



Whistle Blowing Policy

See All, Hear All, Say Something

This policy and the procedure it refers to are agreed with the professional associations and trade unions representing staff working in an Academy – ASCL, ATL, GMB, NASUWT, NUT, T&GWU and UNISON.

September 2016

Introduction

- 1.1 The Public Interest Disclosure Act 1999 provided employees with protection when raising genuine concerns about malpractice in the workplace. It encourages disclosures to be made internally in the first instance but also allows for certain protected disclosures to be made to specific external bodies.
- 1.2 South Shropshire Academy Trust is committed to open and honest communication and the highest possible standards of integrity. Part of meeting that commitment is to encourage employees and others who have serious concerns about wrongdoing to speak up. This may need to be on a confidential basis and the Academy wishes to emphasise that if someone does "speak up" they can do so without fear of reprisals. Such policies are termed "blowing the whistle" and this phrase is used through this statement but should be viewed as a positive action of speaking up.
- 1.3 Disclosures made under this procedure are monitored for statistical purposes and are required under the Public Interest Disclosure Act. Details of any disclosure remain confidential.
- 1.4 It is recommended that the policy and procedure is reviewed in the light of any further relevant legislation

Remember

IF YOU HAVE SERIOUS CONCERNS IT IS YOUR DUTY TO TELL US AND OUR DUTY TO PROTECT AND SUPPORT YOU, IF YOU DO.

Aims and Scope of this Policy

2.1 This policy aims to:

- provide avenues for staff to raise concerns and receive feed back on any action taken;
- allow staff to take the matter further if they are dissatisfied with the response and;
- reassure staff that they will be protected from reprisals or victimisation for whistle blowing in good faith

2.2 Employees may be the first to see that something is seriously wrong within the Academy. Such wrongdoings may relate to:

- Fraud and corruption;
- Discrimination (i.e. a witnessing discrimination as a third party);
- Abuse of vulnerable people
- Damage to the environment.
- Health & safety
- Failure to comply with legal proceedings

2.4 It is the duty of employees to speak up when they have serious concerns and it is the duty of South Shropshire Academy Trust to act on those concerns and protect and support employees when they do. A failure to report serious concerns could be construed as collusion. Difficult as it may be to speak up, employees should be aware of their special position and of their duty to make their concerns known.

2.5 This Policy is issued to employees to advise specifically on blowing the whistle on wrongdoing. It should not be confused with the complaints procedure (where the public can complain about the Academy or Academy's services), the grievance procedure (where you complain about your own treatment as an employee) or the Child Protection procedure (specifically relating to work in Children and Young People's Services).

3. Serious Concerns

3.1 Serious concern may be related to something that:

- is unlawful;
- is against the Academy's Constitution, financial rules, contract rules or other policies;
- does not meet established standards or working practices;
- amounts to improper conduct.

3.2 Theft, bribery and corruption, the abuse of children or vulnerable adults, service users or staff and environmental misuse are all the type of things which would fall into these categories.

3.3 Concerns in The Academy may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

- deliberately ignoring the best interests of the child or young person;
- teasing, harassing or touching a child or young person inappropriately;
- threatening a child, young person or a parent or distressing them in some way;
- neglecting a child by not giving them the support they need, including medical attention or care;
- hitting or restraining a child inappropriately;
- using a child or young person's money or possessions in an inappropriate way.

3.4 Procedures for dealing with allegations or concerns about child abuse already exist and each school has a named member of staff to whom such issues can be referred

: Jamie White/Dave Peterson

There are also specific procedures for dealing with allegations of child abuse against Academy staff which are contained in the Human Resources Handbook. The Whistle blowing Procedure supplements these arrangements.

3.5 For Academy based staff, there are existing procedures to enable you to lodge a grievance relating to your own employment.

4. Safeguards

4.1 Harassment or Victimisation

South Shropshire Academy Trust recognizes that deciding to report a concern can be difficult, not least because of the fear or reprisal from those responsible for the malpractice.

4.2 The Academy will not tolerate harassment or victimization and will take action to protect you when you raise a concern in good faith. However, if you are already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of your whistleblowing.

4.3 Confidentiality

The South Shropshire Academy Trust will do their best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4.4 Anonymous Allegations

As a rule we do encourage you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Principal, in conjunction with the Board of Trustees. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the validity of the concern;
- the likelihood of confirming the allegation from other sources.

Allegations which do not appear to be motivated by personal animosity and which if true, would have serious implications for the Academy, are more likely to be considered, even though made anonymously.

4.5 Untrue Allegations

If you make allegations in good faith, but it is not confirmed by the investigation, no action will be taken against you. In such circumstances employees will be supported. If,

however, you make malicious or vexatious allegations, disciplinary action may be taken against you, but the matter would be referred to an appropriate Academy Trustee before any action is taken.

4.6 Support to You

Throughout and after this difficult process you will be given full support from senior management, your concerns will be taken seriously and the Academy will do all it can to help you.

5. How to raise a concern

5.1 As a first step you should normally raise concerns with your immediate line manager or the head of school. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing. If your line manager, the head of school or other Academy management is involved, you should approach the Principal or Chair of Trustees.

5.2 Alternatively, you can invite your trade union or professional association to raise the matter on your behalf.

5.3 The earlier you express your concern the better and the easier it will be to take action. Concerns are better raised in writing and you should try to set out:

- the background and history to your concern;
- dates and places where possible;
- the reasons for your concern.

5.4 In order to ensure the confidentiality of your expression of concern it is suggested that you send your letter/written note in a sealed envelope addressed to the appropriate person and clearly mark it "Strictly Private and Confidential - To be opened by the addressee only". You need not sign or give your name although addressee may exercise her/his discretion not to investigate an anonymous complaint.

5.5 It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching the Principal or to impede any investigation which he/she or anyone on her/his behalf may make.

5.6 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to those appointed to investigate the matter that there are sufficient grounds for your concern. You may invite your trade union or professional association or a third party to raise a matter on your behalf.

5.7 Further advice and guidance on what to do can be found in the:

- guidance on how to deal with fraud and corruption;
- guidance note on the abuse of children or vulnerable adults;
- guidance note on environmental issues;
- Harassment – Policy and Procedure for staff employed in the Academy.

All of the above can be found on the South Shropshire Academy Trust website.

6. How the Academy will respond

6.1 The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by the Academy;
- be referred to the Police;
- be referred to the external Auditor;
- form the subject of an independent inquiry.

6.2 In order to protect individuals and the South Shropshire Academy Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. These will be made confidentially and every attempt made to protect the employee. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

6.3 Within ten working days of a concern being received, the Academy will write to you:

- acknowledging that the concern has been received;
- indicating how we propose 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;
- telling you whether further investigations will take place and, if not, why not.

6.4 The amount of contact between those officers considering the issues and yourself 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.

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

6.6 If you should become involved in further investigations or procedures (eg disciplinary proceedings or a criminal trial) as a result of using this procedure, you will be given every proper support and assistance. The South Shropshire Academy Trust are concerned with ensuring that no-one using this procedure is disadvantaged or unfairly treated.

6.7 The South Shropshire Academy Trust accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

7. How the matter can be taken further

7.1 This policy is intended to provide you with avenues to raise concerns within the South Shropshire Academy Trust. The Academy hopes you will find the procedure a satisfactory way of dealing with concerns. If not, and you feel it is right to take the matter outside the South Shropshire Academy Trust, the following are possible contact points:

- relevant professional bodies who regulate organisations (including the Ombudsman);
- your solicitor;
- the police;
- Public Concern at Work.

7.2 The disclosure of confidential information would normally constitute a grave disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if you do take the matter outside the Academy you need to ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances which the Academy would consider justified a disclosure.

8. Standards of Conduct

8.1 All staff working within Academy are bound by Codes of Conduct. Professional bodies such as the General Teaching Academy also have Professional Standards of Conduct which their members must adhere to.

All staff should ensure they make themselves aware of any such standards of conduct and follow them at all times.

9. Follow Proper Procedures

9.1 One of the best ways of guarding against corruption is to ensure that proper procedures are followed - in the way decisions are taken, in the way contracts are awarded and in the way employees conduct themselves.

9.2 The most important of these procedures are described in the following procedural documents:

Constitution which includes:

1. Financial Rules
2. Computer Code of Practice
3. Delegations (of decision-making powers)
4. Recruitment and Selection Code of Practice
5. Gifts and Hospitality
6. Harassment and Bullying Procedure
7. Copies of the above documents are available via the South Shropshire Academy Trust website
8. Actions which breach these procedures are not only unauthorised but will lead to loss of public confidence and even to corruption.
9. As with any other concerns on standards, you should report breaches of these procedures.

Remember –

IF YOU HAVE SERIOUS CONCERNS IT IS YOUR DUTY TO TELL US AND OUR DUTY TO PROTECT AND SUPPORT YOU, IF YOU DO.

REVIEW

The Governing body will approve this whistle blowing policy at the next Personnel meeting which will be held on the 9th November 2016.

Principal..... Date.....

Chair of Personnel Committee..... Date.....

Chair of Trustees..... Date.....