



Whistle Blowing Policy (Confidential Reporting Policy)

Author: WSCC / Christie Cavallo

Ratified: September 2019

Next

Review Date: October 2022

:

1. Introduction

- 1.1 Employees are often the first to realise that there may be something seriously wrong within their school. However, they may not say anything because they feel that speaking up would be disloyal to their colleagues or to the school's managers. They may also fear harassment or victimisation. It may be easier for them to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The academy is committed to the highest possible standards of openness, probity and accountability. So we expect employees, and others we deal with, who have serious concerns about the academy's work to come forward and voice them.

The Public Interest Disclosure Act 1998 came into force in July 1999. It gives statutory protection from victimisation and dismissal to employees who speak out against malpractice at work.

The Southwater Infant Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the academy's work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the academy rather than overlooking a problem or 'blowing the whistle' outside.

- 1.4 The policy applies to all employees (regardless of contract type), volunteers, interns, and those contractors working on academy premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the academy.
- 1.5 These procedures do not stand-alone and are in addition to, for example, the academy's complaints procedures and any other statutory reporting procedures. Where other procedures are activated simultaneously, a clear agreement will be reached between the responsible officer who is investigating the concern and the individual making the report about the separate procedures, with agreed programmes for each and an agreement as to whether or not information can be shared for the purposes of each procedure.
- 1.6 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2. Aims and Scope of this Policy

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

The Southwater Infant Academy is mindful of its obligations under the Equality Act 2010 and this policy will be applied fairly and consistently to all staff employed at the academy as well as those carrying out work for the academy, for example, trustees, volunteers, agency workers, contractors or consultants. The term 'member(s) of staff' is used in this document for simplicity but is intended to include this broader range of individuals covered by this policy.

2.2 There are existing procedures in place for you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that may fall outside those procedures. These include:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to academy property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of staff employed by the academy or others acting on behalf of it can be reported under the Whistleblowing Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the academy subscribes to; or
- is against the academy's ethos and policies or
- amounts to improper conduct.

You do not have to refer to the Whistleblowing Policy to have an issue or complaint dealt with under the Policy.

3. Safeguards: Harassment or Victimisation

3.1 The Board of Trustees is committed to good practice and high standards, and wants to be supportive of employees.

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

3.3 The Board of Trustees will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern with a reasonable belief and in the public interest.

3.4 Any investigation into allegations of potential malpractice will not influence, or be influenced by, disciplinary or redundancy procedures that already affect you.

4. Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness, or agree to your identity being disclosed, or the details of your concerns shared with others.

4.2 This policy encourages you to put your name to your concerns whenever possible.

4.3 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the academy.

4.4 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and

- the likelihood of confirming the allegation from attributable sources.
- 4.5 The responsible officer may ask you to explain your original concern in further detail if his/her investigation fails to substantiate it.

5. False or Unproven Allegations

- 5.1 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 an untrue allegation frivolously, maliciously, or an allegation that is vexatious or for personal gain, disciplinary action may be taken against you.

6. How To Raise A Concern

- 6.1 As a first step, a member of staff should normally raise concerns with his/her immediate line manager, with the Headteacher, or with the Academy's Designated Safeguarding Lead (DSL) where this is appropriate to the nature of the concern. If the allegations involve the Headteacher, the member of staff should raise the matter with the Chair of Trustees.
- 6.2 For all workplace Safeguarding concerns, please refer to the 'Confidential Reporting' section of the Child Protection Policy. A copy of this can be found in the workroom or requested from the academy office.
- 6.3 While the Academy encourages members of staff to raise their concerns internally, it is recognised that some staff may feel unable to do this and that they may therefore wish to contact an independent, external organization (see section 9).
- 6.4 Concerns may be raised verbally or in writing, but the earlier the concern is expressed the easier it is to take any required action. Members of staff who wish to make a written report are encouraged to include the following information:
- The background and history of the concern, giving relevant dates and providing as much supporting evidence as possible;
 - The reason(s) why they are particularly concerned about the situation.
- 6.5 Where a concern is raised verbally, the person hearing it must ensure that a written account of it is made to assist with any subsequent investigation. Academy management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation.

- 6.6 The whistleblower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

7. How the Academy will respond

7.1 Initial Enquiry

In order to protect the individuals involved, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take and who should be appointed to conduct it. The overriding principle is that of the public interest. If urgent action is required, for example if the welfare of pupils may be at risk, this action will be taken before any investigation is conducted. Further to the results of this enquiry, the following steps will be considered:

- Concerns or allegations which fall within the scope of specific procedures, e.g. child protection, bullying or harassment or disciplinary, will normally be referred for investigation and consideration under those procedures.
- Where there are any concerns about financial impropriety or criminal activity, the concern will be referred to an independent body before taking any other action, which may include reporting to the police.
- Concerns indicating unlawful financial activity should be reported to the ESFA.
- Suspected incidents of malpractice relating to examinations will be reported to the appropriate awarding body at the earliest opportunity.
- In other cases, an impartial investigator may be appointed and the Academy will seek advice from the LEA.

7.2 Communication

Within ten working days of a concern being raised, the person who is dealing with the concern will respond in writing to the whistleblower directly. The response will:

- Acknowledge receipt of the concern
- Indicate how the Academy proposes to deal with the matter
- Give an estimate of how long it may take to provide a final response
- Advise whether any initial enquiries have been made
- Supply information on any staff support mechanisms, and

- Advise whether further investigation or action is required, and if not, why not.

7.3 Investigation

Once preliminary enquiries have established the need for an investigation, an appropriate person will be appointed to conduct the investigation (see section 6). The person appointed to undertake the investigation is responsible for establishing the facts of the matter, in so far as it is reasonably possible to do so, and for assessing whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

7.4 Written records of all interviews will be kept throughout the investigation together with details of any action taken. The investigation will result in a written report and recommendations for corrective action, which will be passed to the Headteacher and/or the Chair of Trustees, as appropriate to the concerns under consideration, to determine whether formal action shall be taken.

7.5 The member of staff raising the concern will, subject to legal constraints, be advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may, for example, include changes to working practices to ensure that a similar situation does not occur again.

8. Monitoring and Reporting

8.1 The Southwater Infant Academy Trust is responsible for overseeing the operation of this policy and for ensuring that appropriate records are maintained regarding concerns raised and the outcomes. It is also responsible for reporting concerns to other external bodies as appropriate to the circumstances.

9. How the Matter Can Be Taken Further

9.1 This policy is intended to provide members of staff with an avenue to raise concerns internally. If the member of staff feels that it is right to take the matter outside the academy, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisations, or legal advisor.

The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the FSA, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work (www.pcaw.co.uk)