
Whistleblowing Policy (public interest disclosure)

Policy Control Page

Responsible Person	Director of Finance and Resources
Approved By	Board of Trustees
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Policy Applicable to	Whole Charity
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April 2021	V1	Director of F&R	Reviewed and Updated
Sept 2022	V2	Director of F&R	Update to template and format
May 2023	V3	Executive Assistant	Update to policy control page

1.0: Introduction

This policy applies not only to employees but also to any self-employed person providing services to us, employees of suppliers, volunteers, governors, agency workers, contractors, trustees and ex-employees. Please note this policy does not apply to students. Safeguarding concerns in relation to students should be dealt with under the Academy's Safeguarding policy.

We expect high standards of our employees. Therefore, if any member of staff believes that any unethical, criminal or unlawful activity has occurred, or is likely to occur, they should bring this to the notice of the Academy. This policy sets out the procedure to be undertaken should such an event occur.

Employees are often the first to realise that there may be something seriously wrong within the Academy. 'Whistleblowing' is viewed by the Academy as a positive act that can make a valuable contribution to the Academy's efficiency and long-term success. It is not disloyal to colleagues or the Academy to speak up. The Academy is committed to achieving the highest possible standards of service and the highest possible ethical standards in all of its practices. To help achieve these standards it encourages freedom of speech.

Whistleblowing is regarded as an early warning system. It is the name given to the act of disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that an organisation is responsible for or taken part in some wrongdoing. The making of qualified disclosures is covered by The Public Interest Disclosure Act 1998.

Academy staff will be protected by senior management while reporting such activities in time for corrective action to be taken and the disclosure to be addressed with minimum disruption. Such protection may involve being redeployed to another role within the Academy or being given the opportunity to work from home. For those who are not Academy employees, the Academy will endeavor to provide appropriate advice and support wherever possible.

All concerns will be treated in confidence and every effort will be made not to reveal the Whistleblower's identity if they wish this. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of the disclosure without the Whistleblower's help. The Whistleblower may be asked to come forward as a witness. If they agree to this, they will be offered advice and support.

This Policy encourages the Whistleblower to put their name to the allegation whenever possible. If the Whistleblower does not tell the Academy who they are then it will be much more difficult for the Academy to protect the staff member or to provide feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Academy. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from other sources

The law provides protection for employees who raise legitimate concerns about specified matters. These concerns are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker 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 Whistleblower has no responsibility for investigating the matter - it is the Academy's responsibility to ensure that an investigation takes place.

The Academy encourages individuals to raise their concerns under this procedure in the first instance. If an individual(s) are not sure whether or not to raise a concern, he/she should discuss the issue with the Head of Human Resources.

2.0: 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 Whistleblower who raised the issue.
- No worker will be victimised, disciplined or dismissed 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, harassment, bullying (or any other detriment) of a Whistleblower on behalf of another 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 Academy's disciplinary procedure will be used, in addition to any appropriate external measures.
- If an allegation is made in good faith and the staff member reasonably believes it to be true, but this is not confirmed by the investigation, the Academy will recognise the initial concern and will not take any action against the staff member who made the disclosure.
- Staff will not be protected if the allegation is found to be malicious or vexatious or if they commit a criminal offence in making the disclosure.
- 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, individuals should not agree to remain silent. They should report the matter to the Head of Human Resources and/or Director of Finance & Resources and/or the Principal.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken or if they feel they have been subject to harassment, he/she should use the Academy's grievance procedure or bullying and harassment procedure. Where a concern is raised under the Whistleblowing policy where it is not appropriate to do so, i.e. if it relates to a personal grievance, the receiving manager will confirm which policy that matter will be addressed under.

3.0: Procedure

Concerns should be raised in writing and sent to the Principal. Deaf staff members may use a BSL/English Interpreter to support them in raising their concern. The letter or communication raising the concern must make it clear that the concern is being raised under this policy. If the Principal is unavailable then the concern should be sent to the Director of Finance & Resources.

If the Principal is linked to the concern, or if the staff member feels they cannot follow this line of action, concerns should be raised with the Chair of Trustees by letter or e-mail.

The Principal/Director of Finance & Resources/Chair of Trustees, will decide whether the matter needs further investigation and by whom. The Whistleblower will be informed within five working days of the action to be taken (if any).

If the decision is taken not to take any further action, the Whistleblower will be notified in writing and provided with a reason why no further action is being taken.

If further investigation is deemed appropriate the Head of Human Resources or another member of the Senior Leadership Team will undertake an investigation. In some circumstances, an independent external company may be asked to investigate. The matter may be referred to the Police who may decide to investigate. Staff involved in the issue(s) under scrutiny may be asked not to attend work or may be re-deployed to another role within the Academy if the allegations warrants this. The employee making the disclosure will be asked to attend an investigation meeting. When attending such a meeting they may bring a companion with them as support. A report will be submitted to the Principal/Director of Finance & Resources/Chair of Trustees who will decide what action to take.

Whilst the investigator should ensure a comprehensive review, time (especially if staff have been re-deployed or asked to work from home) is important and any investigation should not take more than 10 working days unless there are special circumstances. If it is not possible to complete the investigation within this time period, the investigating manager will speak to the Whistleblower in advance of the completion deadline to agree an extended period of investigation.

Once the investigation is complete, the investigation manager will write to the Whistleblower confirming the outcome.

Should formal action be required as a result of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable and in line with the relevant policy.

4.0: Alerting outside bodies to a potential wrongdoing

Individuals should always follow the procedure described above in reporting any potential wrongdoing. If the Whistleblower is not satisfied with the response, he or she is entitled to contact a relevant external body to express the concerns. In doing this, the individual should:

- Have a reasonable belief that the allegation is based on correct facts
- Make the disclosure to a relevant body
- Have a reasonable belief it is in the public interest to make the disclosure.

A “relevant body” is likely to be a regulatory body (e.g. Ofsted, the Health and Safety Executive, or the Financial Services Authority).

The Academy will assess whether the disclosure needs to be reported as critical incident to the charities commission.

5.0: Contacting the media

The media are not a relevant external body. Individuals should not contact the media with allegations about the Academy, except in extraordinary circumstances where neither the Academy nor the relevant regulatory body would be appropriate.

6.0: Protection against detriment

Any individual who takes action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment in relation to the allegations that are made, including victimisation by the Academy or by colleagues (see section 2.0 above).

If the individual does not follow the procedure set out, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media see section 5.0) could result in disciplinary action being taken against the individual, which could include dismissal.