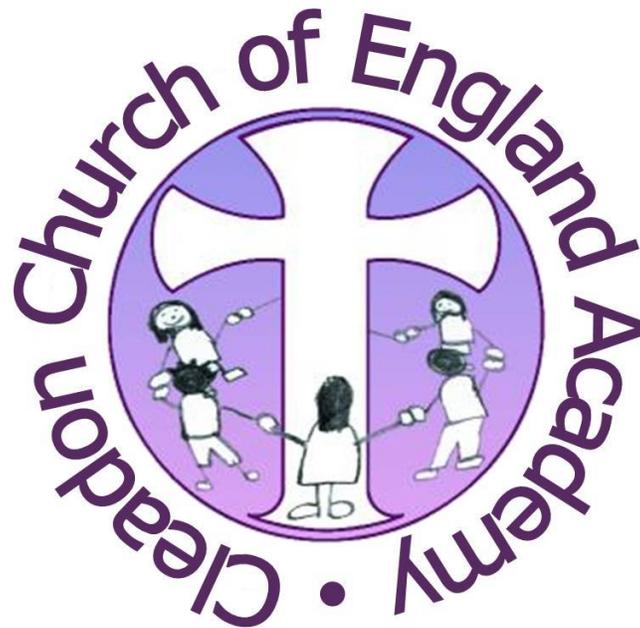
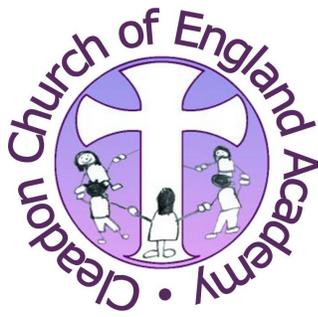


# Cleadon Church of England Academy



## Speak Out Policy

Policy Agreed	June 2014
Policy Reviewed	May 2017
Review Date	Summer 2020



**Believe**

**Inspire**

**Excel**

**Mission Statement**

Guided by our caring Christian ethos, we all work together to equip everyone with the skills, attitude, creativity and motivation to become happy successful lifelong learners and respectful global citizens.

<b>Values</b>	
<b>We will bring our Christian ethos to life by:</b>	
<b>Striving for excellence</b>	<ul style="list-style-type: none"> <li>• Setting high expectations,</li> <li>• Showing pride, passion and self-belief,</li> <li>• Encouraging forward thinking and embracing challenge,</li> <li>• Promoting continuous learning,</li> <li>• Recruiting the right people,</li> <li>• Facilitating continuous improvement,</li> <li>• Providing the widest range of opportunities to excel.</li> </ul>
<b>Achieving together</b>	<ul style="list-style-type: none"> <li>• Learning and working together harmoniously, within a supportive environment,</li> <li>• Ensuring everyone is valued,</li> <li>• Enabling everyone to have a voice,</li> <li>• Promoting shared understanding and ownership, through collaboration,</li> <li>• Sharing good practice, and celebrating success,</li> <li>• Challenging ourselves and others,</li> <li>• Supporting the communities in which we live and work.</li> </ul>
<b>Showing respect</b>	<ul style="list-style-type: none"> <li>• Promoting the wellbeing of all members,</li> <li>• Recognizing everybody's contribution,</li> <li>• Demonstrating courtesy and fairness to all,</li> <li>• Embracing diversity and practicing tolerance,</li> <li>• Celebrating the individual.</li> </ul>
<b>Inspiring success</b>	<ul style="list-style-type: none"> <li>• Nurturing achievement and celebrating success,</li> <li>• Embracing inspiration and innovation,</li> <li>• Encouraging self-motivation,</li> <li>• Providing inspirational, creative teaching and challenge,</li> <li>• Providing positive role models,</li> <li>• Delivering a broad and exciting curriculum that engages and enthuses all learners.</li> </ul>
<b>Acting with integrity</b>	<ul style="list-style-type: none"> <li>• Maintaining professionalism at all times,</li> <li>• Valuing honesty, trust and accepting accountability,</li> <li>• Establishing transparent and effective communication,</li> <li>• Listening and acting upon feedback,</li> <li>• Ensuring collective care and responsibility.</li> </ul>
<b>This will be delivered within a caring, happy, safe and secure environment.</b>	

## Contents

	<b>Page number</b>
Introduction	4
When should you 'Speak Out'?	4
Who may use this policy?	5
How does this differ from a grievance and a complaint?	5
Who is responsible?	6
The legal background	6
What is our aim?	7
Our safeguards	7-8
How to raise your concerns?	8
How will the Academy respond?	10
Where to go for independent advice	11
How can the matter be taken forward?	11
Review of policy	12
Speak Out: Report form	Appendix 1 page 13

## Introduction

1. Cleadon Church of England Academy is committed to the highest possible standards of openness, probity and accountability. Integrity is one of our core values; this means we will do the right thing whatever the circumstances. We encourage our employees, contractors and partners who may have concerns about any aspect of the Academy's work to come forward and voice those concerns to us.

## When should you 'Speak Out'?

2. You are encouraged to 'Speak Out' if you have any concerns about a possible fraud, crime, danger or other serious risk that could threaten service users, other employees, the public or the Academy's own reputation. This is our early warning system to alert the Academy to any of these risks and enable prompt appropriate action to be taken.
3. Employees may be the first to realise that there may be something seriously wrong. The serious wrongdoing may relate to unlawful conduct, financial malpractice or danger to the public or the environment. Specific examples could include:
  - a criminal offence (e.g. fraud, corruption or theft etc) may have or has been committed
  - a miscarriage of justice has been/is likely to occur
  - the health or safety of an individual has been/ is likely to be endangered
  - concerns regarding the welfare of children and vulnerable adults
  - the environment has been/is likely to be damaged
  - public funds are being used in an unauthorised manner
  - the Academy's Constitution (e.g. Code of Conduct, Procurement Procedure Rules, Financial Procedure Rules) has been or is being breached by members and/or officers
  - abuse (e.g. physical, sexual, financial) of any service recipient is taking place
  - discrimination to any service recipient, e.g. disability, race etc has occurred or is taking place
  - information relating to any of the above is deliberately being concealed.
4. You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it is none of your business or that it's only a suspicion. You may also fear you may not be taken seriously, even ridiculed, or be victimised in some way. You may decide to say something but find that you are not sure how to raise the issue or are not sure what to do next.
5. We have developed this policy 'Speak Out' specifically to enable and encourage you to raise your concerns about suspected malpractice at an early stage and in the right way. We would rather you raised the matter when it is just a concern rather than wait for proof.
6. We wish to assure you that your complaint will be taken seriously. If something is troubling you, which you think we should know about or look into, please use this policy rather than overlook it or report it outside of the Academy. Don't ignore your concern.

## **Who may use this policy?**

7. Any employee may use this policy including permanent and temporary employees, agency workers, home workers, employees seconded to a third party and school based employees.
8. Employees of Academy contractors should use the procedures of their respective employers. However there may be occasions when they feel that it is necessary to inform the Academy. In these exceptional circumstances the Academy's policy may be used.

## **How does this differ from a grievance or a complaint?**

9. This policy is designed to provide a route for employees to raise concerns and to provide them with protection under the Public Interest Disclosure Act. It is for situations where an employee has a concern about danger or illegality that has a public interest aspect to it, usually because it threatens others. A grievance or private complaint is by contrast a dispute about the employees own employment position and has no additional public interest dimension.
10. There may be occasions when the public interest aspect becomes entangled within a grievance. The important thing is that the Academy is informed of issues which may effect its service delivery and reputation.
11. It is not intended that this policy, be used to raise concerns which fall within the scope of other Academy policies, for example:
  - grievances (see Grievance Procedure)
  - harassment
12. Some workers may have separate statutory or professional duties to report concerns to appropriate bodies. This policy does not replace those duties.

## **Who is responsible?**

13. The Principal has overall responsibility for the maintenance and operation of this policy and maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report if considered to be appropriate, to the Academy's Directors.

## **The legal background**

14. This policy has been written to take account of the Public Interest Disclosure Act 1998: [http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980023\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980023_en_1). This Act protects employees from detrimental treatment or victimisation from their employer if, in the public interest, they raise concerns about wrongdoing. The Act is incorporated into the Employment Rights Act 1996, which also protects employees who take action or raise concerns about health and safety at work.

## **What is our aim?**

15. The policy aims to:

- outline our safeguards to encourage employees to feel confident in raising serious concerns and provide reassurance that, if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from victimisation and their concerns will be taken seriously
- provide a route for employees to raise concerns
- ensure that employees get an appropriate response to the concerns they have raised and if they are not satisfied show how they may take the matter further
- set out responsibility for the policy and how it will be kept up to date.

## **Our safeguards**

### **Assurances**

16. One of our core values is integrity, we will do the right thing whatever the circumstances. We have embedded this into all of our service areas. This means that we will ensure that all concerns brought to our attention by employees in good faith will be fully investigated. The complainant will be kept informed and supported throughout the process and where possible the complainant will be informed of the outcome of the investigation.

### **Harassment or victimisation**

17. The Academy 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 failure or malpractice. The Academy will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. Should complainants suffer any harassment, victimisation or reprisals by an employee, this may be treated as a disciplinary matter.

18. This does not mean that if you are already the subject of a disciplinary, grievance or redundancy procedures that those procedures will be halted as a result of your disclosure.

### **Confidentiality**

19. The Academy will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent or unless instructed by a Tribunal or Court. If the situation arises where we are not able to resolve the concern without revealing your identity, we will discuss with you whether and how we can proceed.

### **Anonymous allegations**

20. This policy strongly encourages you to put your name to your allegation. Concerns expressed anonymously will be much more difficult for us to look into or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and are unlikely to be effective, but they will be considered at the discretion of the Principal.

21. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from named sources

### **Untrue or malicious allegations**

22.If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, if you make malicious or vexatious allegations, disciplinary action may be taken against you.

### **How to raise your concerns?**

23. You may wish to consider discussing your concern with a colleague first, and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience, or share the same concerns.

24. As a first step, you should raise concerns, normally with your line manager or, if the complaint is about your manager, his/her line manager. However, this depends on the seriousness and sensitivity of the issues involved and who is thought to be involved in the failure or malpractice. For example, if you believe that management is involved, you should approach the Principal. Or if you feel that this is inappropriate you can raise your concern with the Chair of Directors.

25. Where your concern is about financial impropriety, the Academy's financial management standards require that the Principal should be informed by either yourself or by the person investigating the concern.

26. Please send a copy of your disclosure to the Principal who oversees the policy.

27. Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

28. A form is available if you wish to use it (see Appendix 1). If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

29. The earlier you express the concern, the easier it is to take action. You may also wish to involve your Trade Union representative or professional association at this stage.

30. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

31. Advice and guidance on how matters of concern may be pursued can be obtained from the Principal.

32. Your trade union representative or a colleague may accompany you when you attend a related meet . A colleague will be permitted a reasonable amount of time off for this purpose. You may also invite your trade union or professional association to raise a matter on your behalf.

## **How will the Academy respond?**

33. The action taken by the Academy will depend on the nature of the concern. The matters raised may:
- be investigated internally
  - be referred to the External Auditor
  - be referred to the Monitoring Officer, for consideration of whether any matter should be considered by the Directors
  - be considered under the Disciplinary Procedure if the matters relate to an employee(s)
  - be referred to the Police
34. In order to protect individuals and the Academy, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of other specific procedures (for example, child protection) will normally be referred for consideration under those procedures.
35. Some concerns may be resolved by agreed action without the need for investigation.
36. Within ten working days of a concern being received, the investigating officer will write to you:
- acknowledging that the concern has been received
  - indicating how he/she proposes to deal with the matter
  - giving an estimate of how long it will take to provide a response
  - telling you whether an initial enquiry has been made
  - telling you whether further investigations will take place, and if not, why not
37. The amount of contact between the person considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, we will seek further information from you.
38. When any meeting is arranged with the employer investigating allegation you have the right if you so wish to be accompanied by a trade union representative or a colleague of your choice.
39. The Academy will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Academy will advise you about the procedure.
40. The Academy will provide you with support and assistance throughout.
41. The Academy accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

## **Where to go for independent advice?**

42. If you are unsure whether to use this policy or want independent advice at any stage, you may contact:

- your union
- the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

### **How the matter can be taken further?**

43. This policy is intended to provide you with an avenue to raise concerns within the Academy and to give you the reassurance that you need to raise such matters internally. The Academy hopes you will be satisfied. If you are not, and if you feel it is right to take matters outside the Academy, the following are possible contact points:

- HMRC - income tax, maternity and sick pay, tax credits, child benefits, collection of student loans and the national minimum wage
- Food Standards Agency - matters which may affect the health of any member of public in relation to the consumption of food and any other matters concerning the protection of the interests of consumers in relation to food
- National Care Standards Commission - matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000
- Healthy and Safety Executive - matters which may affect the health or safety of any individual at work or member of the public in connection with the activities of persons at work
- Information Commissioner - compliance with the requirements of legislation relating to data protection and freedom of information
- Occupational Pensions Authority - matters relating to occupational pension schemes
- Ofsted - hotline to enable Academy employees and those working with young children to report concerns about practices and procedures for the safeguarding of children and young people. The hotline is 08456 404046. Its email is [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk).

44. This is not the exhaustive list, which can be read at <http://www.opsi.gov.uk/si/si2003/20031993.htm> - The **Public Interest Disclosure (Prescribed Persons)** (Amendment) Order 2003 Statutory Instrument 2003 No. 1993, but it comprises the persons most likely to be of relevance to the work of the academy.

45. We would rather you raised a matter with the appropriate regulator or outside body than not at all. You may raise a concern with any of the above provided that:

- you make the disclosure in good faith
- you reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- you do not make the disclosure for personal gain
- appropriate legal advice should be sought prior to raising a matter externally

46. If you do take the matter outside the Academy, you need to ensure that you do not disclose confidential information or that disclosure would be privileged.

### **Review of the policy**

47. The effectiveness of the policy will be reviewed regularly and updated if necessary. We welcome any feedback and comments to help us improve on our policy.

## Appendix 1: 'Speak Out' Report Form

<b>Report made under the Academy's 'Speak Out' policy to :</b>	(Detail name and title of officer to whom the report is being made)
<b>Your name:</b>	(You are encouraged to insert your name, but may chose not to – the recipient of the form will attempt to preserve confidentiality)
<b>Your Team:</b>	
<b>Concerns reported:</b>	(Give full details of the background to the concern; names, dates and places; and the reasons why you are concerned. Attach a separate sheet if necessary.)
<b>Date:</b>	
<b>Signed:</b> <b>(if employee's name appears above)</b>	

Please copy this form to the Principal