



Biddick Academy

<i>Name of Policy</i>	Whistleblowing
<i>Aims of Policy</i>	<ul style="list-style-type: none">• encourage Employees 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 employees that, when they raise any concerns in good faith and reasonably believe them to be true, i.e. “whistle blow”, they will be protected from reprisals or victimisation (though vexatious or malicious concerns may be considered a disciplinary issue);• provide Employees 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 Employees 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.• This policy does not form part of any employee’s contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.
<i>Date Valid</i>	April 2022 – April 2023
<i>Date of Approval</i>	March 2022 – Headteacher March 2022 – Trustee Board
<i>Next Review and Approval Date</i>	March 2023
<i>Responsibility for Review</i>	HR Manager

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1. Introduction

1.1 Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupil or employee health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust count as whistle-blowing. For example, personal employee grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects an employee member as an individual, or relates to an individual employment contract, this is likely a grievance.

When employees have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that employees may find useful if unsure
- A free and confidential [advice line](#)

1.2 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.

1.3 An Employee 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.

- 1.4 The Academy has adopted a Whistleblowing Policy to enable Employees to raise their concerns about such malpractice at an early stage and in the right way. The Academy would rather that Employees raised the matter when it is at a concern level rather than wait for proof. The Whistleblowing Policy is intended to encourage Employees 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.
- 1.5 If there is something that an Employee 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 Employee 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 Employees 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 employees that, when they raise any concerns in good faith and reasonably believe them to be true, i.e. "whistle blow", they will be protected from reprisals or victimisation (though vexatious or malicious concerns may be considered a disciplinary issue);
- ❑ provide Employees 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 Employees 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.

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

3. Scope

3.1 This policy applies to all employees in the Academy. The policy also covers agency employees, and Employees 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 Trust 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 Interest 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.

8 Outcome of the Investigation

8.1 Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

8.2 They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

8.3 Beyond the immediate actions, the Headteacher, trustees and other employees if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

8.4 Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

9 Malicious or vexatious allegations

9.1 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.

9.2 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.

10 Independent Advice

10.1 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

11 Escalating concerns beyond the Academy

11.1 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, a list of prescribed bodies to whom employees can raise concerns with is included [here](#)

The Protect advice line, can also help employees when deciding whether to raise the concern to an external party.

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.

- 11.2 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.

12 The Responsible Officer

- 12.1 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.
- 12.2 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.