

## **Whistleblowing Policy**

### **June 2015**

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#### **1. Introduction**

**1.1** The Cidari Multi Academy Trust is committed to the highest standards of openness, probity and accountability.

**1.2** An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Trust to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there are arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Trust has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Trust nor should it be used to reconsider

any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

## **2. Purpose**

**2.1** The purpose of this policy is to make clear that employees can and should voice concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended that this policy will encourage and enable employees to raise serious concerns within the Trust and individual Academy rather than overlooking a problem or 'whistleblowing' outside the organisation.

**2.2** This policy is effective from 16 June 2015 as approved by the Board of Directors of the Cidari Multi Academy Trust (hereafter referred to as the MAT).

## **3. Scope of the Policy**

**3.1** This policy applies to all employees within the MAT whether on a permanent or fixed term contract. It also applies to contractors working for the academy or MAT on academy premises, agency workers, supply teachers and builders.

**3.2** This policy is designed to enable employees of the Trust to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary.

## **4. Roles and Responsibilities**

**4.1** The MAT and management along with the Local Governing Body and management of the individual academies has overall responsibility for ensuring that the Whistleblowing Policy is managed appropriately in accordance with the agreed procedure.

**4.2** The Headteacher of an academy along with the line managers are responsible for making employees aware of the existence of this policy. The Headteacher of an academy is responsible for maintaining a record of concerns raised and outcomes (but in a form which does not endanger confidentiality) and will report to the Local Governing Body and the MAT Board and management as necessary.

**4.3** Employees are responsible for making themselves familiar with and complying with this policy.

## **5. Policy**

**5.1** Employees could be first to realise that there may be something seriously wrong within an individual academy or the MAT. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the academy. They may also fear harassment or victimisation. In these circumstances the employee may feel it is easier to ignore the concerns rather than report what may just be a suspicion of malpractice.

**5.2** The MAT is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it is expected those employees, and others that deal with the MAT, who have serious concerns about any aspect of the MAT's work to voice those concerns. It is recognised that most cases this will have to proceed on a confidential basis.

**5.3** The policy aims to encourage employees to feel confident about raising serious concerns and to question and act upon concerns about practice and to provide avenues for employees to raise those concerns and receive feedback on any action taken. The policy also aims to reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief and have made any disclosure in good faith.

**5.4** A Grievance procedure exists to enable an employee to lodge a grievance relating to his/her own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. This may include:

- Conduct which is an offence or breach of law
- Disclosure related to miscarriages of justice
- Failure to comply with a legal obligation or Statutes
- Serious health and safety risks, including risks to the public as well as other employees or pupils
- Serious damage to the environment
- The unauthorised use of public funds
- Sexual, physical or emotional abuse of pupils
- Improper conduct or unethical behaviour
- Fraud
- Corruption
- Dishonesty
- Criminal activity
- Financial irregularity or malpractice
- Bribery
- Attempts to conceal any of the above

**5.5** Any serious concerns that an employee may have about any aspect of conduct by employees of the academy or others acting on behalf of the academy may be reported under this policy. This policy does not replace the Trust or the academy's complaint procedure.

## **6. Safeguards**

**6.1** This policy is designed to offer protection to those employees of the Company who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

**6.2** The MAT will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect employees when concerns are raised in good faith.

**6.3** Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect an employee.

## **7. Confidentiality**

**7.1** All concerns will be treated in confidence and every effort will be made not to reveal the identity of an employee who raises allegations under this policy. At the appropriate time, however, the employee may need to come forward as a witness.

**7.2** Employees are encouraged to put their name to allegations wherever possible. This is because concerns expressed anonymously are much more difficult to investigate. Therefore anonymous allegations will be considered at the discretion of the Headteacher of the academy in consultation with the Chair of the Local Governing Body. Similarly anonymous allegations received by the Chief Executive Officer will be treated in a similar manner in consultation with the Chair of the Board of Directors.

## **8. Anonymous allegations**

**8.1** This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Trust.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

## **9. Untrue allegations**

**9.1** If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If however, the employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against the employee.

## **10. How to raise a concern**

**10.1** In most circumstances the employee should raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if the employee believes that senior management is involved, the employee should approach the Headteacher of the academy or the Clerk to the Board of Cidari.

**10.2** Concerns may be raised verbally or in writing. It is helpful for the following information to be provided: the background and history of the concern (giving relevant names and dates) and the reason why the employee is particularly concerned about the situation.

**10.3** The earlier the employee expresses the concerns, the easier it will be to take action.

**10.4** Although the employee is not expected to prove beyond reasonable doubt the truth of an allegation, the employee should demonstrate to the person contacted that there are reasonable grounds for the concern.

**10.5** The employee may wish to consider discussing the concerns with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who have the same experience or concerns.

## **11. How the Trust will respond**

**11.1** On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Headteacher unless the complaint is against the Headteacher or is in any way related to the actions of the Headteacher. In such cases, the complaint should be passed to the Clerk to the Cidari Board for referral.
- In the case of a complaint, which is any way connected with but not against any Headteacher or any member of the Senior Management of Cidari the complaint should be passed to the Clerk to the Cidari Board.
- Complaints against the Chief Executive Officer should, in the first instance be passed to the Chair of the Board who will nominate an appropriate investigating officer (usually the Clerk to the Board).
- The complainant has the right to bypass the Headteacher and take their complaint direct to the Chair. The Chair has the right to refer the complaint straight to the Clerk to the Board if he/she feels that the Clerk without any conflict of interest can more appropriately investigate the complaint.

**11.2** If there is any evidence of criminal activity then the investigating officer should inform the police as soon as possible. The Trust will ensure that any internal investigation does not hinder a formal police investigation.

## **12. Timescales**

**12.1** Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

**12.2** The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

**12.3** All responses to the complainant should be in writing and sent to their home address.

## **13. Investigating procedure**

**13.1** The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.

- The investigating officer should consider the involvement of the Trust auditors and the Police at this stage and should consult with the Chief Executive Officer and / or the Chair of the Board of Directors.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive Officer or Chair of the Board of Directors as appropriate.
- The Chief Executive Officer / Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Trust procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Trust Auditors to enable a review of the procedures.

**13.2** If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive Officer and / or the Chair of the Board of Directors.

#### **14. Access to external bodies**

**14.1** The Trust is responsible for considering allegations in the light of the evidence from the investigation and for determining the appropriate course of action.

**14.2** If the after the investigation is completed and all internal procedures have been exhausted if the complainant is not satisfied with the outcome of the investigation, the Trust recognises the lawful right of employees and ex-employees to make disclosures to prescribed persons detailed below:

- the Internal Auditors
- the Financial Statement Auditors
- the Education Funding Agency
- Ofsted
- Or where justified, elsewhere

#### **15. Contact details**

**15.1** Contact details for those designated individuals mentioned above can be obtained from the Cidari central office.

#### **16. Approval of this document**

**16.1** This document was approved by the Cidari Board of Directors at their meeting on 16 June 2015.