



**NEWBURY ACADEMY TRUST**

## **Whistleblowing Policy**

**DATE APPROVED: October 2015**

**DATE FOR REVIEW: October 2017**

A handwritten signature in black ink, appearing to read "S. H. Wey", is written over the text "SIGNED: ...".

**SIGNED: ...**

**On behalf of the Board of Directors**

## Whistleblowing Policy

### 1. Purpose

It is important to the Trust that any fraud, misconduct or wrongdoing by employees, workers, governors or volunteers of the school, is reported and properly dealt with.

The Public Interest Disclosure Act enables individuals to raise concerns where they have a reasonable belief that:

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

is being, has been or is likely to be committed, and it is in the public interest to disclose it, without fear of dismissal, victimisation or detriment. This policy and procedure sets out how such concerns should be raised and handled within the school.

### 2. Applicability

This Policy applies to:

- All employees working for the Trust,
- Other persons including governors, agency staff, volunteers and contractors working for the Trust.
- For the purposes of this policy and procedure those specified above will be referred to collectively as 'employees.'

This Policy and Procedure is concerned with disclosures about matters other than a breach of an employee's own contract of employment. **If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the school's grievance procedure.**

The Policy and Procedure is in addition to the Trust's Complaints Policy.

It is the responsibility of each employee and other person mentioned above to familiarise themselves with and adhere to this Policy.

### 3. Policy

The Trust is committed to the highest standards of openness, probity and accountability.

The Trust encourages all those listed in section 2 above to be aware of the importance of preventing and eliminating wrong-doing at work, and to raise serious concerns using the procedure below.

The Trust will ensure these concerns are taken seriously and investigated thoroughly, promptly and confidentially, and that appropriate remedial action is taken.

The Trust will protect employees who raise concerns, based on a reasonable belief, under this procedure from dismissal, victimisation or detriment because they have made a disclosure.

## Procedure

### 4. How to raise a concern

Employees are encouraged to raise concerns early to enable appropriate remedial action to be carried out.

Employees should report concerns to their line manager, or where they are concerned that their manager is involved in the wrong doing, to the relevant Head Teacher.

Concerns may be raised orally or in writing. It is helpful to the investigation if the worker provides the following information:

- The background history of the concern (giving relevant names and dates)
- The reason the worker is particularly concerned about the situation.

Employees are encouraged to put their name to their allegation as anonymous allegations are harder to investigate. Where a worker asks to remain anonymous, the Trust will respect his/her request, but cannot guarantee that it will be able to do so.

Where allegations are raised anonymously they will be considered at the discretion of the relevant Head Teacher in consultation with the Executive Headteacher and/or Chair of the Board of Directors.

Where the Head Teacher is the subject of the allegation, the allegation will be considered by the Chair of the Board of Directors. Where the Chair of the Board of Directors is implicated in the allegation, the allegation will be considered by the Head of Education Services.

### 5. Whistleblowing help line

Where the employee has concerns but is unsure whether to raise them or where he/she believes that the relevant Head Teacher is involved in the wrong doing, or remains unsatisfied that a concern that he/she has raised with his/her line manager or relevant Head Teacher has been handled satisfactorily, he/she should seek advice from the Chair of the Board of Directors

Employees may contact the Chair of the Board of Directors by email or in writing as follows;

**Email:** [sloy24@gmail.com](mailto:sloy24@gmail.com)

**Writing:** c/o The PA to the Headteacher, Trinity School, Love Lane, Newbury RG14 2DU (marked Private & Confidential for the attention of Mrs S Loy)

The Chair of the Board of Directors will decide how the concern should be dealt with, seeking advice from those listed in section 6 as relevant, and will pass the case to an appropriate member of the school's management team to be handled.

### 6. Handling concerns

The relevant Head Teacher or Director receiving the concern will hold an initial meeting with the employee as soon as possible to acknowledge the concern has been raised and clarify the details.

Where the matter can be resolved simply, for example where there has been a misunderstanding or misinterpretation of an event, the relevant Head Teacher will explain

this to the employee, check that the employee is satisfied that the matter is resolved and keep a record of the decision.

Where the relevant Head Teacher or Director decides the matter should be taken further, he/she should seek advice from one or more of the people listed below on how to proceed with the concern:

- The Executive Head Teacher
- The Chair of the Board of Directors
- The Head of Education Services
- Head of Children's Services
- Local Authority Designated Officer (LADO)

This/these person(people) will be referred to as the 'advising manager(s)'.

No-one implicated in the allegations will be involved in conducting the investigation.

If urgent action is required this will be taken before an investigation is conducted.

Within ten working days of the concern being raised, the recipient of the concern will contact the employee to:

- Indicate how it is proposed to deal with the matter
- Give an estimate of how long it will take to provide a final response
- Tell the employee whether any initial enquiries have been made
- Provide information on staff support mechanisms
- Inform the employee whether further investigations will take place and if not, why not

Concerns that fall within the scope of Trust procedures (e.g. child protection issues, disciplinary issues) will normally be considered under those procedures.

Where it is not clear that the concern falls under the scope of a Trust procedure, the relevant Head Teacher will investigate the concern and present his/her findings to the advising manager(s). The advising manager(s) will decide upon an appropriate course of action.

The advising manager(s) will delegate responsibility for ensuring that any remedial action required is carried out to the appropriate person(people) within the Trust.

The advising manager(s) will also advise whether matters should also be:

- referred to the police
- referred to the internal auditor
- form the subject of an independent inquiry
- referred to a regulatory agency
- referred to a government department

The advising manager(s) will inform the relevant Head Teacher that received the concern of the outcome.

Head Teachers receiving concerns should notify the Chair of the Board of Directors of all concerns raised and the outcome once resolved so that they can be recorded (in a form that will not endanger confidentiality) for reporting purposes.

Subject to legal constraints, the employee will be informed of the outcome of the investigation and any action that will be taken as a result.

## **7. Safeguards against dismissal, victimisation or detriment**

An employee who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised because he/she has made a disclosure.

The Trust will keep the matter confidential as far as possible. Where an investigation confirms the allegations employees may be required to attend hearings as witnesses.

Anyone (including managers, governors and co-workers) found to subject an employee who has made a protected disclosure to inappropriate action under a formal procedure, bullying, harassment, victimisation or detriment may be subject to disciplinary or other appropriate action.

An instruction to cover up wrong doing is a disciplinary offence. Employees should report circumstances in which they are told not to raise or pursue any concern, even where they are told not to by a person in authority such as a manager.

## **8. Malicious allegations**

It is not necessary for an employee to have proof that wrong doing is being, has been, or is likely to be committed; a reasonable belief is sufficient.

Information given should be true to the best of the employee's knowledge, information and belief. Maliciously making a false allegation is a disciplinary offence and will be handled under the school's disciplinary procedure.

## **9. Taking the matter further**

Where the employee is not satisfied that appropriate action has been taken he/she should contact the Chair of the Board of Directors (see section 5 above). The Chair of the Board of Directors will consider what, if any, further action is required, seeking advice from those listed in section 6 as appropriate. The Chair of the Board of Directors will inform the employee of how the matter will be taken forward.

If the employee is still not satisfied he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- Local Authority
- HM Revenues and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office

## **10. Roles and Responsibilities**

The overall responsibility for this policy and procedure within the schools rests with the Executive Head Teacher and Chair of the Board of Directors.

The Board of Directors has overall responsibility for the maintenance and operation of this policy and procedure.

The Chair of the Board of Directors will keep a record of concerns raised and outcomes (in a form that does not endanger confidentiality) and will report as necessary to the Board of Directors.

Head Teachers receiving concerns are responsible for reporting the concern and the outcome to the Chair of the Board of Directors so that it can be recorded.

All Head Teachers are directly responsible for making their staff aware of this policy and procedure and for the adherence of their staff.

Employees have an individual responsibility to adhere to this policy and procedure.

## **11. Failure to comply with the Trust's Whistleblowing Policy and Procedure**

Employees are expected to report concerns. For some categories of employees failing to report a concern may be failing in their professional duty; this may result in disciplinary action being taken.

## **Guidance for employees**

### **What type of concerns are covered by this policy and procedure?**

As an employee you may be the first to realise that there may be something seriously wrong within the Trust. It may be tempting to do nothing as you may feel that voicing your concerns would appear disloyal to colleagues or the Trust. You may also be afraid that it may lead to repercussions against yourself. However, it is important that you raise your concerns promptly so that the Trust can take action to rectify them.

The Trust is committed to ensuring that any wrong-doing is rectified as soon as possible and that employees are supported in raising any serious concerns. The whistleblowing policy and procedure explains how you should raise your concerns, and the protection you are entitled to.

You should report any serious concerns that you have about any aspect of the Trust, provision of education and extra curricular activities or the conduct of employees, governors, directors, volunteers or others acting on behalf of the school.

Concerns covered by the Public Interest Disclosure Act are listed in Section 1 above and may be something that makes you feel uncomfortable in terms of something that:

- Is against the law
- Puts someone at risk
- Breaches the Trust's standards, policies or procedures
- Is against the Trust's instruments and articles of governance, Financial Regulations or policies and procedures
- Falls below established standards of practice
- Amounts to improper conduct

### **How are you protected when raising a concern?**

The Trust will not dismiss you because you have raised a concern under this procedure, and will protect you against victimisation or other detriment, so long as you have a reasonable belief that the wrong-doing is being, has been, or is likely to be committed, and it is in the public interest to disclose it. The information that you give should be true to the best of your knowledge, information and belief.

You are not expected to investigate the concern yourself, just to be able to explain the reasons for your concern.

Any investigation into concerns of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **What to do if you have a concern**

You should raise your concern as specified in section 4 of the procedure. If you are not sure if you should raise something it may help to talk things through with your line manager, or to seek advice from the whistleblowing helpline (see section 5 above).

### **What to expect when you have raised a concern**

The relevant Head Teacher you raise your concern with should meet you to discuss your concern in more detail. He/she will then consider how to handle the matter.

If the Head Teacher believes that the matter can be resolved simply – for example where he/she believes that there has been a misunderstanding, or that you have misinterpreted what has happened – he/she will discuss this with you. If you are happy with the outcome of the discussion the process will end.

If the Head Teacher believes further investigation/action is required, he/she may:

- Make some initial enquiries
- Seek advice from a person/people listed in section 6 (referred to as the advising manager(s))

The Head Teacher will contact you again within 10 working days of you raising the concern as stated in section 10 of the procedure. This may be orally or in writing.

Where possible the matter will be kept confidential. However, there may be circumstances where this may not be possible, for example where the school or Trust is required to report a criminal offence.

You may be required to attend meetings and/or provide a written statement as part of the investigation. You may ask for meetings to be held off site, and you may bring a trade union representative or work colleague to attend meetings. You should inform the Head Teacher in advance of the meeting if you intend to bring someone to the meeting with you.

You may be asked to comment on other evidence gathered during the investigation.

Where investigation confirms that wrong-doing has occurred you may be required to attend hearings to give evidence.

Where possible you will be informed of the outcome of the investigation and what, if any, action will be taken as a result.

### **What to do if you believe your concern has not been handled properly**

If you believe that your concern has not been handled properly you can contact the whistleblowing hotline (see section 5 above)

If you are still dissatisfied you may decide to take the matter outside the Trust as specified in section 9 above. You should make sure you do not disclose personal information about an individual/individuals, or sensitive business information. If in doubt you should contact the whistleblowing help line (see section 5).