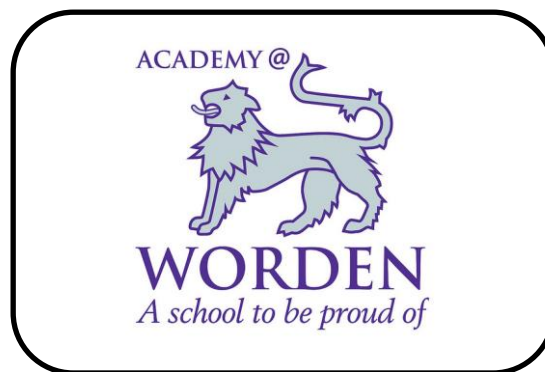


# Academy @ Worden



## WHISTLE BLOWING POLICY

---

## 1. Introduction

1.1 The Academy is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment the Academy is keen that activity, which falls below these standards, is reported to the Academy in order that it can be dealt with promptly. The Academy acknowledges that workers are often the first to realise that there may be something seriously wrong within their organisation and that the Academy needs to encourage workers and others with concerns about any aspect of the Academy's work to come forward and voice those concerns. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public, other staff or the environment, it can be difficult to know what to do. Specific examples could include:

- a criminal offence (e.g. fraud, corruption etc.) may have or has been committed;
- a miscarriage of justice has been or is likely to occur;
- the health or safety of an individual has been or is likely to be endangered;
- public funds are being used in an unauthorised manner;
- the environment has been or is likely to be damaged;
- the Academy's Constitution (e.g. Code of Conduct, Contract Procedure Rules, Financial Procedure Rules) has been or is being breached by members and / or workers;
- abuse (e.g. physical, sexual) of any worker or service recipient is taking place;
- discrimination to any worker or service recipient, e.g. disability, race etc.;
- information relating to any of the above is being deliberately concealed.

1.2 You, as an Academy worker, may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may also fear harassment or victimisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.3 The Academy has this Whistle Blowing Policy to enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof. The Whistleblowing Policy is intended to encourage and enable you, as a worker, to raise serious concerns within the Academy rather than overlooking a problem or simply reporting it outside. It should be read in conjunction with the Code of Conduct already issued to workers.

- 1.4 If something is troubling you, which you think we should know about, or look into, please use this policy. Don't ignore the concern. If, however, you have a grievance about your own personal position or employment, please use the Academy's Grievance Procedure - which you can get from the network, Headteacher or Director of Business and Finance. This Whistle Blowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.
- 1.5 The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
- conduct which is an offence or a breach of law;
  - failure to comply with a legal obligation;
  - disclosures related to miscarriages of justice;
  - racial, sexual, disability or other discrimination where other procedures, such as the school's Bullying and Harassment Procedure, do not apply;
  - health and safety risks, including risks to the public/pupils as well as other employees;
  - damage to the environment;
  - the unauthorised use of public funds;
  - possible fraud, bribery and corruption, including but not limited to, theft of property, financial irregularities, misuse of property and school systems, nepotism, conflicts of interest, or supplier kickbacks;
  - sexual or physical abuse of pupils where referral under safeguarding procedures is not appropriate;
  - other unethical conduct; and
  - actions which are unprofessional or inappropriate.

## **2. Aims & key principles**

2.1 This policy aims to:

- encourage workers to feel confident in raising serious concerns;
- reassure workers that, when they raise any concerns in good faith and reasonably believe them to be true, i.e. "whistleblow", they will be protected from reprisals or victimisation;
- provide avenues for a worker to raise concerns and receive feedback on any action taken;
- ensure that workers get a response to the concerns they have raised from the Academy and, if not satisfied, shows how they may take the matter further if they are dissatisfied with the response;

2.2 Key principles:

It is recognised that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and to those for whom you are providing a service.

The Governing Body will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern which is in the public interest. Any member of staff who harasses or victimises a whistleblower may not only be personally liable but be subject to disciplinary action. Any suspicion of fraud or other wrongdoing will be treated seriously and will be reviewed in accordance with the Public Interest Disclosure Act 1998 (PIDA). As a member of the school's staff or as an employee of one of its agents you have statutory protection against victimisation and dismissal under the PIDA, if you speak out genuinely against corruption and malpractice at work.

"Malpractice" includes any kind of improper practice or conduct which falls short of what is reasonably expected whether it relates to a positive act or omission and also includes any form of harassment.

It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This is in the interests of the school, its employees, any persons who are the subject of such allegations, as well as the person making the disclosure.

Investigations into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy proceedings that are already taking place.

### **3. Scope**

- 3.1 This policy may be used by all workers in the Academy. This includes permanent and temporary employees of the Academy, agency workers, home workers and Academy employees seconded to a third party.
- 3.2 It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other Academy procedures where more appropriate procedures are available

### **4. Safeguards**

#### *Harassment or Victimisation*

- 4.1 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 take action to protect you when you raise a concern in good faith. If you raise a genuine concern under this policy, you will not suffer any detriment in connection with your employment. Therefore, providing you are acting in good faith, it does not matter if you are mistaken.
- 4.2 However, this does not mean that, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your disclosure.

### *Confidentiality*

- 4.3 The Academy will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent or unless instructed by a Tribunal or Court. If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence) we will discuss with you whether and how we can proceed.

### *Anonymous Allegations*

- 4.4 This policy strongly encourages you to put your name to your allegation. Concerns expressed anonymously will be much more difficult for us to look into or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Academy.
- 4.5 In exercising discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
  - the credibility and plausibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

### *Untrue or Malicious Allegations*

- 4.6 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

## **5. How to Raise a Concern within the Academy**

- 5.1 As a first step, you should normally raise concerns with your line manager or their superior. 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 you believe that management is involved, you should approach a member of the Trust in the first instance.

Please say if you want to raise the matter in confidence so the person you contact can make appropriate arrangements.

- 5.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person.
- 5.3 The earlier you express the concern, the easier it is to take action. You may also

wish to involve your Trade Union representative at this stage.

- 5.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 5.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Academy's H. R. Advisory Service (Lancashire).
- 5.6 You may also invite your trade union or professional association to raise a matter on your behalf.

## **6. How the Academy will respond**

- 6.1 The action taken by the Academy will depend on the nature of the concern. The matters raised may:
  - be investigated internally;
  - be referred to the Police;
  - be referred to the External Auditor.
- 6.2 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. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.
- 6.3 Some concerns may be resolved by agreed action without the need for investigation.
- 6.4 Within ten working days of a concern being received, the Academy will write to you:
  - acknowledging that the concern has been received;
  - indicating, in overall terms, how it proposes to deal with the matter;
  - giving, where possible, an estimate of how long it will take to provide a final response;
  - telling you whether any initial enquiries have been made; and
  - telling you whether further investigations will take place, and if not, why not.
- 6.5 The amount of contact between the officers considering the issues and you, 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 you.
- 6.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union colleague, a work colleague, a professional association representative or a friend who is not involved in the area of work to which the concern relates.

6.7 The Academy will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Academy will advise you about the procedure.

6.8 The Academy accepts that you need to be assured that the matter has been properly addressed and as such, where possible, the Academy will provide information in this regard.

## **7 Independent Advice**

7.1 If you are unsure whether to use this Policy or you want independent advice at any stage, you may contact:

- if applicable, your union;
- the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

## **8 How the matter can be taken further**

8.1 This policy is intended to provide you with an avenue to raise concerns within the Academy and to give you the reassurance you need to raise such matters internally. The Academy hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Academy, the following are possible contact points:

- the Academy's External Auditor;
- the Police;
- the Local Government Ombudsman (0845 602 1983);
- the Information Commissioner (01625 545 700);
- Audit Commission (0303 444 8346)
- UNISON Whistleblowing hotline (0800 597 9750).

The list above is not exhaustive and other possible parties to contact may be:

- your local Council member (if you live in the area of the Academy);
- relevant professional bodies or regulatory organisations;
- your solicitor.

We would rather you raised a matter with the appropriate regulator or outside body than not at all. You may raise a concern with any of the above provided that:

- a) you make the disclosure in good faith;
- b) you reasonably believe that the information disclosed, and any allegation contained in it, are substantially true;
- c) you do not make the disclosure for the purposes of personal gain.

Again appropriate legal advice should be sought prior to raising a matter externally.

- 8.2 If you do take the matter outside the Academy, you need to ensure that you do not disclose confidential information or that disclosure would be privileged.

## **9 The Responsible Officer**

- 9.1 The Academy's Solicitor has overall responsibility for the maintenance and operation of the Whistle Blowing Policy. The Solicitor will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Principal and Academy, where appropriate.
- 9.2 The Policy will be reviewed on an annual basis to ensure the Policy remains up to date and to ensure it remains effective.