

**The Boston Witham
Academies Federation**

Whistleblowing Policy

November 2020

Monitoring Responsibility	CEO
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Approval Body	People Committee
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Chair of Director's Signature	

1. Introduction

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This policy encourages employees to raise such concerns using the internal mechanisms set out below.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others who we deal with, who have serious concerns about any aspects of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.

This policy should be used, by employees, to raise serious concerns within the Trust, which are in the public interest where an individual genuinely feels there is evidence of malpractice, impropriety or wrongdoing within the Trust or by others acting on behalf of the Trust. This policy is in addition to the Trust's Complaints Procedures, which should be used by non-employees raising a concern and other statutory reporting procedures applying to some departments. All employees should be made aware of the existence of this Whistleblowing Policy.

2. Purpose

The purpose of this document is to remind all employees that they have a duty to raise serious concerns in good faith if they have genuine concerns that the Trust or its staff are guilty of malpractice that threatens the public interest. The intention of this policy is to encourage greater openness in the workplace and to ensure that all matters raised by employees under this policy are investigated appropriately.

It outlines the procedure to be followed by both employees and managers to ensure a consistent approach in line with employment legislation and the Trust's commitment to good employment practice.

3. Scope

The policy applies to all employees and those contractors working for the Trust on Academy premises, for example, agency staff, builders and drivers.

4. Legislation

The term 'whistle blowing' has been used to describe incidents where an employee publicly discloses some alleged wrongdoing within an organisation. If employees do raise a concern

in the public interest, they will be protected from victimisation provided that their concern falls within the detailed criteria specified in the Public Interest Disclosure Act 1998 (PIDA).

5. Aims

This Policy aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for employees to raise those concerns and receive feedback on any action taken
- ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This Policy is intended to cover major concerns that fall outside the scope of other procedures. Disclosures qualifying for protection under the PIDA and this policy are:

- a) that a criminal offence has been committed, is being committed or is likely to be committed;
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject;
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
- d) that the health or safety of any individual has been, is being or is likely to be endangered
- e) that the environment has been, is being or is likely to be damaged, or
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Where other procedures exist they should be considered before making a Whistle Blowing complaint. For example, this policy does not replace the Trust's complaints procedure.

6. Safeguards

The Trust is committed to good practice and high standards and wants to be supportive of employees.

The Trust recognises that the decision to report a concern can be a difficult one to make. If what the employee is saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any procedures (e.g. disciplinary) that already affect the employee.

7. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the employees identity if they so wish. At the appropriate time, however, the employee may need to come forward as a witness.

8. Anonymous Allegations

This policy encourages employees to put their name to an allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust.

In exercising this 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.

9. Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken.

10. How to Raise a Concern

As a first step, employees should normally raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved, they should approach the Chief Executive or the Chair of the Trust.

Any concerns relating to the Chief Executive should be raised with the Chair of the Trust and any concerns about the Chair of the Trust should be raised with the Vice Chair of the Trust or the Chair of the Finance and Audit Committee. Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:

- the background and history of the concern, providing supporting information and giving relevant dates;
- the reason why they are particularly concerned about the situation.

The earlier employees express their concern the easier it is to take action.

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for the concern.

Employees may wish to obtain advice/guidance on how to pursue matters of concern. Advice can be obtained from the Chief Executive, Chief Finance Officer, Chief Education Officer, Chief Operating Officer, Chair of the Trust, Human Resources or a member of the Senior Leadership Team at a particular Academy site. Employees may wish to consider discussing their concern with a colleague first and employees may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

Employees may invite their trade union, professional/association representative or a friend to be present during any meetings or interviews in connection with the concerns that have been raised.

Employees need to be aware that their colleagues are bound by the same obligations as they are themselves relating to confidential information. If employees share confidential information with union reps, professional associations or others with a view to using this policy, they will need to be careful that the confidential information is not used inappropriately. PIDA gives protection where information is disclosed in the course of obtaining legal advice. Therefore, when seeking such advice, employees should ensure that in seeking the advice confidential information is not passed to third parties.

11. How the Trust will Respond

The Trust will respond to employee concerns. Be aware that testing out concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, internal assurance or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- be referred to the Education and Skills Funding Agency or the Department for Education

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 Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

Any officers who are responsible for operating this policy who may be implicated in any way or have a potential or actual conflict of interest will be excluded from any involvement in the process.

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 (10) working days of a concern being raised, the responsible person (the Chief Executive, Chief Finance Officer, Chief Education Officer, Chief Operating Officer, Chair of the Trust,) will write to you:

- acknowledging that the concern has been received
- indicating how the Trust proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- informing you on whether further investigations will take place and if not, why not.

The amount of contact between the responsible person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from the employee.

Where any meeting is arranged off-site, if the employee so wishes, the employee can be accompanied by a union or professional association representative or a friend.

The Trust will take steps to minimise any difficulties which the employee may experience as a result of raising a concern. For instance, if the employee is required to give evidence in criminal or disciplinary proceedings the Trust will arrange for the employee to receive advice about such proceedings.

The Trust accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Trust will inform the employee(s) of the outcome of any investigation.

12. The Responsible Person

The Chief Executive, Chief Finance Officer, Chief Education Officer, Chief Operating Officer, Chair of the Trust and Headteacher has overall responsibility for the operation of this policy. The Responsible Person for implementing this policy for a specific whistleblowing allegation will be whichever of the listed Responsible Persons has ultimate line management responsibility for the member of staff with whom the concern has been raised unless that person is the subject of the allegation or is potentially conflicted in which case another responsible person will be identified.

Any allegations in relation to the Chief Executive will be dealt with by the Chair of the Trust and in relation to the Chair of the Trust it would be the Vice Chair of the Trust or the Chair of the Finance and Audit Committee.

The Responsible Person maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality). A record will also be maintained by the Chief Executive's office.

13. How the Matter can be Taken Further

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

- the local Citizens' Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police

The Trust recognises the lawful right of employees to make disclosures to prescribed persons under the terms of the PIDA. If employees do take the matter outside the Trust, they should ensure that they do not disclose confidential information. This policy has been written taking into account the terms of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern where those disclosures are made in accordance with the Act's provisions.

The scope of this policy is wider than the obligations contained in the 1998 Act, which covers:

- criminal offences
- failures to comply with legal obligations
- miscarriages of justice
- endangerment of health and safety
- concealment

If an employee makes a protected disclosure, the Act protects him/her against dismissal for making the disclosure. A disclosure covered by the procedure but not also covered by the Act is offered no such protection.

14. Maintaining this Policy

This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines.

15. Further Advice

Employees may also wish to seek other independent advice in relation to Whistleblowing. The Whistleblowing charity; Public concern at work provide free information to employees (www.pcaw.org.uk)

16. External Whistle-blowers

If a former employee or other external party whistle blows, the responsible person will determine the appropriate response based on the specific circumstances of the case, including any internal investigation in line with the principles within this policy and co-operating with any external investigation.