



SIR ROBERT PATTINSON ACADEMY

‘WHISTLE BLOWING’ POLICY

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‘WHISTLE BLOWING’ POLICY

INTRODUCTION

This policy applies to all employees, workers and governors and other individuals performing functions in relation to the organisation e.g. agency workers.

Colleagues who work here would often be the first to realise that there may be something seriously wrong within the Academy. However, they may not express their concerns because they feel that speaking up would be disloyal. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Academy is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, the Academy will encourage those people with serious concerns to come forward and voice those concerns. In return the Academy will provide a structure which is safe and acceptable.

It is important to the Academy that any fraud, misconduct or wrongdoing by employees or governors of the academy is reported and properly dealt with. This Whistle Blowing Policy has been agreed to maintain and improve standards. It is an overarching document for other procedures on complaints, grievances and standards across the Academy.

This document is intended to encourage and enable anyone who works for or on behalf of the Academy to raise serious concerns within the Academy rather than overlooking a problem and to make it clear that reporting will happen without fear of reprisal.

This Policy provides for stakeholders to raise concerns arising from reasonable suspicion of malpractice within or relating to the Academy.

The Governing Body expects its partners and contractors to operate within their own ethical framework, which would be comparable to this policy.

AIMS AND SCOPE OF THE POLICY

This Policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- enable you to raise concerns and receive feedback on any action taken where it is appropriate;
- allow you to take the matter further if you are dissatisfied with the Academy’s response; and
- reassure you that the Academy will seek to protect you from reprisals, or victimisation for raising concerns in good faith.

THE LEGAL FRAMEWORK

The Public Interest Disclosure Act 1998 amends the Employment Rights Act 1996 to include provisions which are designed to protect workers who raise legitimate concerns about specified matters. **These are called 'Qualifying Disclosures' or 'Protected Disclosures'**. A Qualifying disclosure is one made by a worker, who has a reasonable belief that:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation
- Concealment of any of the above

is being, has been, or is likely to be committed. It is not necessary for the worker to have proof that such an act is being, has been or is likely to be committed – **a reasonable belief is sufficient. A qualifying disclosure has to be disclosed in the public interest for the worker to be protected under the legislation.**

Under the legislation, if you make a protected disclosure, you have the right not to be dismissed or be subjected to victimisation because you have made the disclosure.

This policy is not limited to protected disclosures, but encompasses all concerns relating to the Academy or its work or the actions or admissions of anybody working for or with us. **However, neither the legislation nor this policy deals with complaints about an employee's own position.** These are not considered disclosures in the public interest and should be raised through the grievance procedure.

OTHER IMPORTANT MATTERS

The Policy will come into immediate effect regardless of the date when any reported incident occurred.

This Policy is not intended to replace other established policies. The key policy which interrelates to the whistle blowing policy is the grievance policy which forms part of your Terms & Conditions of Employment.

The grievance policy enables concerns to be raised by employees about their work, working environment or working relationships. Some common areas that may give rise to a grievance involve terms and conditions of employment, relationships at work (including any type of harassment and bullying), new working practices, organisational change and fair treatment.

Details of the grievance policy and how to apply it are in the Academy's Terms & Conditions and should be used in cases such as those described above.

Concern about a colleague's professional capability should not be dealt with using this procedure.

SAFEGUARDS

Harassment or Victimisation

The Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Academy will not tolerate harassment or victimisation and will take action to protect you if you raise a concern in good faith.

Confidentiality

Whenever possible concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, confidentiality is not absolute and cannot be guaranteed. At an appropriate time you may need to come forward as a witness and this will be fully discussed with you. In very exceptional circumstances, for instance where life is threatened or child abuse is disclosed, appropriate disclosure will be made to the regulatory authorities.

Anonymous Allegations

This Policy encourages you to put your name to your allegation, as concerns expressed anonymously are less powerful. However, the absence of a name will not prevent an investigation taking place. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to obtain more details.

Unfounded/Untrue Allegations

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 malicious or vexatious allegations or are motivated by personal gain, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with a member of Senior Leadership Team. This depends, however, on the nature, seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example if you believe that senior leadership is involved, you should approach the Headteacher or Chairman of Governors (see Appendix 1 for guidance).

Concerns should be raised in writing; giving the background and history of the concern, names, dates and places where possible, and the reason why you are particularly concerned about the situation. All correspondence should be marked 'Personal & Confidential'.

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

Although you are not expected to prove an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may invite your trade union to raise a matter on your behalf.

If you feel you need to take advice before raising the concern you may contact the independent charity, Protect who provide free confidential legal advice on whistle blowing matters. Their website address is <https://protect-advice.org.uk/>

HOW THE ACADEMY WILL RESPOND

The action taken by the Academy will depend on the nature of the concern.

The matters raised may be:

- investigated internally by senior staff or Governors
- referred to an external agency, for instance a financial auditor or LADO
- referred to the Police.

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 specific procedures (for example child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action or explanation without the need for investigation.

Within ten working (school) days of a concern being received, the Academy will contact you, ideally in writing:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made and
- telling you whether further investigations will take place, and if not, why not
- giving you details of support mechanisms

The amount of contact between those considering the issues and you 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 you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union representative who is not involved in the area of work to which the concern relates.

The Academy will take steps to minimise any difficulties which you may experience as a result of raising a concern.

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

Where a case is investigated the detailed course of action will be determined by the Headteacher or Chairman of Governors as appropriate in line with the steps set out above. They will decide whether to publish any details of the concern and any action plan. If details are published they will discuss this with you and seek to address any concerns you have about anonymity.

In the case of allegations against the Headteacher, the initial course of action will be determined by the Chairman of Governors.

If you are not satisfied with how your concern has been dealt with then tell someone else (eg a more senior member of staff or chair of governors) or if you believe your concern wasn't taken seriously or the wrongdoing is still going on. The 'concerned individual' can contact the Advisory, Conciliation and Arbitration Service (ACAS), the whistleblowing charity Public Concern at Work or your trade union for more guidance.

The Governing Body has overall responsibility for the maintenance and review of this policy. They will keep a record of concerns raised, action taken (e.g. nature of onward referral) and outcomes (in a form which does not endanger your confidentiality).

'WHISTLE BLOWING' PROCEDURES GUIDANCE FOR SENIOR LEADERSHIP TEAM

A member of the Senior Leadership Team (SLT) may be informed in person, in writing or over the phone by a 'Concerned individual' about concerns and that they are 'confidentially reporting' within the procedure of the Whistle Blowing Policy.

The member of SLT should respond immediately by arranging to meet with the 'Concerned individual', accompanied by a Union Representative if desired, to discuss the concerns within 10 school days.

Stage 1

At the initial meeting the member of SLT should establish that there is genuine cause and sufficient grounds for concern and that the concern has been appropriately raised via the Whistle Blowing Policy.

If the concern is raised in person or over the phone, the member of SLT should ask the 'Concerned individual' to put their concerns in writing. They should make notes of the discussion with the 'Concerned individual'.

All letters and notes should indicate that the 'Concerned individual' is raising concerns in accordance with the policy and should provide:

- the background and history of the concerns
- names, dates and places (where possible)
- the reason why the 'Concerned individual' is particularly concerned about the situation
- notes/letters should be dated and signed (this should be encouraged as a concern expressed anonymously is less powerful and more difficult to address)

The member of SLT should follow the policy and in particular explain to the 'Concerned individual':

- what steps they intend to take to address the concern
- how they will communicate with the 'Concerned individual' during and at the end of the process
- that they will ensure a written response is sent out within ten working (school) days
- that their identity will be protected as far as possible, but that should the investigation into the concern require the 'Concerned individual' to be named as the source, this will be discussed with the 'Concerned individual' **before** their name is disclosed
- that the Governing Body will do all it can to protect the 'Concerned individual' from discrimination and/or victimisation
- that the matter will be taken seriously and investigated immediately
- that if the 'Concerned individual's' concerns, although raised in good faith, are not confirmed by the investigation, no punitive action will be taken against them

The member of SLT should explain to the 'Concerned individual' that:

- if clear evidence is uncovered during the investigation that the 'Concerned individual' has made a malicious or vexatious allegation, disciplinary action may be taken against them
- the investigation may confirm their allegations to be unfounded, in which case the Governing Body will deem the matter to be concluded and the 'Concerned individual' will not be expected to raise the concern again unless new evidence becomes available

Stage 2

Following the initial meeting with the 'Concerned individual', the member of SLT should consult with the Headteacher or Chairman of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and agreed actions.

It may be necessary in the case of anonymous allegations, to consider whether it is possible to take any further action. To determine this decision the member of SLT should take into account the following factors:

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

In some cases it may be possible to resolve the concern simply by agreed action or an explanation without the need for further investigation. However, depending on the nature of the concern it may be necessary for the concern to:

- be investigated internally
- be referred to the Police
- be referred to an external agency
- form the subject of an independent inquiry

Stage 3

Within ten working (school) days of a concern being received, the manager receiving the concern must write to the 'Concerned individual':

- acknowledging receipt of the concern
- indicating how the matter will be dealt with
- giving an estimate of the length of time it will take to provide a final response and telling the 'Concerned individual' whether any initial enquiries have taken place
- telling the 'Concerned individual' whether further investigations will take place, or if not why not
- letting the 'Concerned individual' know when they will receive further details if the situation is not yet resolved

- providing the 'Concerned individual' with details of whom they can contact (as below) should they be dissatisfied with the response

External Contacts

- 'Protect', <https://protect-advice.org.uk/> Telephone: 020 3117 2520
- A recognised Trade Union
- A senior Local Authority officer
- The external Local Authority Auditor
- Relevant professional bodies or regulatory organisations
- A solicitor