

## **WHISTLEBLOWING POLICY AND PROCEDURE**

The Academy is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the Academy's policies and procedures from time to time in force.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Protect.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Academy and the Academy reserves the right to amend its content at any time. This Policy reflects the Academy's current practices and applies to all individuals working at all levels of the organisation, including the Principal, Senior Leadership Team, Pod Leaders, officers, members, directors, trustees, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual and agency staff (collectively referred to as "staff" in this policy) who are advised to familiarise themselves with its content.

### **What is whistleblowing**

Whistleblowing is the disclosure of information by a member of staff, which relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect staff that blow the whistle on bad practice from being subjected to any detriment or unfairly dismissed as a result.

### **Qualifying Disclosures**

Certain disclosures are prescribed by law as 'qualifying disclosures'. Disclosures are qualifying disclosures where it can be shown that the Academy has committed a 'relevant failure' by:-

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;

- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of the Academy's internal policies and procedures;
- conduct likely to damage the Academy's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.

### **What is a whistleblower?**

A whistleblower is a person who raises a genuine concern that they believe is in the public interest relating to any of the above. If the member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the Academy's activities (a whistleblowing concern) they should report it under this policy.

This policy should not be used for complaints relating to staff's own personal circumstances, such as the way they have been treated at work. In those cases, they should use the Grievance Procedure or Anti-harassment and Bullying Policy as appropriate.

If staff are uncertain whether something is within the scope of this policy they should seek advice from the Principal.

### **The Procedure**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. You can raise your concerns orally or in writing to your Manager. You must state that you are using the 'Whistleblowing' policy and specify whether you wish your identity to be kept confidential. You will be asked to formalise your concerns in writing either before or after the first meeting. Your Manager will acknowledge receipt of your formal written disclosure and keep a record of further action taken.

You are entitled to be accompanied by a colleague or accredited trade union representative at any meeting with your Manager under this policy. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

Where the matter is more serious, or you feel that your Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact a member of the Senior Leadership Team.

The Academy recognises that disclosures made under this policy may involve highly confidential and sensitive matters and that you may prefer to make an anonymous disclosure. However, the Academy regrets that it cannot guarantee to investigate all anonymous allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you or give you feedback. It is therefore

preferable for whistle-blowers to reveal their identity and measures can be taken to preserve confidentiality if appropriate.

### **Investigation and Outcome**

Once you have raised a concern the Academy will carry out an initial assessment to determine the scope of any investigation. The Academy will inform you of the outcome of its assessment. You may be required to attend additional meetings in order to provide further information.

In some cases the Academy may appoint an investigator who may make recommendations for change to enable it to minimise the risk of future wrongdoing.

The Academy will keep you informed of the progress of the investigation and its likely timescale and you should keep any information about the investigation confidential.

If the Academy concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, they will be subject to disciplinary action.

Whilst the Academy is unable to guarantee the outcome you are seeking, it will try to deal with your concern fairly and appropriately. If you are not happy with the way in which your concern has been handled, you can raise it with the Principal in writing.

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

Staff must not suffer any detrimental treatment as a result of raising a concern and this includes dismissal, disciplinary action, threats or other unfavourable treatment. If you suffer any such treatment you should inform your Manager or the Principal immediately. If the matter is not remedied you should raise it formally under the Academy's Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action and in some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

### **External Disclosure**

In most cases you should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate to report your concerns to an external body. It will rarely, if ever, be appropriate to alert the media. The Academy encourages you to seek advice before reporting a concern externally. The independent whistleblowing charity, Protect, operates a confidential helpline and also has a list of prescribed regulators for reporting certain types of concern.

Staff can seek advice from Protect, (previously known as Public Concern at Work), who offer a confidential helpline. Their contact details are:

Protect	Helpline:	<b>020 3117 2520</b>
(Independent Whistleblowing Charity)	E-mail:	<a href="mailto:whistle@protect-advice.org.uk">whistle@protect-advice.org.uk</a>
	Website:	<a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>

Whistleblowing concerns usually relate to the conduct of the Academy's staff but they may also sometimes relate to the actions of a third party, such as a supplier or contractor. In such circumstances, the law will protect you if you raise the matter with the third party directly. However, the Academy encourages staff to report such concerns internally in the first instance.

### **Responsibility for this Policy**

The trustees have overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns under this policy. This policy will be reviewed by the trustees from a legal and operational perspective on a regular basis.

The trustees will ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Comments, suggestions and queries in respect of this policy should be addressed to the Principal in the first instance.