Community Academies Trust Whistleblowing Policy

Approved by the Board of Directors on: 4 July 2017

Review date: June 2018

1. Introduction

Community Academies Trust is committed to open and honest communication and the highest possible standards in integrity, and will treat whistleblowing as a serious matter.

In line with Community Academies Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response. Such action is termed "blowing the whistle"; this should be viewed as the positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

2. Background

2.1. Statutory protection for employees who "blow the whistle" is provided by The Public Interest Disclosure Act 1998 (PIDA), which protects employees who speak out about concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe, unethical or amounts to malpractice.

2.2. This policy has been written in accordance with the Whistleblowing for Employees guidance document.

2.3. Serious malpractice may involve governors, managers, colleagues/clients or suppliers of goods and services to the organisation. Therefore, Community Academies Trust has introduced this policy to enable staff to raise concerns, which are in the public interest, through internal trust procedures.

2.4. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. Details of any disclosure remain confidential.

2.5. The Headteacher/ Head of School is normally the first point of contact for whistleblowing queries. In the event that the allegation is related to the Headteacher/ Head of School, then issues will be raised with the Chair of the Local Governing Body at the school. Concerns at Trust level should normally be raised with a Director of Education or the Finance Director as the first point of contact.

2.6. This policy has due regard to statutory legislation including, but not limited to, the following:

- The Public Interest Disclosure Act 1998
- The Public Concern at Work Guidelines 1997

Approved by the Board of Directors on: 4 July 2017

Review date: June 2018

3. Scope

3.1. This policy will:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members and staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

3.2. This policy should not be confused with the policies on dealing with Dignity at Work or Grievance and Disciplinary policies. A whistleblower is not usually directly or permanently affected by the concern; they are a witness not a complainant. This procedure should not be used to raise individual concerns regarding terms and conditions of employment.

3.3. This policy will complement the aforementioned procedures by covering concerns that fall outside their scope, such as issues relating to:

- Unlawful conduct, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc.
- Failure to comply with a legal requirement.
- Creating or ignoring a serious risk to health, safety or the environment
- Improper conduct or a miscarriage of justice.
- Criminal activities
- Concealment of any of the above

The Trust has noted the requirements of the Modern Slavery Act 2015. A report of concern regarding modern slavery or human trafficking can be made under the protection of the whistleblowing policy.

3.4. If a whistleblower makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action will be taken. However, if the inquiry shows that untrue allegations were malicious or made for personal gain, then Community Academies Trust will consider taking disciplinary action.

3.5 Whistleblowing is not appropriate for dealing with pupil or parent complaints which will be dealt with under the complaints policy.

3.6. Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the Child Protection and Safeguarding Policy.

Approved by the Board of Directors on: 4 July 2017

Review date: June 2018

4. What is a whistleblower?

4.1. A whistleblower is an individual who discloses confidential information regarding an employee, which relates to some danger, fraud or other illegal or unethical conduct which is connected with the workplace.

4.2. Under this policy, any of the following can raise a concern:

- Employees of the school.
- Employees of contractors working for the school for example, agency staff, builders and drivers.
- Employees of suppliers.
- Voluntary workers working with the school.
- A trainee, such as a student teacher or apprentice.

5. Harassment or victimisation

5.1. Community Academies Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the trust will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.

5.2. Staff are protected in law by the Public Interest Disclosure Act, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.

5.3. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Disciplinary Policy.

5.4 The whistleblower's identity will be kept confidential, unless the whistleblower otherwise consents or unless there are grounds to believe that the whistleblower acted maliciously. In the absence of such consent or ground the responsible person will not reveal the identity of the whistleblower except:

- Where the responsible person is under a legal obligation to do so
- Where the information is already in the public domain; or
- On a legally privileged basis to a lawyer for the purpose of obtaining legal advice.

5.5. Anyone feeling unsure can seek confidential advice at any time from Public Concern at Work, a registered charity which advises on serious malpractice in the workplace. For more information, visit their website or ring them on 020 7404 6609.

Approved by the Board of Directors on: 4 July 2017

Review date: June 2018

6. Procedure

6.1. Concerns should be expressed in writing to the Headteacher/ Head of School, and will include: background and history of the concern, names, dates and places where possible, and express the reasons for the concern. Individuals are encouraged to let themselves be known, either in person, or through their union representative, as concerns expressed anonymously are difficult to investigate. Should the concerns be about the Headteacher/ Head of School then they can be addressed to the Chair of the Local Governing Body or to a Director of Education or the Finance Director of the Trust.

6.2. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures.

7. What happens next

7.1. Once a Headteacher, Head of School, Chair of Local Governing Body or Director of Community Academies Trust (the responsible person) has been informed of the concern, it is then the responsible person's role to investigate the matter further.

7.2. The responsible person should alert a Director of the Trust of the concern within 2 working days so the appropriate support can be put in place for any investigation.

7.3 The responsible person will write to the individual within 10 days of the initial meeting in order to confirm that the concern has been received, as well as indicate proposals for dealing with the matter.

7.3. If the responsible person determines that the disclosure does not have sufficient merit to warrant further action, the whistleblower will be notified in writing of the reasons behind this decision and advised that no further action will be taken.

7.3. If the responsible person determines that the disclosure does have merit, the initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed, including appointment of an investigating officer.

7.4. If an investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend, or a fellow member of staff not involved in the area of work to which the concern relates. This person will provide support only, and will not be allowed to become involved in the proceedings.

7.5. If no action is to be taken, and/or the whistleblower is not satisfied with the way the matter has been handled, they can make a complaint under the Community Academies Trust Complaints Policy.

Approved by the Board of Directors on: 4 July 2017

Review date: June 2018

8. What the Trust asks of whistleblowers

8.1. The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not take the concern outside the trust including to the media.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

9. At the end of the process

9.1. A record will be made of the nature and outcome of the concern. This record will be held by the Company Secretary of the Community Academies Trust and the number and types of incidents will be reported to Directors of the Trust annually. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, in order to monitor any patterns of concern across Community Academies Trust, and to assist in monitoring the procedure.

9.2. The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights; where action is not taken, the individual will be given an explanation. Sometimes, for reasons of confidentiality, it may not be possible to give too much detail on the outcome.

10. Appeal process

10.1. If the whistleblower disagrees with the decision made, they should request, in writing to the responsible person, within two weeks of receiving the notification, a review of the decision stating the grounds for requesting the review.

10.2 If the whistleblower is still not satisfied with the outcome or the way the matter has been handled, they can make a complaint under the Community Academies Trust Complaints Policy.

Approved by the Board of Directors on: 4 July 2017

Review date: June 2018