

Whistleblowing Policy

History of document: To be reviewed annually and re-approved every three years, or sooner if deemed necessary.

Issue number	Author	Date written	Approved by Board	Comments
1	C Burt	01 September 2016	28 March 2017	
2	C Burt	10 July 2018	N/A	ESFA now and new Auditors appointed

Whistleblowing Procedure

1. Introduction

- 1.1 Every Trust has a responsibility to ensure that all its schools are managed to the highest standards of probity, and that its decision making and administration is conducted in such a way as to be above any suspicion of malpractice.
- 1.2 Clear policies, standards and procedures for making decisions, particularly those which entail significant expenditure or decisions which significantly affect employment at the school are essential elements in creating and sustaining an atmosphere of openness and trust in academy management. Such an atmosphere is the best way of forestalling suspicion or complaint.
- 1.3 The Nolan Committee on Standards in Public Life recommended that local public spending bodies should institute codes of practice on the disclosure of malpractice (or “whistleblowing”) appropriate to their circumstances, which would enable concerns to be raised confidentially inside and, if necessary, outside the organisation. Under the Public Interest Disclosure Act 1998, employees who raise concerns about malpractice within their place of work have statutory protection against victimisation for making such a disclosure, provided the disclosure is made in good faith and otherwise qualifies as a protected act.
- 1.4 By the adoption and publication of this Policy the Trust demonstrates its commitment to high standards of conduct in its affairs and establish a basis on which any employee can properly raise genuine concerns without prejudice to his/her personal position.
- 1.5 This procedure has been subject to consultation with all recognised trade unions and has their support.

2. Purpose of the procedure

- 2.1 The purpose of this procedure is to encourage any employee who has a genuine concern that practices in their academy, or the Trust, do not meet the required standards of probity to raise that concern at an appropriate level and in an appropriate manner.
- 2.2 This procedure is also intended to guide any employee who genuinely believes that s/he has a disclosure to make about malpractice in their academy in making that disclosure. It sets out to whom malpractice (or suspected malpractice) should be reported and how it should be reported.
- 2.3 The procedure also sets out the safeguards that the academy will offer to any employee who makes a disclosure in the recommended way and in good faith.

3. Definitions and exclusions

- 3.1 The term “malpractice” may cover a broad range of acts, omissions, or practices. What employees may wish to report will usually be a specific instance or instances of wrongdoing on the part of an individual or a group of individuals. However, in certain circumstances, employees may wish to report bad practice which, if it were to continue, would be likely to lead to wrongdoing.
- 3.2 The following examples indicate the type of actions which would normally be inappropriate, including use of a school’s delegated budget, although this list is by no means exhaustive:
- any unlawful act, whether criminal or a breach of civil law, failure to comply with legal obligations or where a miscarriage of justice has occurred, is occurring or is likely to occur
 - any form of maladministration;
 - breach of any statutory Code of Practice;
 - failure to comply with appropriate professional standards;
 - endangering the health and safety of any individual with actions which are likely to
 - cause physical danger, or give rise to a risk of significant damage to property;
 - disregard of proper tendering procedure for significant contracts;
 - manipulation or falsification of accounting records;
 - making decisions for personal gain;
 - inappropriate (e.g. private) use of school assets;
 - abuse of position for personal advantage or gain;
- 3.3 The Trust’s Funding Agreement and Finance Policy sets out the standards of good practice in school management and administration to determine whether or not Trust Directors, Governors and Employees have acted properly.
- 3.4 An action does not have to constitute a criminal offence in order to be classified as “malpractice”, although clearly anything that constitutes a criminal offence would almost certainly amount to malpractice.
- 3.5 This procedure is not intended to take the place of other procedures through which employees may raise specific concerns or complaints about their personal treatment. Complaints by employees about their personal treatment by others or about the way in which employment policies and practices have been applied to them (including decisions about pay and grading) should be raised under the Trust’s grievance procedure, the harassment/bullying procedure or under any other appropriate procedure. Complaints about the protection of children should normally be raised under the separate procedures designated for that purpose. This procedure would not normally be appropriate for raising concerns about health and safety issues, unless they were related to a broader complaint of malpractice.

4. Procedure for making a disclosure

- 4.1 The means of making a disclosure will depend to some extent on the nature and seriousness of the concern, the sensitivity of the issues and the individual, or individuals, thought to be involved in the malpractice reported.
- 4.2 As a general rule, an employee wishing to make a disclosure (the “informant”) should raise his/her concerns in the first instance with the appropriate Headteacher. If the concern is in relation to the Headteacher then the concern should be raised with the Chair of the Local Governing Body or the Chair of the Board of Directors. This would be the normal channel where the concern is about the conduct or practice of immediate colleagues – e.g. a concern that the school’s policies and procedures are not being properly or fairly applied. This will enable the issue to be addressed immediately at school/Trust level.
- 4.3 Where an informant genuinely believes that s/he cannot approach the Headteacher or the Chair of the Board of Directors, the concern should be raised with the ESFA. This course of action may be appropriate if the disclosure were about the conduct or practice of the Headteacher or the Trust Board.
- 4.4 A disclosure may be verbal (e.g. by telephone) or in writing. An informant should normally identify him/herself and should make it clear that s/he is making a disclosure within the terms of this Whistleblowing Procedure. Concerns raised in casual conversation do not constitute a disclosure.
- 4.5 An informant raising a concern verbally will normally be expected to support and substantiate those concerns in writing, unless there are special circumstances indicating that this is inappropriate. Informants who feel unable to commit their concerns to writing will normally be asked to meet with an appropriate senior officer, who will compile a written note of the disclosure.
- 4.6 The informant may be accompanied by a trade union representative or friend at any meeting either with the person to whom a disclosure is being made or who has been authorised to conduct an investigation into an allegation of malpractice.
- 4.7 It is not necessary for an informant to produce conclusive evidence to support his/her disclosure. Suspicion may be valid grounds for raising a concern. However, the informant should normally have direct information about, or knowledge of, the malpractice alleged or know where such evidence is located. The informant’s concern should be based on more than hearsay, gossip, or the reports of others.
- 4.8 Disclosures should not normally be made to the press, radio, television or other news media. The recommended internal reporting channels should be used. Employees have certain rights under the Public Interest Disclosure Act to report malpractice to specified external agencies (e.g. an employee who suspects that a criminal act has been committed may inform the Police). However, it would be expected that an informant would make any disclosure in the first instance either within the Trust or to the ESFA, as set out above.

5. Responding to a disclosure

- 5.1 The response to an informant's disclosure will depend on a number of factors such as the seriousness and complexity of the allegations made. Allegations may be:
- investigated within the school.
 - referred to a Responsible Officer and or the Auditors;
 - referred to the Police;
 - referred to another independent form of enquiry;
- or any combination of the above.
- 5.2 Disclosures will be subject to initial enquiries in order to decide whether a full investigation is necessary and, if so, what form it should take, who should conduct it, and whether any reference to another agency is necessary or desirable. Some concerns may be resolved through agreed action without the need for further investigation.
- 5.3 If the informant's concern falls within the scope of an alternative procedure, s/he will be advised to pursue it through that procedure.
- 5.4 An informant who presents his/her disclosures in writing will receive written acknowledgement and will be informed of the outcome of any investigation. The extent of the information given to informants will depend upon a number of factors, e.g. whether the investigation is referred to the Police and leads to criminal prosecution. Where an investigation is protracted, the Trust officer dealing with the matter will normally report to the informant on the progress of the investigation insofar as this is possible.
- 5.5 Where an informant is unwilling to identify him/herself, any person receiving a complaint about malpractice should log the incident and consult the Headteacher/Chair of Trust Board to decide whether or not any investigation should be undertaken.

6. Safeguards for informants

- 6.1 The decision to report malpractice can be a difficult one for an employee, who may possibly fear subsequent victimisation or harassment. No action will be taken against an employee who has raised a concern in good faith, even if that concern is seen to be unfounded after investigation.
- 6.2 However, informants who are themselves the subject of investigation or action under formal procedure (e.g. discipline, capability or harassment) should not necessarily expect that the procedure will be discontinued as a result of their disclosure.
- 6.3 Victimisation or harassment of an employee who has raised a concern in good faith, or any other attempt at reprisal either by an employee whose conduct is the subject of investigation or others, will be considered a disciplinary offence.
- 6.4 Where informants do not wish to be identified to others in the course of an investigation that wish will be respected in so far as it is reasonably practicable. However anonymity cannot be guaranteed. The process of investigation may reveal the identity of informants and, especially in serious cases, informants may be required to give evidence, either by the Trust, the ESFA, or the Police. Any person subject to disciplinary action or prosecution would have access to such evidence. Informants who are subsequently required to give evidence will be given all reasonable and practicable support and protection from reprisals.
- 6.5 The Trust and the ESFA will take all reasonable steps to minimise any difficulties informants may experience as a result of raising a genuine concern. Informants who are required to give evidence in disciplinary or criminal proceedings may seek advice from the ESFA on procedural aspects of this obligation. The school will consider sympathetically requests from informants for special leave, counselling or other support.

7. False or malicious allegations

If an allegation is made or a concern is raised in good faith, no action will be taken against an informant. However, malicious, or vexatious allegations, or disclosures made for personal gain will be considered as disciplinary offences and are likely to result in disciplinary action being taken against the informant.

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