



# **WHISTLE BLOWING POLICY**

**Approved: September 2020  
Review Date: September 2023**

## Introduction

Whistle blowing is the reporting by workers or ex-workers of wrongdoing such as fraud, malpractice, mismanagement, safeguarding, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees.

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

Pupils / students may also have information which should be raised in the public interest and they may use their representatives or our complaints procedure to air their concerns.

There is a balance to be struck between the right of the one of our people to speak out and the right of all our people to protect themselves against false and malicious accusations.

This procedure explains how concerns about malpractice may properly be raised within and if necessary outside the Academy.

## Aims

We aim to:

- *create an ethical, open culture:* write, publish and communicate a code of conduct and ethics;
- *establish safe routes for communication of concerns:* appoint individuals or a group outside the normal line management to receive complaints of irregularities or other concerns;
- *protect the whistle blower:* make it clear that we will support and not discriminate against concerned employees provided their claim is made in good faith;
- *establish a fair and impartial investigative procedure:* make sure that the Academy responds to the concern by focusing on the problem, rather than denigrating the messenger;
- *remind staff of the duty of confidentiality:* the duty of confidentiality prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless we fail to properly consider or deal with the issue;
- *safeguard against abuse of the procedure:* ensure that the malicious raising of unfounded allegations is recognised as a disciplinary offence;
- *uphold the right to disclose a concern:* the individual member of staff has the right to disclose the issue if it is not dealt with internally.

## Procedure

All parties must keep the issue and its progress within this procedure confidential while it is being used.

The Representer (the person raising the concern) should raise their concern with their Line Manager or the Principal. This may be done orally or in writing. The Representer has the right to have the matter treated confidentially. If the Line Manager or Principal believes the concern to be genuine, and that it is appropriate to use the Whistle Blowing procedure, the manager should contact the Assessor.

The Assessor will normally be the Director of Finance & Operations but, if the Representer believes that the Director of Finance & Operations is involved in the alleged malpractice, any other member of the Senior Leadership Team may act as Assessor.

If the Representer feels unable to raise their concern with their line manager or the Principal in the first instance, they may contact the Assessor direct. In this case the Assessor will ask the Representer to justify why they feel unable to raise the concern with their line manager or the Principal.

The Assessor should:

- interview the Representer within seven working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury;
- obtain as much information as possible from the Representer about the grounds for their concern;
- consult with the Representer about further steps which could be taken;
- advise the Representer of the appropriate route if the matter does not fall under this procedure;
- report all matters raised under this procedure to the Principal or Chair of the Governing Body if the matter relates to the Principal.

At the interview with the Assessor, the Representer may be accompanied by a friend, colleague or other representative. The Assessor may be accompanied by an impartial member of staff to take notes.

Within ten working days of the interview, the Assessor will recommend to the Principal, or the Chair of Governors if the matter relates to the Principal, one or more of the following:

- the matter be investigated internally;
- the matter be investigated by the Academy's Responsible Officer;
- the matter be reported to the Department for Education;
- the matter be reported to the Local Authority LADO;
- the matter be reported to the police;
- that no further action is taken by the Academy.

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 this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representer is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under another procedure;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, the Local Authority LADO, the Responsible Officer, the Department for Education, or other public authority.

Should it be alleged that the Principal is involved in the alleged malpractice, the Assessor's recommendation will be made to the Chair of Governors.

The recipient of the recommendation (Principal or Chair of Governors) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.

The Representers' identity will be kept confidential unless the Representer otherwise consents or unless there are grounds to believe that the Representer has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representer except:

- where the Assessor is under a legal obligation to do so;
- where the information is already in the public domain;
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice, or
- where it is essential that the Representer provides evidence at a disciplinary hearing or other proceedings.

The conclusion of any agreed investigation will be reported by the Assessor to the Representer within twenty-eight days.

All responses to the Representer will be made in writing to the Representer's home address.

If the Representer has not had a response within the above time limit, they may appeal to the Academy's Responsible Officer, but will inform the Assessor before doing so.

The Representer may at any time disclose the matter on a confidential basis to a trade union representative or to a professionally qualified lawyer for the purpose of taking legal advice.

We will ensure the Representer is protected from any form of victimisation or discrimination.

### **Malicious Accusations**

Deliberately false or malicious accusations made by a Representer will be dealt with using our disciplinary procedure.

### **External Sources**

Neither the press nor other media representative should be contacted either before or during use of the whistle blowing procedure and doing so may be considered a disciplinary offence. Whistle blowing to any other external source without first going through the internal procedure is inadvisable without compelling reason – such as alleged malpractice involving the Principal, other senior leaders and the Responsible Officer. If the Representer is not content with the conclusion of the Assessor or with the subsequent action taken by the Academy, or feels victimised as a result of using the whistle blowing procedure, they may involve an appropriate external source such as:

- the Department for Education;
- the Local Authority LADO;
- a Member of Parliament;
- the National Audit Office
- the Health and Safety Executive;
- the police.