



# Whistleblowing Policy

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**Policy Reviewed and Adopted by  
Governing Body:**

**Date of Next Review: 31<sup>st</sup> August 2019**

**Responsible Officer:**

This policy as with all other policies of the Academy must be applied fairly with a consistent approach.

## Introduction

This policy applies to all employees and Governors of the Academy. Other individuals performing functions in relation to the Academy, such as agency employees and contractors, are encouraged to use it.

It is important to the Academy that any fraud, misconduct or wrongdoing by employees or Governors of the Academy is reported and properly dealt with. The Academy therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the Academy or the way in which the Academy is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

The Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Academy's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that the employee can do so without the fear of victimisation, harassment, subsequent discrimination or disadvantage.

This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns **within** the Academy rather than overlooking a problem or blowing the whistle outside.

The policy applies to all employees and those contractors working for the Academy on Academy premises, for example, agency staff, builders, and contractors. It also covers suppliers and those providing services under a contract with the Academy.

These procedures are in addition to the Academy's complaints procedures and other statutory reporting procedures. All employees are responsible for making others aware of the existence of this policy.

## Purpose of this policy

This Whistleblowing Policy aims to:

### Aims of the Policy

The Policy is designed to ensure that employees can raise concerns about wrongdoing or malpractice within the Academy without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable employees to raise serious concerns **within** the Academy rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage the employee to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for the employee to raise concerns and receive feedback on any action taken
- allow the employee to take the matter further if the employee are dissatisfied with the Academy's response; and
- re-assure the employee that the employee will be protected from reprisals or victimisation for whistleblowing in good faith.
- encourage employees to feel confident in raising serious concerns at the earliest

### Scope of this Policy

This Policy is intended to enable those who become aware of wrongdoing in the Academy affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistle Blowing Policy is not intended to replace existing procedures:

- If an employee's concern relates to their own treatment as an employee, they should raise it under the existing grievance or harassment procedures
- If a parent has a concern about educational provision provided to their child, it should be raised as a complaint to the Academy.

## Linked Documentation

## Roles and Responsibilities

### The Responsible Officer

The Principal/Principal (as Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes and will report as necessary to the Academy. If the employee requests it, the Principal/ Principal will do what he/she lawfully can to protect the employee's identity, but the employee should realise that he may be obliged to disclose it to the Police or the External Auditor or the Courts.

## Definitions

The law provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the Academy's responsibility to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The Academy encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or a member of the Senior Management Team.

## Related Procedures

### Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

- No employee will be victimised, harassed or discriminated against for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation or harassment of an employee for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a Principal or Chair of Governors.

## **SAFEGUARDS**

### **Harassment or Victimisation**

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

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 malpractice. The Academy will not tolerate harassment or victimisation and will do what it lawfully can to protect the employee when the employee raises a concern they genuinely believe to be true.

This does not mean that if the employee are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of the employee's whistleblowing.

### **Confidentiality**

The Academy will do its best to protect the employee's identity when the employee raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence, particularly if the Police or External Bodies become involved. In order to take effective action, the Academy will need proper evidence which may be required to stand up to examination in Courts or Tribunals.

### **Anonymous Allegations**

This policy encourages the employee to put their name to the allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Academy.

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

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### **Untrue Allegations**

If the employee make an allegation in the reasonable belief that it is made in the public interest and the employee genuinely believes is true, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, the employee makes malicious, false or vexatious allegations, for example to cause trouble or annoyance or to discredit the Academy, an investigation will take place to determine whether disciplinary action is taken.

### **How to Raise a Concern**

As a first step, the employee should normally raise concerns with the employee's immediate manager or a member of the Senior Management Team. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if the employee believes that management is involved, the employee should approach the Principal/ Principal, or Chair of Governors.

Concerns are better raised in writing. The employee is invited to set out the background and history of the concern, giving names, dates and places where possible, and the reasons why the employee is particularly concerned about the situation. If the employee does not feel able to put their concern in writing, the employee can telephone or meet the appropriate officer.

The earlier the employee expresses the concern, the easier it is to take action.

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

The employee may invite a companion, who may be from the employee's trade union or professional association, or a work colleague to raise a matter on their behalf. The employee may also have such a companion to represent them at any meeting which is held relating to their concern.

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

The Academy will respond to the employee's concerns. It should be noted that testing out the employee's concerns is not the same as either accepting or rejecting them.

The action taken by the Academy will depend on the nature of the concern as determined by the designated Monitoring Officer. The Academy could decide that the matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the external Auditor
- form the subject of an independent inquiry

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.

The overriding principle, which the Academy will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being received, the employee's immediate manager, Principal or Chair of Governors, depending upon who the employee has approached, will write to the employee:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter if possible at such an early stage
- giving an estimate of how long it will take to provide a final response if possible at such an early stage
- telling the employee whether any initial enquiries have been made, and
- telling the employee whether further investigations will take place, and if not, why not.

The amount of contact between the officers considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.

When any meeting is arranged, off-site if the employee so wishes; the employee has the right to be accompanied by the employee's chosen companion. This may be a union or professional association representative or a work colleague but cannot be an individual who is involved in the area of work to which the concern relates.

The Academy will do what it lawfully can to minimise any difficulties that the employee may experience as a result of raising a concern. For instance, if the employee is required to give evidence in criminal or disciplinary proceedings, the Academy will advise the employee about the procedure. The Academy cannot provide legal representation for the employee.

### **If an investigation required**

The Principal/Principal will arrange an investigation into the matter

The investigation may involve the employee and other individuals involved giving a written statement.

Any investigation will be carried out in accordance with the normal Academy investigation principles

The employee's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained.

The person who carried out the investigation will then report to the Principal/Principal, who will take any necessary action, including reporting the matter to the Board and any appropriate government department or regulatory agency.

If disciplinary action is required, the person who carried out the investigation will report the matter to the Principal/Principal and the disciplinary process will be followed.

On conclusion of any investigation, the employee will be told the outcome of the investigation and what the Academy has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained

### **How the Matter can be taken further**

This policy is intended to provide the employee with an avenue to raise concerns **within** the Academy. The Academy hopes the employee will be satisfied. If the employee is not, and if the employee reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority, the following are possible contact points:

- the District Auditor;
- Audit Commission Anti-Fraud and Corruption Unit;
- the Police;
- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive;
- the Environment Agency;
- the Director of Public Prosecutions; and
- the Serious Fraud Office.

If the employee does take the matter outside the Academy, the employee should ensure that they do not disclose confidential information to those other than listed above. The employee should check with the Principal/Principal about that.

It will be safe to raise a concern with any of the above provided that:-

- (a) the employee make the disclosure in the public interest
- (b) the employee reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- (c) the employee does not make the disclosure for the purposes of personal gain.

If the employee make allegations which the employee has no grounds to believe are true, or maliciously or for personal gain then the employee could face defamation proceedings or a prosecution for wasting Police time. If the employee decides to address their concerns by going to the Press or the media then the employee may face defamation proceedings if the employee's allegations are unfounded.

### **The Law**

This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects employees making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.

This Policy **does not** prevent an employee from taking their own legal advice.

### **Monitoring and Review**

This policy will be bi annually reviewed in consultation with the ECC and the GJNCC. Any amendment to it will be notified to employees in writing by the Academy and such written advice will inform employees as to the date when any amendment comes into effect.

### **Appendices**

N/A