



Whistle Blowing Policy

Coombe Academy Trust

Equality Analysis Impact

Title of Policy: **Whistle Blowing**

Responsible committee: **Board of Trustees**

Last reviewed: **April 2019**

Next review: **April 2020**

Is there relevance to equality?

- | | | |
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| 1 | Does the policy have an adverse effect on employees, pupils or the wider community and therefore have a significant effect in terms of equality? If yes, then please answer questions 2 and 3. | No |
| 2 | Does the policy have an adverse effect upon a group with protected characteristics? (Age, Disability, Gender reassignment, Marriage/Civil partnership, Pregnancy/ Maternity, Race, Religion or belief, Sex, Sexual orientation) | N/A |
| 3 | Does the policy affect one or more of the equality objectives set by the school? (Please refer to the Equality Policy) | N/A |

If the answer to question 2 or 3 is yes, a full equality analysis will need to be completed by the SLT Lead before the next committee meeting.

Please detail the objective and explain the relevance of the policy to the objective and protected characteristics below.

Whistle Blowing Policy

Introduction

The Coombe Academy Trust (CAT) is committed to the highest possible standards of openness, probity and accountability. We encourage employees and others working with us to raise any concerns about any aspect of our work and to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure supports the Public Interest Disclosure Act 1998 and encourages employees to raise serious concerns, without fear of reprisal or victimisation, rather than overlooking a problem or raising the matter outside. This policy applies to all employees, agency workers, suppliers and those contractors working on our premises.

This policy is to be read in conjunction with key policies such as Financial Procedures, Dignity at Work, Health and Safety and Child Protection. It aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provided with avenues to raise concerns and receive feedback on any action taken;
- given a response to their concerns and are aware of how to pursue them if not satisfied; and
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures. These include serious concerns about:

- conduct which is, has been or is likely to be an offence or breach of law;
- conduct that has occurred, is occurring or is likely occur, as a result of which we fail to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure;
- disclosures related to past, current or likely miscarriages of justice;
- past, current or likely health and safety risks, including risks to the public as well as other employees (see below); and
- past, current or likely damage to the environment.

Concerns about any aspect of provision can be reported

- this may be about something that you feel uncomfortable about in terms of known standards, your experience or the standards you believe we subscribe to;
- is against our financial regulations and policies;
- falls below established standards of practice;
- or amounts to improper conduct including concerns about the safeguarding or welfare of children.

Complaints or concerns about Health and Safety should be addressed to the Head teacher.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

The Governing Body has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Headteacher has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Headteacher, in conjunction with the Executive Headteacher and Trustees should review this policy from a legal and operational perspective at least once a year.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher or the Governing Body.

Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

Anonymous allegations

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If you want to raise your concern confidentially, we will make every effort to keep your identity confidential and only reveal it where necessary to those involved in investigating your concern.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer (the Trust HR Manager) or one of the other contact points listed at the end of this policy and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect the Independent Whistleblowing Charity, who offer a confidential helpline. Their contact details are at the end of this policy.

In exercising the discretion, the factors to be taken into account would include the seriousness of the issues raised; the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

Untrue allegations

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will usually be taken. Disciplinary action may be taken against individuals who knowingly make false, malicious or vexatious allegations.

How to raise a concern

Concerns can be raised verbally or in writing. A concern raised in writing should set out the background and history of the concern, giving names, dates and places where possible and state the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. A trade union or professional association may raise a matter on behalf of an employee.

When a concern is raised verbally, a note of the meeting will be taken which all parties must sign as representing a true record of the meeting including details of the concern raised.

If the concern is due to safeguarding and/or child protection, the Trust and School policies on Safeguarding and Child Protection can be accessed via the school website.

External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or the Headteacher for guidance.

Step One - Raising a Concern

We hope that in many cases you will be able to raise any concerns with your line manager. However, when you prefer not to do so for any reason, you should contact the Trust HR Manager or the Executive Headteacher.

Your line manager or the Whistleblowing Officer will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

Step Two - How we will respond

- The action we take will depend on the nature of the concern.
- In order to protect individuals, 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 (e.g., child protection, discrimination issues or criminal activity) will normally be referred for consideration under those procedures.
- Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, it will be taken before any investigation is conducted.

Contact

The amount of contact between the people 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.

Attending meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

Support

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

We will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will advise or arrange for you to have advice about the procedure.

We will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a genuine concern under this policy, even if they turn out to be mistaken.

We accept that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

Independent Advice

If you would like independent advice about raising a concern, you can talk to:

- Your union
- An independent legal advisor
- Protect (formerly Public Concern at Work) Email: whistle@protect-advice.org.uk
CAN Mezzanine, 7-14 Great Dover Street, London, SE1 4YR. Telephone: 020 3117 2520
Website: www.pcaw.org.uk

How the matter can be taken further

This procedure is intended to provide individuals with an avenue to raise concerns within the School. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Education Funding Agency
- National Audit Office;
- The Health & Safety Executive;
- relevant professional bodies or regulatory organisations;
- The Environment Agency
- The Local Authority
- the police.

If a matter is taken outside the School, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the contacts listed above.

Who to contact

The Whistleblowing Officer is the HR Manager or the Executive Headteacher.

If your concern is regarding the HR Manager, you should contact the Executive Headteacher.

If your concern is regarding the Executive Headteacher, you should contact the Board of Trustees via the Executive Headteacher's PA.

Public interest disclosure

The Public Interest Disclosure Act provides workers with protection from dismissal or other damage as a result of making a disclosure of information in the public interest about wrongdoing at work. Such disclosures are protected if they are done according to the Act's provisions and the Act's protection is strongest where workers raise matters with their employers. Therefore whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. These may include the involvement of senior managers or directors, serious health and safety issues or discrimination.