

WHISTLEBLOWING POLICY

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POLICY STATEMENT

The Trust/Academy is committed to conducting its affairs with honesty and integrity and expects all staff to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to Richard Merryweather, Director of Operations, r.merryweather@redhillacademytrust.org.uk.

WHAT IS WHISTLE BLOWING?

Whistle blowing inside the workplace is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Governing Body or by fellow employees. Wrongdoing may include for example, fraud, facilitation of tax evasion, corruption, malpractice, breach of health and safety law, damage to the environment, any breach of legal or professional obligations any other illegal, criminal or unethical act or breaches of the Academy Code of Conduct. Wrongdoing includes deliberate concealment of any of these examples. Employees may, for this purpose include, for example, contractors, casual workers, officers, consultants and agency workers.

1. PROTECTING THE WHISTLE BLOWER

Under the Public Interest Disclosure Act (1998) and Employment Rights Act (1996) a whistle blower is protected from detriment and unfair dismissal.

The Academy and wider Trust will support and not discriminate against or subject to detriment concerned employees who apply the whistle blowing procedure.

Whistle-blowers must not suffer any detrimental treatment as a result of raising a genuine concern. If an employee believes they have suffered any such treatment, they should inform their Head Teacher immediately. If the matter is not remedied the employee should raise it formally using the Academy's Grievance Procedure.

An employee must not threaten or retaliate against whistle-blowers in any way. If an employee is involved in such conduct, they may be subject to disciplinary action.

2. WHEN SHOULD WHISTLE BLOWING PROCEDURES BE USED?

If an employee has concerns about wrongdoing at the Academy and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.

- 2.1 Each individual member of staff should feel able to speak freely on such matters.
- 2.2 Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
- 2.3 Whistle blowing is not appropriate for dealing with issues between an employee and the Academy which relate to the employee's own personal circumstances, such as treatment at work. In those instances, the employee should use the Academy's Grievance Procedure and the alternative dispute resolution outlined in the employment terms and conditions.
- 2.4 Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.
- 2.5 Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection.

3. WHO SHOULD YOU RAISE A CONCERN WITH?

- 3.1 This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with:
 - 3.1.1 Your line manager
 - 3.1.2 Your Head Teacher
 - 3.1.3 Your Executive Head Teacher
 - 3.1.4 The Trust Principal

4. THE PROCEDURE

- 4.1 Any issue raised will be kept confidential while the procedure is being used.
- 4.2 You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:
 - 4.2.1 The nature of your concern and why you believe it to be true
 - 4.2.2 The background and history of the concern (giving relevant dates)

The Academy does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from the Representor. It is also more difficult to establish whether any allegations are credible. The Representor's identity will be kept confidential if requested due to fear of reprisals.

- 4.3 The person with whom the matter is raised is referred to as the "Assessor".

The Assessor will:

- 4.3.1 Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
- 4.3.2 Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing. Take a detailed written summary and provide the Representor with a copy;
- 4.3.3 Consult with the Representor about further steps which could be taken;
- 4.3.4 Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
- 4.3.5 other than in the case of paragraph 4.4, report all matters raised under this procedure to the Chair of the Trust.
- 4.4 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Representor's companion must respect the confidentiality of any disclosure and any subsequent investigation. The Assessor may be accompanied by a member of the Academy staff to take notes.
- 4.5 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
 - 4.5.1 the matter be further investigated internally by the Academy;
 - 4.5.2 the matter be further investigated by external consultants appointed by the Academy;
 - 4.5.3 the matter be reported to an external agency;
 - 4.5.4 disciplinary proceedings be implemented against an employee;
 - 4.5.5 the route for the Representor to pursue the matter if it does not fall within this procedure; or
 - 4.5.6 that no further action is taken by the Academy.
- 4.6 The grounds on which no further action is taken include:
 - 4.6.1 the Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
 - 4.6.2 the matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
 - 4.6.3 the matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 4.7 The recommendation of the Assessor will be made to the Head Teacher. However, should it be alleged that the Head Teacher is involved in the alleged wrongdoing, the recommendation will be made to the Chair of Governors.
- 4.8 The Head Teacher or Chair of the Governors, as appropriate, will ensure that the recommendation 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.
- 4.9 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview, unless an extension in time is agreed.
- 4.10 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 4.11 If the Representor has not had a response within the above time limit or such reasonable extension as the Academy requires and communicates to the Representor, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.

- 4.12 The Representer may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

5. MALICIOUS ACCUSATIONS

- 5.1 A deliberately false or malicious accusation made by a Representer is a disciplinary offence and will be dealt with under the Academy's disciplinary procedure.

6. INFORMING EXTERNAL AGENCIES

- 6.1 Within the Academy all staff have a 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, unless it is in the public interest that the information is disclosed or unless the Academy fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.
- 6.2 Whistle blowing to an external agency without first going through the internal procedure is a breach of the Academy's Code of Conduct. The external agencies may include:
- 6.2.1 Department for Education;
 - 6.2.2 Member of Parliament;
 - 6.2.3 National Audit Office;
 - 6.2.4 Health and Safety Executive;
 - 6.2.5 Police;
 - 6.2.6 Local Authority Designated Officer.
- 6.3 It will very rarely if ever be appropriate to alert the media. The Academy strongly encourages any employee to seek advice before reporting a concern to anyone external.
- 6.4 Protect (an independent whistleblowing charity) operates a confidential helpline. Their contact details are:
- 6.4.1 Helpline: 0203 117 2520
 - 6.4.2 E-mail: whistle@pcaw.co.uk
 - 6.4.3 Website: www.pcaw.co.uk

7. CONFIDENTIAL EMPLOYEE ENQUIRIES

- 7.1 Employees may, on a confidential basis seek prior guidance from the Head Teacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Head Teacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Academy or any person under these procedures.

8. MONITORING, EVALUATION AND REVIEW

- 8.1 The Executive Board of the Trust will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy and the wider Trust.