



# **Biddick** Academy

<b><i>Name of Policy</i></b>	<b>Whistleblowing Policy</b>
<b><i>Aims of Policy</i></b>	<ul style="list-style-type: none"><li>• Encourage Academy workers to feel confident in raising concerns in the knowledge that their concerns will be taken seriously and investigated (where appropriate) and that their confidentiality will be respected</li><li>• Provide Academy workers with the process of how to raise concerns about potential wrongdoing and have a clear procedure about how the Academy will respond to such concerns</li><li>• Ensure that Academy workers get a response to the concerns they have raised from the Academy and if not satisfied with the response details how they may take the matter further</li></ul>
<b><i>Date Valid</i></b>	<b>1<sup>st</sup> April 2021</b>
<b><i>Date of Approval</i></b>	<b>25<sup>th</sup> March 2021</b>
<b><i>Next Review and Approval Date</i></b>	<b>April 2022</b>
<b><i>Responsibility for Review</i></b>	<b>HR Manager</b>

BIDDICK  
ACADEMY

---

SPECIALISING IN SPORTS  
AND PERFORMING ARTS

# Whistleblowing Policy

## **Contents**

1. Introduction
2. Aims
3. Scope
4. Legislation
5. Safeguards
6. How to raise a concern in the Academy
7. Investigating the concern
8. Malicious or vexatious allegations
9. Independent advice
10. Escalating concerns beyond the Academy
11. The Responsible Officer

## 1. Introduction

1.1 The Academy is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment the Academy is keen that activity, which falls below these standards, is reported to the Academy in order that it can be dealt with promptly. The Academy acknowledges that staff are often the first to realise that there may be something seriously wrong within their organisation and that the Academy needs to encourage staff and others with concerns about any aspect of the Academy's work to come forward and voice those concerns. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public, other staff or the environment, it can be difficult to know what to do. Specific examples could include:

- a criminal offence (e.g. fraud, corruption etc.) may have or has been committed;
- a miscarriage of justice has been or is likely to occur;
- the health or safety of an individual has been or is likely to be endangered;
- public funds are being used in an unauthorised manner;
- the environment has been or is likely to be damaged;
- the Academy's Constitution (e.g. Code of Conduct, Contract Procedure Rules, Financial Procedure Rules) has been or is being breached by trustees and/or staff;
- abuse (e.g. physical, sexual) of any worker or service recipient is taking place;
- discrimination to any worker or service recipient, e.g. disability, race etc;
- information relating to any of the above is being deliberately concealed.

1.2 An Academy worker may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling it's none of their business or that it's only a suspicion. The person may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. The person may also fear harassment or victimisation.

1.3 The Academy has adopted a Whistleblowing Policy to enable Academy workers to raise their concerns about such malpractice at an early stage and in the right way. The Academy would rather that Academy workers raised the matter when it is at a concern level rather than wait for proof. The Whistleblowing Policy is intended to encourage Academy workers to raise serious concerns within the Academy rather than overlooking a problem or simply reporting it outside. This policy should be read in conjunction with the Code of Conduct.

1.4 If there is something that an Academy worker feels that the Academy should know about, or look into, the guidance should be followed in this policy and the concerns raised and not ignored. If, however, the Academy Worker has a grievance about their

own personal position or employment, the Academy's Grievance Procedure should be followed- which you can get from Human Resources. The Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

## **2. Aims**

### **2.1 This policy aims to:**

- encourage Academy workers to feel confident in raising serious concerns in the knowledge that their concerns will be taken seriously and investigated (where appropriate) and that their confidentiality will be respected;
- reassure staff that, when they raise any concerns in good faith and reasonably believe them to be true, i.e. "whistleblow", they will be protected from reprisals or victimisation;
- provide Academy workers with the process of how to raise concerns about potential wrongdoing and have a clear procedure for how the Academy will respond to such concerns;
- ensure that Academy workers get a response to the concerns they have raised from the Academy and, if not satisfied with the response, details how they may take the matter further.

## **3. Scope**

- 3.1 This policy applies to all employees in the Academy. The policy also covers agency staff, and Academy workers employed via a third party.
- 3.2 It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other Academy procedures where more appropriate procedures are available, for example grievances are covered by the Grievance Procedure.

## **4. Legislation**

- 4.1 The Academy is required to have clear whistleblowing procedures in place as set out in the Academies Financial Handbook.
- 4.2 This policy has been written in line with the document in 4.1 as well as government guidance on whistle-blowing. The Academy also take in to account the Public Disclosure Act 1998.
- 4.3 This policy complies with our funding agreement and articles of association.

## 5. Safeguards

### *Harassment or Victimisation*

- 5.1 The Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Academy will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. If you raise a genuine concern under this policy, you will not suffer any detriment in connection with your employment. Therefore, providing you are acting in good faith, it does not matter if you are mistaken.
- 5.2 However, this does not mean that, if the employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of the disclosure.

### *Confidentiality*

- 5.3 The Academy will do its best to protect an employee's identity when they raise a concern and do not want their name to be disclosed. If an employee asks the Academy to protect their identity by keeping their confidence, the Academy will not disclose it without the employee's consent or unless instructed by a Tribunal or Court. If the situation arises where the Academy are not able to resolve the concern without revealing their identity (e.g. a statement by the employee may be required as part of the evidence) the Academy will discuss with the employee whether and how to proceed.

### *Anonymous Allegations*

- 5.4 This policy strongly encourages the person to put a name to any allegation. Concerns expressed anonymously are much more difficult to investigate or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Academy.
- 5.5 In exercising discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
  - the credibility and plausibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

### *Untrue or Malicious Allegations*

- 5.6 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, the employee made malicious or vexatious allegations, disciplinary action may be taken.

## **6. How to Raise a Concern within the Academy**

- 6.1 Employees should consider the examples in paragraph 1.1 when deciding whether their concern is of a whistleblowing nature.
- 6.2 Employees should report their concern to the Headteacher or HR Manager. In the event that the concern is regarding the Headteacher the employee should raise their concern directly to the Chair of the Trustee Board.

When raising the concern, the employee should state whether they want to raise the matter in confidence so the person contacted can make appropriate arrangements.

- 6.3 Concerns should be made in writing wherever possible. The concern should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Employees raising a concern should also include details of any personal interest in the matter.

Although the employee is not expected to provide proof of the allegation they will need to ensure that there are sufficient grounds for the raised concern.

- 6.4 Employees may wish to involve their Trade Union representative when raising a concern.

## **7. Investigating the concern**

- 7.1 The recipient of the concern will arrange a meeting with the employee within 5 working days. The employee can bring their trade union representative to the meeting if they require.
- 7.2 At the meeting the person leading the investigation will gather as much information as possible in regards to the concern and record this information. If it becomes apparent that the concern is not of a whistleblowing nature, the recipient will handle the concern in line with appropriate policy or procedure.
- 7.3 At the meeting it will be confirmed with the employee that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. However, if the concern is found to be malicious or vexatious, disciplinary action may be taken.
- 7.4 Following the meeting the recipient of the complaint will then be in a position to establish whether there is sufficient cause for concern to warrant further investigation.
- 7.5 If it is established that there is a need to investigate the concern further then an investigation will be conducted by the recipient of the complaint. There may be instances where it is decided that an external, independent body need to investigate

the concern or that the matter needs to be referred to the police.

- 7.6 If an investigation is undertaken the person who raised the concern will be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.
- 7.7 Some concerns may be resolved by agreed action without the need for investigation.
- 7.8 Following the initial meeting with the employee raising the concerns and no later than ten working days of the concern being received, the Academy will write to the employee who raised the concern:
- acknowledging that the concern has been received;
  - indicating, in overall terms, how it proposes to deal with the matter;
  - giving, where possible, an estimate of how long it will take to provide a final response;
  - advise whether any initial enquiries have been made; and
  - advise whether further investigations will take place, and if not, why not.
- 7.9 The amount of contact between the person investigating and the person who raised the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee who made the complaint throughout an investigation.
- 7.10 When any meeting is arranged, the employee may be accompanied by a Trade Union colleague or a work colleague.
- 7.11 The Academy 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 Academy will advise them about the procedure.
- 7.12 Following conclusion of any investigation, the person who raised the concern will be informed of the outcome (where appropriate) in writing.

## **8 Malicious or vexatious allegations**

- 8.1 Employees are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.



8.2 If an allegation is shown to be deliberately invented or malicious, the Academy will consider whether any disciplinary action is appropriate against the person who made the allegation.

## **9 Independent Advice**

9.1 If employees are unsure whether to use this Policy or you want independent advice at any stage, they may contact:

- if applicable, their union;
- Protect advice helpline on 02031172520

## **10 Escalating concerns beyond the Academy**

10.1 This policy is intended to provide employees with an avenue to raise concerns within the Academy and to give employees the reassurance to raise such matters internally. If employees are not satisfied with an internal process, or feel it is right to take the matter outside the Academy, the following are possible contact points:

- the Academy's External Auditor (Audit Commission) (01624 221331);
- the Police.

The list above is not exhaustive and other possible parties to contact may be:

- relevant professional bodies or regulatory organisations;
- a solicitor.

The Academy would rather the employee raised a matter with the appropriate regulator or outside body than not at all. The employee may raise a concern with any of the above provided that:

- the disclosure is in good faith;
- the employee reasonably believes that the information disclosed, and any allegation contained in it, are substantially true;
- the disclosure is not made for the purposes of personal gain.

Again appropriate legal advice should be sought prior to raising a matter externally.

10.2 If an employee decides to take the matter outside the Academy, they need to ensure that they do not disclose confidential information or that disclosure would be privileged.

## **11 The Responsible Officer**

11.1 The Headteacher has overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Headteacher will maintain a corporate register of the

number and nature of the concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Chair of the Trustee Board, where appropriate.

- 11.2 The Policy will be reviewed on an annual basis to ensure the Policy remains up to date and to ensure it remains effective. The review will be carried out by the HR Manager and Headteacher and agreed by the Trustee Board.