

Whistleblower's Charter

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1. Introduction

- 1.1.1. Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. 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.
- 1.1.2. The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees, members of the public and other interested parties are encouraged to voice those concerns. The charter encourages and enables serious concerns to be raised within the school on a confidential basis and without fear of reprisals.
- 1.1.3. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or blowing the whistle to the media or other external bodies. This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.

2. Aims

- 2.1. To provide a facility to raise concerns and receive feedback on action taken.
- 2.2. Inform staff on how to take the matter further if they are dissatisfied with the response.
- 2.3. To demonstrate the Academy's commitment to investigate concerns.
- 2.4. To provide protection from reprisals and victimisation for whistleblowing.
- 2.5. There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This Whistleblowing policy is intended to cover concerns may be about something that: -
 - 2.5.1. Is unlawful
 - 2.5.2. Is against policy
 - 2.5.3. Falls below established standards or practices
 - 2.5.4. Results in waste or loss to the school
 - 2.5.5. Amounts to improper conduct
- 2.6. Examples of malpractice may include concerns about possible corruption, financial irregularities and dangerous procedures.

3. Safeguards

- 3.1. The Whistleblowers' Charter contains a number of safeguards: -
 - 3.1.1. **Harassment or victimisation.** The school 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 school will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.
 - 3.1.2. **Confidentiality.** The school will do its best to protect your identity if you raise a concern and do not want your name disclosed. However, you must appreciate that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

3.1.3. **Anonymous Allegations.** Allegations / concerns can be made anonymously, however it should be noted that such cases can be more difficult to investigate. The likelihood of action will depend on: -

- 3.1.3.1. The seriousness of issues raised.
- 3.1.3.2. Credibility of the concern.
- 3.1.3.3. Likelihood of confirming the allegation from attributable sources.

3.2. **Untrue Allegations.** No action will be taken against whistleblowers if allegations are made in good faith. However, malicious or unfounded allegations may result in disciplinary action taken against the whistleblower.

4. **Public Interest Disclosure Act 2013**

4.1.1. The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest they blow the whistle on wrong doing. For a disclosure to be protected under the Act's provision it must relate to matters that qualify for protection under the Act. Qualifying disclosures are disclosures which worker reasonably believes to show that on or more of the matters is either happening now, took place in the past, or is likely to happen in the future:

- A Criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate concealment of information tending to show any of the above five matters

4.1.2. A qualifying disclosure to the commission will be 'a protected disclosure' providing that:-

- 4.1.2.1. You must disclose the information in good faith.
- 4.1.2.2. You must believe it to be substantially true.
- 4.1.2.3. You must not act maliciously or make false allegations.
- 4.1.2.4. You must not seek personal gain.

4.1.3. By regulations issued under the Act, the Audit Commission has taken on new responsibilities as a "prescribed person" that involves receiving disclosures internally (take out no longer the audit office)

4.1.4. The Audit Commission has the responsibility to ensure that disclosures are properly investigated and will report its findings to the person making disclosures. (take out no longer the audit office)

5. **Disclosure Procedures**

5.1. **Raising a concern**

- 5.1.1. In the first instance, employees should bring the matter to their line manager.
- 5.1.2. If that person is involved, they should approach the next level of management.

Access to management in these circumstances should be confidential.

5.2. How the complaint will be dealt with

- 5.2.1. The action taken will depend on the nature of the concern. The matters raised may: -
- 5.2.1.1. Be investigated internally.
 - 5.2.1.2. Be referred to the Police.
 - 5.2.1.3. Be referred to the external Auditor.
 - 5.2.1.4. Be the subject of advice to refer to the Local Government Ombudsman or Standards Board as appropriate
- 5.2.2. In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other, existing, procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.2.3. Some concerns may be resolved by agreed action without the need for investigation. Some concerns or allegations which fall within the scope of other specific procedures (for example child protection, or personnel policy) will be referred to appropriate sections.
- 5.2.4. Within ten working days of a concern being received, the complainant will have:-
- 5.2.4.1. Acknowledging that the concern has been received.
 - 5.2.4.2. Indication on how it is proposed to deal with the matter.
 - 5.2.4.3. Giving an estimate of how long it will take to provide a final response
 - 5.2.4.4. Telling them whether any initial enquiries have been made.
 - 5.2.4.5. Telling them whether further investigations will take place, and if not, why not.
- 5.2.5. The amount of contact between the body considering the issues and the complainant 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 individual.
- 5.2.6. When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.2.7. We shall take steps to minimise any difficulties which staff may experience as a result of raising a concern.
- 5.2.8. We accept that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, staff will receive information about the outcomes of any investigations.
- 5.2.9. Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representer is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues or possible discrimination. The external bodies which could be used include:
- The Department for Education.
 - Member of Parliament.
 - National Audit Office.
 - Health and Safety Executive.

- Police.

5.2.10. The Academy has appropriate procedures to receive and to investigate all concerns / allegations which should be followed. However, if you feel unable to talk to anyone within the school, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

5.2.11. If you are still not satisfied, you may wish to contact Public Concern at Work, by telephoning 020 3117 2520 or e-mail whistle@pcaw.co.uk. Public Concern at Work is an independent charity providing free advice for persons who wish to express concern about fraud and other serious malpractice in the workplace. <https://www.pcaw.org.uk/>

6. Confidentiality

6.1.1. People who provide information to the Hotline are asked to appreciate that, although the investigation will be carried out in the manner described above, it will not be possible for feedback on the progress of any investigation to be provided to the Whistleblower. However, if a contact name or telephone number is provided, this may be used in order to obtain further information or clarification during the course of the investigation.

7. The Responsible Officer

7.1. The Governing Body has overall responsibility for the maintenance and operation of this policy within the school and any concerns or allegations should, in the first instance, be brought to the attention of North Lincolnshire Council Audit Section (01724 296666).

Any proven allegations will be brought to the appropriate committee of the Governing Body and support will be provided for the chair of governors by Audit and the local authority's Human Resources section where appropriate.