



WHISTLEBLOWING POLICY

Review by Trustees: May 2016

Adopted by Governing body of

Date/Minute Ref:

Next Full Review Due: May 2018

Reviewer: Director of Operations

Introduction

Whistleblowing occurs when a member of staff raises a concern about a dangerous or illegal activity that they are aware of through their work. To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. **The first is that they are acting in the public interest.** This means that personal grievances and complaints are not usually covered by whistleblowing law. **The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:**

- Criminal offences (this may include, for example, types of financial impropriety such as fraud)
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'

Whistleblowing is relevant to all organisations and all people. This is because every business and every public body faces the risk of things going wrong internally. Where such a risk arises, usually the first people to realise or suspect the wrongdoing will be staff.

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's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, Principal or to the Academy and sometimes it may seem difficult to speak up because of a fear of harassment or victimisation.

However, we expect the highest standards of behaviour and all staff have a responsibility to voice any concerns that they have, normally with their Line Manager/Principal. We have introduced this policy to enable staff to raise genuine concerns about such malpractice at an early stage and in the right way. We would rather you raise the matter when it is just a concern, rather than wait for proof.

The whistleblowing policy is independent and confidential. It can be anonymous if you wish. We will make sure that you will not be victimised or suffer disadvantage if you report your genuine concern.

The malpractice might be carried out by staff, Trustees, Governors, contractors or external agencies.

This procedure is not to be used if you are generally dissatisfied at work or as a replacement to your existing employment rights with South Pennine Academies.

What happens if you are implicated?

If you blow the whistle and actively cooperate with an investigation in which you may be implicated in any wrongdoing, you are likely to receive a lighter sanction than might otherwise have been the

case (unless the misconduct is so serious that no amount of cooperation or other mitigating conduct can justify a decision not to bring any action).

How to raise a concern

a) Through your line manager

Normally you should contact your line manager in the first instance who will then, if required, liaise with the Principal. But if you feel that you can't do this – for example, if you believe that they are involved – then you should contact your Principal. If your concern is regarding the Principal or you feel they may be implicated you should contact the CEO.

You will be required to write a statement, setting out the background and history of your concerns (giving names, dates and places where possible) and indicating the reasons for your concerns. Please make it clear that you are raising your concern as part of our Whistleblowing Policy.

The Academy will then investigate your concern, following Academy investigation procedures, and we will let you know the outcome of the investigation, so that you can see that the matter has been properly addressed.

b) Through the Whistleblowing route

If you do not feel able to contact your line manager, Principal or CEO you should email the Chair of the Board of Trustees.

You should give as much information as you can, including names, dates, places, history and why you are concerned.

How the Academy will respond

The Academy will respond to your concerns. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process;
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Academy will have in mind is the public interest. 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 without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within **ten** working days of a concern being raised, the responsible person you have contacted 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 formal response;

- Telling you whether any initial enquiries have been made;
- Supplying you with information on staff support mechanisms;
- Telling you whether further investigations will take place and, if not, why not.

The amount of contact between the persons 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. It may be necessary for the school to obtain further information from you.

Where any meeting is arranged, you can be accompanied by a trade union professional.

The Academy 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 Academy will arrange for you to receive advice about the procedure.

Raising your concerns elsewhere

This policy is intended to provide you with an avenue within the Academy to raise concerns. The Academy hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Academy, the following are possible contact points.

- the Police – phone 101
- Public Concern at Work – independent charity – <http://www.pcaw.org.uk/contact-us> on 0207 404 6609, or email whistle@pcaw.co.uk. Public Concern gives free and confidential advice on whistleblowing matters
- The Ombudsman
- Your Trade Union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations

Academy employees have a responsibility not to undertake any action which might bring the Academy into disrepute.

If you do decide to report any concerns outside the Academy, you must ensure that you have a good reason for doing so and you must not disclose confidential information.