

Whistleblowing Policy

James Brindley School

The Governing Body would rather that you raised the matter at the earliest opportunity, so that all appropriate support may be provided in accordance with this policy.

If something is troubling you, which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please refer to the Grievance Policy.

This Whistle Blowing Policy seeks to address concerns where the interests, reputation of the organisation or its staff are at risk.

If in doubt – raise it!

To be reviewed (bi-annually) by:
The Staffing and Pay Committee - June 2018
Full Governing Body

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Whistleblowing Policy

1. Introduction

1.1. Rationale (Why)

James Brindley School is committed to ensuring the highest possible standards and quality in delivering the educational services it provides. The academy recognises that raising concerns can provide a vital source of feedback on the service that is being provided. This policy demonstrates the Governing Bodies commitment to recognise and take action in respect of possible danger, illegal acts, professional misconduct, financial malpractice or any other serious risk, considered to be in the academy/public interest, by its staff or former employees.

It is clear from numerous reports and referenced clearly in 'Working Together to Safeguard Children (2015)' that organisations such as academies should have,

"...clear whistleblowing procedures, which reflect the principles in Sir Robert Francis's Freedom to Speak Up review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed..."

This policy therefore seeks to reassure all staff that it is safe and acceptable to "speak up" and raise any concern as soon as possible to avoid further detriment. This is sometimes referred to as "whistle-blowing". All staff are encouraged to follow the internal procedure and other relevant policies prior to considering the need to pursue external routes. This policy therefore sets out robust mechanisms so that internal processes may be used and exhausted first. The point where a concern is raised externally to the academy is when the concern becomes a 'whistle-blow'.

The policy has been developed to ensure the academy complies with the requirements of:

- The [Public Interest Disclosure Act, 1998 \(PIDA\)](#) and any subsequent amendments.
- Further supported by the [Employment Rights Act 1996](#) which protects employees who wish to raise concerns about Health and Safety at work.

1.2. Scope (Where, When, Who)

This policy applies to all staff within James Brindley School including volunteers, students and governors. This policy may also be applied to third parties, self-employed workers, contractors and agency employees working within the academy.

This policy is primarily for concerns where the interests of others or of the organisation itself are at risk. This Policy should not be used if there are other more appropriate policies available. In particular, consideration should be given to the following academy policies:

- Safeguarding including child protection
- [Complaint procedure](#)

Should a member of staff have a complaint about their employment or how they have been treated, then consideration should be given to other policies and procedures that deal with standards and conduct at work including:

- [Fraud](#)
- [Grievance](#)
- [Anti-Harassment](#)
- [Capability \(Teachers'\)](#) or [Competency \(Support Staff\)](#)
- [Disciplinary](#)

These policies should be fully considered and utilised appropriately prior to considering whether to make a disclosure/raise a concern about an irregularity under this policy.

Where the issue raised relates to potential fraud the Education Funding Authority must be notified as specified in [section 6 of the Fraud Policy](#).

If staff are unsure whether to use this policy or want confidential advice at any stage, they may contact the independent whistleblowing charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.org.uk.

1.3. Principles (Beliefs)

The academy is committed to resolving concerns when raised internally. If a member or group of staff wish to raise a concern under this policy, they should be reassured that they will not be victimised. The academy will not tolerate any harassment or victimisation of a whistleblower by other staff members, (including informal pressures), and will treat this as a serious disciplinary issue, which will be dealt with under the academy's [Disciplinary Procedure](#).

The academy wants to reassure employees in or working in the academy that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

This is not extended to those who maliciously raise a matter that they know to be untrue. In such circumstances, disciplinary action may be considered appropriate. It is both a "right" and "duty" that staff should raise concerns. The academy will also ensure that contracts of employment do not include confidentiality or "gagging" clauses which seek to prevent disclosure of information in the public interest.

1.4. Aims

The policy aims to:

- ✓ Encourage employees in the academy to feel confident in raising serious concerns and to question and act upon their concerns.
- ✓ Provide ways for employees in the academy to raise those concerns and get feedback on any action taken as a result.
- ✓ Provide a mechanism for employees in or working in the academy to get a response to their concerns.
- ✓ Ensure that employees in or working in the academy are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action.
- ✓ Reassure employees in or working in the academy that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is **not** intended to be used where other more appropriate procedures such as those highlighted in [section 1.2](#) of this policy.

2. Policy

2.1. Whistleblowing has been defined as:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees' (*Public Concern at Work Guidelines 1997*).

- 2.2. All staff have a responsibility to raise any concern which may have an impact on pupil safety, wellbeing or progress (Safeguarding policy), or the reputation of the organisation. Staff will be supported and encouraged to raise any matter of concern in relation to the quality of education provided and to question and act upon their concerns.
- 2.3. Staff must receive a response to any concern raised and obtain feedback on any action taken.
- 2.4. All concerns considered as appropriate under this policy will be handled sensitively and as far as possible within the time-scales as outlined in this document. The academy respects the need for confidentiality of staff raising concerns and also recognises there may be a need in some circumstances to raise concerns outside the normal line management structure.
- 2.5. Concerns that are raised anonymously will be treated in the same manner and taken seriously. Staff should note however that anonymous claims can prove difficult to investigate/resolve fully. It will also limit the opportunity for outcomes to be communicated back to those that have raised a concern. Staff may wish to consult with their Trade Union Representative prior to making a decision to raise an anonymous concern.
- 2.6. The Academy recognises that some members of staff may wish to raise their concerns initially with a Trade Union Representative. The Trade Union representative will ascertain as many facts as possible from the member of staff and raise the issue with the Principal within 5 working days where possible. The Principal will then follow the procedure as outlined in [section 3](#).
- 2.7. Anonymous information about any concern will be passed to the Principal who will assess the issues for seriousness. Dependent on the circumstances the Principal may initiate an investigation, the terms of reference of which will enable the investigating Manager, appointed by the Principal, to use the anonymous information as a pointer to what to do and who to question in order to verify the situation and make appropriate recommendations to the Principal.
- 2.8. If the member of staff wishes to make a confidential disclosure and remain anonymous for fear of reprisal or intimidation then the recipient of this information should bear in mind that the likelihood of the success of this route may be limited depending on the quality of information disclosed.

3. Procedure: Raising a Concern Internally

- 3.1. All staff are encouraged to follow the internal procedure and other relevant policies prior to considering the need to pursue external routes. Concerns raised must be able to be considered as “bone fide” under the [Public Interest Disclosure Act, 1998 \(PIDA\)](#). This means that there must be a reasonable belief that any of the following offences have been, or are likely to have been committed: (*this list is not exhaustive*)
 - ✓ A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
 - ✓ A miscarriage of justice has been/is likely to occur
 - ✓ The health or safety of any individual has been/is likely to be endangered
 - ✓ The environment has been/is likely to be damaged
 - ✓ Public funds are being used in an unauthorised manner
 - ✓ The Academy’s Governance arrangements have not been met or are being breached by students or staff.
 - ✓ Sexual or physical abuse of any employee or service recipient is taking place (**subject to the Child Protection Procedure in the case of children**, please also refer to the [Safeguarding including child protection policy](#))

- ✓ Discrimination is occurring to any member of staff or service recipient on grounds of sex, race, disability, gender or any other protected characteristic.
- ✓ Any other form of improper action or conduct is taking place
- ✓ Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

- 3.2. In most cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Principal or Chair of Governors.
- 3.3. Where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Principal (where concerns are in relation to the Principal please refer to 3.8).
- 3.4. Staff within the academy may raise concerns verbally or in writing. They are invited to set out the background and history of the concern, giving names, dates and places where possible, the reason why there is a concern about the situation and any detail about why other mechanisms have failed, or are not appropriate.
- 3.5. The staff member will receive an acknowledgement noting their concerns within 5 working days from the Principal / Chair of Governors who has been made aware of the concerns. The Investigating Manager will be identified and will then review the concerns to establish the facts. Any investigation should be concluded as soon as is reasonably practicable in relation to the concern raised. Advice and support on carrying out any such investigation should be sought from the Human Resources Manager. A written response, unless agreed otherwise, should be provided within 10 working days of the manager concluding their investigations (conducting an investigation does not presume guilt).
- 3.6. Should the person raising the concerns not be satisfied by the result and/or feedback that they receive once matters are concluded, then the concern may be taken to the Chair of Governors for further consideration as appropriate.
- 3.7. Consideration should be given to communicating the findings in the wider context to the academy/other similar staff if positive professional learning can be gained as a result of the concern raised. The staff member raising the concern retains the right to remain anonymous in this context.
- 3.8. If the concern relates to the Principal, the concern should be raised with the Chair of Governors, who will decide on how the investigation will proceed. This may include an external investigation. If the concern relates to the Chair of the Governors, the Investigating Manager should initially raise the issue with the Vice Chair who may wish to discuss the matter with The Department for Education (DfE).
- 3.9. Staff are encouraged to first raise concerns internally however, should they continue to have concerns following an investigation, or believe that the issues they wish to raise warrant external disclosure, then they retain right to pursue the matter via external routes. Protected disclosures are those that are made in genuine interest of the public. In this instance, the academy encourages staff to obtain advice on the [Public Interest Disclosure Act \(1998\)](#) before pursuing this.

- 3.10. If an employee takes the matter outside the Academy he/she should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees in or working in the Academy vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act. Advice can be obtained from [Public Concern at Work](#) on 020 7404 6609 or by email at helpline@pcaw.org.uk.

4. Procedure: Raising a Concern Externally

- 4.1. Staff in the Academy who are not satisfied with the action taken by the Governing Body or who are unable to raise the concern internally should raise their concerns with the Department for Education (DfE) by using the [DfE contact form](#).
- 4.2. Following notification to the Academy of an external disclosure the Principal / Chair of Governors will appoint an Investigating Manager to undertake an investigation within 10 days of receiving the notification.
- 4.3. If the result of the investigation is that there is a case to be answered, the [Disciplinary Policy](#) may be applied where applicable. The individual/s concerned will have to be informed of the allegations, and as a result it may be difficult to maintain the anonymity of the person raising the concern (in cases of suspected fraud, the Academy's [Fraud policy](#) will be followed).
- 4.4. When it becomes apparent that the disclosure concerns a potential criminal offence, the investigating manager should liaise closely with the Police to ensure that any criminal investigation is not compromised.
- 4.5. Investigations will be undertaken in a timely manner and reports of progress should be made on a regular basis to the Principal / Chair of Governors.
- 4.6. Where a staff member is unable to raise a concern using the prescribed internal or external process, they can raise their concern externally to one of the listed [Blowing the whistle: list of prescribed people and bodies](#). Further information can be found within the [Prescribed Persons Guidance](#).

5. Police Investigation

- 5.1. Depending upon the nature of the matter raised, the police may conduct an Investigation. The police investigation will take priority over an internal investigation but the Academy may still decide to open a disciplinary investigation at the same time and immediately suspend it, informing the member of staff accordingly.
- 5.2. It may be that at the end of a police investigation they decide to take no further action or the Crown Prosecution Service may not proceed to court. The Academy, however, may still continue to pursue its own investigation as described in [section 3](#) of this policy.

6. Assurance

- 6.1. To obtain the protection offered by this policy, staff must first disclose the information to the Academy as detailed in [section 3](#).
- 6.2. If a staff member does raise a genuine concern under this Code, they will not be at risk of losing their job or suffering any form of retribution or detriment as a result. Provided they are acting in good faith, it does not matter if they are mistaken. This assurance is not extended to someone who maliciously raises a matter that he/she knows to be untrue.

6.3. The Governing Body will:

- ✓ Not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith.
- ✓ Ensure any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the staff member.
- ✓ Ensure no action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- ✓ Make every effort to ensure confidentiality as far as this is reasonably practical.
- ✓ Ensure help is provided to the staff member in order to minimise any difficulties, which they may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with the staff member and they have the right to be represented by a trade union representative or work place colleague, if they so wish.

6.4. A member of staff raising a concern will receive an acknowledgement that the concern has been received, which will include the following:

- ✓ Indication of how the Academy propose to deal with the matter
- ✓ An estimate of how long it will take to provide a full response
- ✓ Clarification as to whether any initial enquiries have been made
- ✓ Information on support available to you; and
- ✓ Saying whether further investigations will take place and if not, why not.

7. Responsibilities

7.1. All Staff

- Work within their professional code of conduct
- Ensure that the best standards of education are achieved
- Report any concerns which might compromise these standards immediately
- Raise concerns in good faith with a honest belief that a malpractice has occurred
- Not raise concerns with any malicious intent
- Ensure that any potential investigation is not jeopardised by discussing concerns with others

7.2. Line Manager

- Take staff concerns seriously and recognise the difficult position the member of staff may be in, providing appropriate support.
- Document concerns that are raised and maintain any related records as appropriate.
- Take prompt action to resolve the concern, refer it to the Principal if appropriate.
- Ensure that staff members who genuinely report concerns are not penalised in any way.
- Keep the member of staff informed of the process

7.3. Principal

- Take staff concerns seriously and recognise the difficult position the member of staff may be in, providing appropriate support.
- Document concerns that are raised and maintain any related records as appropriate.
- Take prompt action to resolve the concern, refer it to an appropriate person or commission an investigation if appropriate thereby appointing an Investigating Manager.
- Ensure anonymity whilst investigating if raised anonymously.
- Monitor and review the situation
- Inform the Chair of Governors unless inappropriate.
- Ensure that staff members who genuinely report concerns are not penalised in any way.

- To report to the Full Governing Body Committees on any concerns raised and update on action and outcomes.

7.4. **Investigating Manager**

- Take staff concern seriously and recognise the difficult position the member of staff may be in.
- Ensure anonymity whilst investigating if raised anonymously.
- Document concerns that are raised and maintain any related records as appropriate.
- Keep the member of staff informed of the process
- Inform and liaise with the appropriate managers such as the Strategic Business Manager in cases of fraud or the Human Resources Manager where there may be disciplinary action required.
- Securely retain any evidence and/or documentation passed to them to be given to any investigation team which is subsequently appointed. Some circumstances may require that evidence is left in situ.

Process Flowchart: Raising a Concern

