

Policy Statements and Procedures

Confidential Reporting (Whistleblowing)

What is the context?

All employees at one time or another have concerns about what is happening at work. Usually, these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice, health and safety risk to the public or to other employees, damage to the environment, possible fraud or corruptions, sexual or physical abuse of clients or any other unethical conduct, it can be difficult to know what to do.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Trust, College or School. 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. You may also fear that you could be harassed or victimised.

The Trust is committed to the highest possible standards of openness, probity and accountability. It expects that its employees who have serious concerns about anything that is happening in the College/School to come forward and raise those concerns. The Trust, however recognises that employees need to be supported and have confidence that any concerns will be treated appropriately. The purpose of this policy, which is based on the Public Interest Disclosure Act 1988, is to enable you to raise your concerns about such malpractice at an early stage and in the right way. The Trust would rather that you raised the matter when it is just a concern rather than wait for proof.

The policy is intended to apply not only to employees but also to contractors working for the Trust on Trust premises. It also covers suppliers and those providing services under a contract with the Trust in their own premises, for example care homes.

This policy is primarily for concerns where the interests of others or of the organisation itself are at risk. If you have a concern about your employment with the Trust this should be raised through the Grievance Procedure. The Trust also has policies to cover the situation where you personally are the victim of bullying or harassment.

If in doubt – raise it!

Purpose of the policy

1. The policy aims to encourage staff and others to feel confident in raising serious concerns by provided clear avenues through which those concerns can be raised and re-assuring staff

who raise concerns that they will not be victimised if they have a reasonable belief and the disclosure was made in good faith.

2. The policy will ensure that staff and others who raise concerns receive a response and are informed about how their concerns received a response and are informed about how their concerns are being dealt with.

Safeguards

1. The Trust is committed to good practice and high standards and wants to be supportive of employees. The Trust recognises that the decision to report a concern can be a difficult one to make. If you raise a genuine concern under this policy 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.
2. The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
3. Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect you.
4. 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.
5. You should, whenever possible, put your name to your allegation as concerns expressed anonymously are much less powerful. The Trust will exercise discretion in considering anonymous allegations if the issue raised is sufficiently serious – e.g. involving individual or public safety or corruption, waste or other impropriety and credible and there is a likelihood of confirming the allegation from other sources.
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 an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

How to raise a concern

1. It is normally expected that concerns will be raised in the first instance with your immediate line manager, or Principal/Headteacher, or Executive Headteacher/Principal. However, if the matter is of an extremely sensitive or serious nature, or you believe management to be involved, you should approach the Clerk to the Academy Board or Company Secretary. These officers will provide you with advice/guidance on how to pursue matters of concern.
2. Concerns may be raised verbally in the first instance and followed up in writing. When raising a concern, you should include any background and history with relevant dates, and the reason why you are particularly concerned about the situation.
3. You will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
4. You may be accompanied at any meetings or interviews in connection with the concerns you have raised by your trade union or other representative, or a friend.

How the Trust will respond

1. Once you have raised your concern, it will be looked into in order to assess, initially, what action should be taken.
2. As appropriate, matters raised may:
 - Be investigated by management, the appointed Investigating Officer, or through the disciplinary process.
 - Be referred to the Police.
 - Be referred to the external auditor.
 - Form the subject of an independent investigation.
3. In deciding how to deal with the concern raised the overriding principle which the Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of the specific procedures e.g., Safeguarding and Child Protection, will normally be referred for consideration under those procedures. Some concerns may be resolved through agreed actions without the need for investigation. If urgent action is required, this will be taken as appropriate before any investigation is conducted.
4. Within ten working days of a concern being raised, the person with whom you have raised the concern will write acknowledging that the concern has been received, indicating how the Trust proposes to deal with the matter. If there is an ongoing investigation the person responsible for the investigation will provide an update if possible on how the matter is progressing and inform you of the outcome of the investigation, subject to any legal constraints.
5. The Trust 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 Trust will arrange for you to receive advice about the procedure and any support and counselling you require.

The Academy Board has overall responsibility for the maintenance and operation of this policy. The Academy Board will retain a record of any concerns raised, and the outcomes, in a form which does not endanger your confidentiality, and will report as necessary.

External contacts

While the Trust seeks through this policy to give you the reassurance you need to raise such matters internally, it recognises that there may be circumstances where you can properly report matters to outside bodies, such as the Police. Should employees wish to seek other independent advice in relation to whistleblowing, advice can be sought from their Trade Union Representative or the whistleblowing charity 'Protect' <https://protect-advice.org.uk/> provides further advice and information. The Citizen's Advice Bureau can offer advice on such an option and the circumstances in which you may be able to contact an outside body safely.

This policy makes it clear that 'whistleblowers' can raise concerns that are in the public interest without fear of victimisation, or subsequent discrimination or disadvantage. The aim is to encourage and enable employees to raise serious concerns within the Trust rather than overlooking the problem or reporting the matter externally. This policy ensures that the Trust complies with its duty under the Public Interest Disclosure Act 1998.

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