

## WHISTLEBLOWING Procedure

**Review Date:** March 2024

**Review by:** Pastoral, Safeguarding and Wellbeing Committee

**Final Approval:** Pastoral, Safeguarding and Wellbeing Committee

### Purpose

The Academy is committed to the highest standards of openness, probity and accountability. In line with this commitment, it encourages employees with serious concerns about its work to come forward and voice those concerns. This also applies to concerns about the activities of employees, governors, and also external organisations in their dealings with the Academy.

This procedure:

- provides the basis on which employees can raise any such concerns they may have, and receive feedback on action taken;
- allows employees to take the matter further if they are dissatisfied with the School's response, and
- gives protection from reprisals or victimisation for 'whistleblowing' in good faith.

There are existing procedures in place to enable employees to raise grievances about their own employment. This procedure covers concerns which fall outside the scope of individual grievances.

The concern may be about something which falls under one or more of the following:

- Is unlawful;
- Is against the Academy's Standing Orders or; Policies;
- Amounts to improper conduct;
- Seems likely to harm a member of the public or the environment ;
- Represents a cover-up of these sorts of issues.

### Data Protection

- Any personal data processed in the delivery of this policy will be processed in accordance with the Academy Data Protection Policy.

### What safeguards are there?

#### Harassment or victimisation

The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those alleged to be behaving inappropriately. The Academy will not tolerate harassment or victimisation, and will take all possible measures to protect employees who raise concerns in good faith.

#### Confidentiality

The Academy will protect the identity of employees who raise concerns and do not want their names to be disclosed. It must be appreciated, however, that the investigation may reveal the source of the information, and statements made by the employees who raised the issue may be required as part of the evidence.

All reasonable steps will be taken to maintain the confidentiality of the employees who raise concerns where this is requested (unless the Academy is required by law to break that confidentiality).The Academy encourages employees to put their name to allegations made. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Academy. In exercising this discretion, the factors to be taken account of will include:

- the seriousness of the issue raised
- the credibility of the concern

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Whistleblowing	1 of 3	Implementation Date: June 2023	Version 4
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- the likelihood of confirming the allegation from attributable sources.
- untrue allegations

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken. However, if employees make allegations that are malicious or vexatious, disciplinary action against them may be likely.

### **How do I raise a concern?**

The earlier employees express their concern, the easier it is to take action.

This will depend on the nature of the concern. As a first step, employees should normally raise concerns with their line manager or a member of the Senior Leadership Team. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. Employees who feel that they cannot approach anyone in the Academy, they should approach either:

- the Chair of Governors
- their Trade Union or Professional Association (for advice)

Concerns are better raised in writing. This should set out the background and history of the concern, giving names, dates and places where possible, and the reason why the employee is concerned about the situation. Further evidence will not need to be provided for the Academy to look into the concerns raised. Employees who do not feel able to put their concerns in writing can telephone or meet the appropriate person.

Employees may invite their trade union or professional association to raise the matter in conjunction with them.

### **Low-level concerns**

A low level concern is an allegation about a staff member's behaviour which does not pose an immediate risk and is otherwise not considered serious enough to report to the Designated Officer at the Local Authority, but which is inconsistent with the Code of Conduct. It can also apply to inappropriate conduct outside work. (Examples include using inappropriate language, being over-friendly with students.)

Employees who witness behaviour which they consider to be a low level concern and therefore potentially detrimental to the safety and welfare of children have a duty to report it. This should be reported in line with safeguarding procedures – ie

- to the Headteacher if it concerns any adult working in the academy, or
- the Chair of Governors if it concerns the Headteacher.

Anonymous whistleblowers will not ordinarily be able to receive feedback and any action taken to look into the disclosure could be limited. Anonymous whistleblowers may seek feedback through a telephone appointment.

### **How will the Academy respond?**

The action taken will depend on the nature of the concern. The matters raised may for example:

- be investigated internally
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

Some concerns may be resolved by agreed action without the need for investigation. 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 other procedures (for example, child protection or unlawful discrimination issues) will normally be referred for consideration under those procedures.

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Within 10 working days of a concern being received, the appropriate member of the Leadership Team or other recipient of the concern, will write to the employee who raised the issue:

- acknowledging that the concern has been raised;
- stating whether further investigations will take place, and if not, why not.
- indicating how it is proposed to deal with the matter, where possible, giving an estimate of how long it will take to provide a final response

The amount of contact between those considering the issue and the employee who has raised the issue 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 the employee.

When any meeting is arranged with the employee, he or she will be given the right to be accompanied by a Union or professional association representative or an Academy colleague who is not involved in the area of work to which the concern relates.

The Academy accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal or contractual constraints, employees will receive information about the outcomes of any investigations.

### **What happens if I am not satisfied with the action?**

If employees are not satisfied, and feel it is right to take the matter outside the Academy, the following are possible contact points, some or all of which may be appropriate:

- A local Council Member (for employees who live in the area of the Council)
- The External Auditor (details obtained from the Finance Office)
- The Accounting Officer
- Relevant professional bodies or regulatory organisations including DfE and Ofsted
- The Police
- The charity Protect, for free confidential whistleblowing advice, (telephone 020 3117 2520)

If employees do take the matter further in any of these ways, they need to ensure that they do not disclose otherwise confidential information.

### **Accounting Officer**

The Headteacher has overall responsibility for the maintenance and operation of this procedure. If the matter relates to the Headteacher it should be referred to the Chair of Governors That person maintains a record of concerns raised and the outcomes and will report as necessary to the Governing Body.

Further guidance can be accessed via:

- The Department for Business Innovation and Skills website ([www.gov.uk/government/organisations/department-for-business-innovation-skills](http://www.gov.uk/government/organisations/department-for-business-innovation-skills))
- ACAS

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Whistleblowing	3 of 3	Implementation Date: June 2023	Version 4
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