Whistle Blowing Policy

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1. Introduction

1.1 There is a balance to be struck between the right of the individual member of staff to speak freely on a range of matters and the right of the Academy and/or colleagues to be protected against false and malicious accusations.

1.2 A whistle blowing procedure is about the ways in which concerns about malpractice may properly be raised within the Academy and if necessary outside the Academy.

2. Definition

2.1 Whistle blowing inside the work place is the reporting by workers or ex-workers, of information about alleged wrongdoing such as;

- Criminal offences or Breach of any legal obligation or Miscarriages of justice
- Danger to the health and safety of any individual
- Damage to the environment
- The deliberate concealing of information about any of the above

2.2 Workers can use this policy if they have a reasonable belief that the information disclosed is evidence of wrongdoing, and that such a disclosure is in the public interest.

2.3 This policy should not be used for individual or collective grievances or where there are no reasonable grounds for the belief in the alleged wrongdoing

2.4 Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with *Keeping Children Safe in Education* and the Safeguarding Policy. If a child is in immediate danger or is at risk of harm a referral should be made to Children's Social Care and / or the police immediately. Anyone can make a referral.

3. Principles supporting the Procedure

3.1 Creation of an ethical, open culture:
Communicate a code of conduct and ethics, through this policy.

3.2 Establish safe routes for communications of concerns:
Where appropriate, appoint individuals or a group outside the normal line of management to receive complaints of irregularities or other concerns.

3.3 Protect the whistle blower:
The Academy Trust will support and not discriminate against concerned employees.

3.4 Establish a fair and impartial investigative procedure:
The Academy Trust responds to concerns by focusing on the problem, rather than denigrating the messenger.

3.5 Remind staff of their duty of confidentiality:
The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information,

The Academy Trust expects that its contractors and other agency workers will consider themselves under a similar duty.

3.6 Safeguard against abuse of the procedure:
Ensure that the raising of unfounded allegations where individuals had no reason to believe that the allegations were well founded is recognised as a disciplinary offence.

3.7 Involve governors and staff in developing the policy and procedures.

4. Legislation

4.1 The Public Interest Disclosure Act 1998 is designed to protect 'whistle blowers' from detrimental treatment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers.

5. The Procedure

5.1 All parties will agree that the concern raised will be kept confidential (as far as reasonably practicable to progress the complaint) while the procedure is being used.

5.2 The Representor (the person raising the concern) should:

- Raise their concern in writing with their line manager or Headteacher.
- If the line manager believes that it is appropriate to use the Whistle Blowing Procedure, the manager should contact the Headteacher (the Assessor).
- Should it be alleged the Headteacher is involved in the alleged malpractice; one the Co Senior Executive Leaders should be contacted to act as Assessor.
- If the Representor feels unable to raise their concern with their line manager or the Headteacher in the first instant, they may contact one of the Co Senior Executive Leaders direct. If this occurs, the Representor will be asked to justify why they feel unable to raise the concern with their line manager or the Headteacher.
- Should it be alleged the Senior Executive Leader is involved in the alleged malpractice, the Chair of Trustees should be contacted to act as the Assessor.

5.3 The Assessor should:

- Interview the Representor usually within seven working days, or earlier if there is an immediate danger to loss of life or serious injury;
- Obtain as much information as possible from the Representor about the grounds for the belief of malpractice;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under the Academy Trust's Whistle Blowing Procedure.

5.4 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy Trust/School staff to take notes.

5.5 If reasonably practicable within ten working days of the interview, the Assessor will recommend to the Representor one or more of the following:

- The outcome and any recommended action to be taken by the Academy Trust/School (as far as reasonably appropriate);
- The matter requires further investigation internally by the Academy Trust/School;
- The matter be investigated by the external auditors appointed by the Academy Trust/School;
- The matter be reported to the Police;
- The route for the member of staff to pursue the matter, if it does not fall within the procedure; or
- That no further action is taken by the Academy Trust/School.

5.6 The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of the procedure has occurred, is occurring or is likely to occur;
- The matter is already (or has been) the subject of proceeding under one of the Academy Trust's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other public authority.

5.7 The conclusion on any further investigation will be reported by the Assessor to the Representor as soon as reasonably practicable and where possible within twenty-eight working days.

5.8 All responses to the Representor will be made in writing.

5.9 If the Representor has not had a response within the above time limits, or if they are dissatisfied with the outcome, they may appeal to the Chair of the Board setting out the grounds for their appeal.

5.10 The Academy will ensure the Representor is protected from any form of victimisation or discrimination.

6. **Malicious Accusations**

6.1 Deliberately false or malicious accusations made by a Representor will be dealt with under the Academy Trust's disciplinary procedure.

7. External Sources

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In certain circumstances if you believe that the information you are disclosing is substantially true (and it falls within their remit) it may be appropriate to refer certain matters to a relevant outside body including:

The Local Authority Designated Officer
Children's Social Care
The NSPCC
The Health and Safety Executive
The Environment Agency
The Information Commissioner
The Department for Education
The Department for Business, Energy and Industrial Strategy
The Police
The Office for Standards in Education, Children's Services and Skills (**Ofsted**)
The Channel Police Practitioner

8. Monitoring, Evaluation and Review

8.1 All matters raised under the procedure together with the outcome will be reported to the Board on a confidential basis who will have ultimate oversight in ensuring that any recommendations have been implemented.

8.2 The Trust Board will review the policy at least every two years and assess its implementation and effectiveness. This review will seek to obtain comments and experiences of those who may have had reasons to invoke the procedure. The policy will be promoted and implemented through the Academy Trust.