Tithe Academy
at the heart of the community

1. Whistleblowing Policy

This policy should be read alongside the 'Common Principles' at the beginning of the policy suite.

1.1. Background

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (PIDA) (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

1.2. Aims and Scope of the Policy

This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern;
- allow employees to take the matter further if they are dissatisfied with the Governing Body's response.

This policy describes how any school employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised under this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

Concerns which fall within the scope of the whistleblowing procedure includes where an employee honestly and reasonably believes that malpractice or wrongdoing has occurred, is in the process of being committed or is likely to be committed, which may include:

(a) criminal activity;

(b) miscarriages of justice;

(c) danger to health and safety;

(d) damage to the environment;

(e) failure to comply with any legal or professional obligation or regulatory requirements;

(f) bribery;

(g) financial fraud or mismanagement;

(h) negligence;

(i) breach of our internal policies and procedures

(j) conduct likely to damage our reputation;

(k) unauthorised disclosure of confidential information;

(l) public examination fraud

(m) the deliberate concealment of any of the above matters.

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, volunteers or outside agencies.

Concerns raised by employees about their own conditions of service or personal circumstances, should be addressed via the Academy's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the Academy's pay policy.

1.3. Safeguards

1.3.1 Harassment or Victimisation

The Governing Body 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 Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

1.3.2 Confidentiality

The Governing Body will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

1.3.3 Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:

1. the seriousness of the issues raised;
2. the credibility of the concern; and
3. the likelihood of confirming the allegation from attributable sources.

1.3.4 Untrue Allegations

If an employee makes an allegation and has a reasonable belief that the allegation is true and concerns wrongdoing or malpractice, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

1.3.5 Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

1.3.6 Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

1.4. How to raise a Concern

As a first step, an employee should normally raise concerns with their Manager or their Manager's Manager. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their Manager or their Manager's Manager is involved, s/he should approach the Headteacher or Chair of the Governing Body. An employee (including the Headteacher and members of the leadership team) can by-pass the direct management line and the Governing Body if s/he feels the overall management and Governing Body of a school is engaged in an improper course of action; in this case please refer to section 8.7 below.

Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.

The earlier an employee expresses the concern, the easier it is to take action.

Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances, it may be appropriate for an employee to ask their trade union to raise a matter on the employee's behalf. An employee is entitled to seek confidential advice on the matter from their trade union representative.

1.5. The Role of Senior Leaders

A Senior Leader may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone.

The Senior Leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

Stage One

At the initial meeting the Senior Leader should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-blowing Policy.

The Senior Leader should ask the employee, to put their concern(s) in writing, if s/he has not already done so. The Senior Leader should make notes of the discussions with the employee. The employee's letter and/or Senior Leader's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and

- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Leader should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Senior Leader should follow the policy as set out above and in particular explain to the employee:

- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process; and that a written response will be sent out within ten working days.

- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately; and
- that if the employee's concern is raised in accordance with this policy but is not confirmed by the investigation, no punitive action will be taken against them.

The Senior Leader should explain to the employee that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

The employee may be accompanied by a trade union representative or workplace colleague at this meeting.

Stage Two

Following the initial meeting with the employee, the Senior Leader should consult with the Headteacher or Chair of the Governing Body to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Leaders should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the academy's external auditor;
- form the subject of an independent enquiry.

Senior Leaders should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the academy's HR advisor.

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Stage Three

Within ten working days of a concern being received, the Senior Leader receiving the concern must write to the employee:

- acknowledging that the concern has been received;
  indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved; and
- providing the employee with details of whom to contact should s/he be dissatisfied with this response (see 8.7 below).

1.6. Governing Body consideration

The Headteacher will inform the Governing Body of any concerns raised through this policy and the response. The Governing Body will take such action as it deems necessary in light of any concerns raised through this policy.

1.7. Raising Concerns outside the School

The whistle-blowing policy is intended to provide employees with a mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. In circumstances where an employee decides to raise the matter externally they will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the Public Interest Disclosure Act 1998 (PIDA). This means that the disclosure must fall under one of the 6 categories listed in bullet points in paragraph 8.2 above.

If an employee is not satisfied with the Governing Body's response, the Senior Leader should ensure that the employee is made aware with whom they may raise the matter externally (see 1-5 below):

- 'Protect' http://www.pcaw.co.uk; tel no 020 7404 6609*;
- recognised trade union;
- the academy's external Auditor;
- relevant professional bodies or regulatory organisations; • a solicitor.

The Senior Leader should stress to the employee that if they choose to take a concern outside the Academy, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party. An employee is entitled at this stage to seek confidential advice on the matter from their trade union representative.

Wider disclosure

PIDA contemplates that there may be a public interest in workers making qualifying disclosures beyond employers or prescribed persons. It does not name or limit the identity of those to whom wider disclosure can be made, but their identity will be key to the question of whether disclosure was reasonable. Prior to disclosure to a third party the worker must:

- Reasonably believe, at the time of disclosure, that the information and allegations are substantially true, and
- Does not make the disclosure for personal gain; and
  Have previously disclosed substantially the same information to their employer or to a prescribed person; or
- Reasonably believe, at the time of disclosure, that they will be subjected to a detriment by their employer if they make disclosure to the employer or a prescribed person; or
- Reasonably believe (where there is no prescribed person) that material evidence will be concealed or destroyed if disclosure is made to the employer.

In all the circumstances of the case, it must be reasonable for them to make the disclosure.

Employees who wish to take the matter outside the academy should check with their Trade Union representative that they are not in breach of the Academy's Code of Conduct.

* - Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.