

# Whistleblowing Policy and Code (Staff & Trustees)

## Introduction

1. The Code is intended to help employees and Trustees in the Academy who have major concerns over any wrong-doing within the Academy relating to unlawful conduct, financial malpractice or dangers to the public or the environment.
2. Specific examples could include: -
  - a. A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
  - b. A miscarriage of justice has been/is likely to occur.
  - c. The health or safety of any individual has been/is likely to be endangered.
  - d. The environment has been/is likely to be damaged.
  - e. Public funds are being used in an unauthorised manner.
  - f. The Academy's Governance arrangements have or are not being observed or are being breached by students or staff.
  - g. Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children).
  - h. Discrimination is occurring to any member of staff or service recipient on grounds of sex, race, sexual orientation, age or disability.
  - i. Any other form of improper action or conduct is taking place
  - j. Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.
3. The Board of Trustees has prepared this Code so as to enable staff to raise concerns about such malpractice(s) at an early stage and in an appropriate way. The Board of Trustees would rather that staff raised the matter when it is just a concern rather than wait for concrete proof.
4. This Whistle Blowing Code is primarily for concerns where the interests of others or of the organisation itself are at risk.
5. The document should be read in conjunction with the Chapelton Academy Financial Handbook.

## **Purpose**

6. The Code aims to:
  - a. Encourage employees in the Academy to feel confident in raising serious concerns;
  - b. to question and act upon their concerns;
  - c. Provide ways for employees in the Academy to raise those concerns and get feedback on any action taken as a result;
  - d. Ensure that employees in or working in the Academy get a response to their concerns;
  - e. Ensure that employees in or working in the Academy are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
  - f. Reassure employees in or working in the Academy that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.
  - g. It is not intended to be used where other more appropriate procedures are available, for example
    - i. Grievances or Harassment – (see Discipline, Conduct and Grievance Procedure)
    - ii. Child protection (see Child Protection procedures)

## **Coverage**

7. All employees and Trustees in the Academy may use this Code. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employees secondment, can also be raised under this Code.
8. Where any individual affected by the Academy's operations wishes to raise concerns as to malpractice within the Board of Trustees (e.g. collusion) and cannot proceed under the provisions below, they can do so by contacting the Secretary of State for Education, via the Department for Education.

### **Assurance**

9. Where genuine and good faith concerns are raised under the code, the Academy's Board of Trustees can assure staff that they will not be at risk of losing their job or suffering retribution as a result.
10. The assurance detailed in the above paragraph does not necessarily extend to an employee who maliciously raises a matter that s/he knows to be untrue.
11. The Board of Trustees will not tolerate the harassment or victimisation of anyone raising a genuine concern.
12. The Governing Body, nonetheless, recognises that employees may wish to raise concerns in confidence.
13. Where concealment of identity is requested, this will be respected and disclosure will not occur without consent. The exception to this is where revelation of identity is required by law, the process will be discussed with the relevant individual.

### **Legal Background**

14. The Public Interest Disclosure Act 1998 (hereinafter referred to as 'the Whistleblowers Act') protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public.
15. The Act only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover-ups' about these issues. To obtain protection, employees must first disclose the information to the employer.
16. This Code has been adopted to provide an avenue within the Academy to raise concerns. If an employee takes the matter outside the Academy s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees in or working in the Academy vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

## **Raising Concerns**

17. As soon as an employee becomes reasonably concerned they should firstly raise the issue with the Head Teacher and/or Chair of the Board of Trustees marking correspondence “confidential”
18. Concerns may be raised orally or in writing. Employees who wish to make a written report should include the following information
  - a. The background and history of the concern (giving relevant dates).
  - b. The reason why they are particularly concerned about the situation.

## Board of Trustee Responses

19. Once the Board of Trustees have been informed, an initial assessment will be made. This may involve an internal inquiry or a more formal investigation. The employee raising the concern will be told who may be handling the matter, how they may be contacted and provide an opportunity for further assistance. The Board of Trustees or Head Teacher will write to the individual raising concerns summarising the issues and setting out the procedure for how it will be handled.
20. When the concern is received, the individual raising it may be asked how they think the concern(s) might best be resolved. Where there is a conflict of interest, the Academy’s Conflicts of Interest policy must be complied with. Should the concern fall within another of the Academy’s policies, the individual raising the concern will be informed.
21. While the purpose of this Code is to enable prompt and efficient investigation of possible malpractice and take appropriate steps to deal with it, feedback will be provided as properly as possible. Where requested, confirmed responses will be made in writing. Please note, however, that the Board of Trustees may not be able to explain the precise action where this would infringe a duty of confidence owed to someone else.
22. Concerns or allegations which fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under that relevant procedure. 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.

23. Where appropriate, the matters raised may:
  - a. Be investigated by management or through the disciplinary process.
  - b. Be referred to the police.
  - c. Be referred to the external auditor
  - d. Form the subject of an independent inquiry.
24. Usually, within two weeks of a concern being raised, the person looking into the concern will write to the person raising the concern:
  - a. Acknowledging that the concern has been received.
  - b. Indicating how the Academy propose to deal with the matter
  - c. Giving an estimate of how long it will take to provide a full response
  - d. Saying whether any initial enquiries have been made
  - e. Supplying information on support available to; and
  - f. Saying whether further investigations will take place and if not, why not.
25. Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

### **Safeguards**

26. The Board of Trustees will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith.
27. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.
28. No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
29. Every effort will be made to ensure confidentiality as far as this is reasonably practical.
30. Help will be provided in order to minimise any difficulties. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site and the person raising the concern will have the right to be represented, if desired.

### **Other Advice**

31. Where individuals are unsure as to whether or not to use the code or where independent advice is wanted, employees may contact
  - a. If applicable, a trade union; or
  - b. The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give provide free confidential advice at any stage about how to raise a concern about serious malpractice at work.
32. Employees in the Academy who are not satisfied with the action taken by the Board of Trustees and feels it right to question the matter further, may consider the following possible contact points:
  - a. A Trade Union
  - b. The Citizens Advice Bureau and/or law centre/firm
  - c. Relevant professional bodies or regulatory organisations
  - d. The Information Commissioner
  - e. A relevant voluntary organisation
  - f. The Police and/or Health and Safety Executive

Signed by AJaffer & AArmytage

Agreed by TGB – February 2014

Reviewed and Updated:

- January 2018 (Signed: AWright) (v2.0)

Next Review Date : January 2019