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Signhills Academy and Signhills Infant Academy

Whistle Blowing Policy

Introduction and Context

Signhills Academies are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, volunteers, and anyone associated with the Academies who have serious concerns about any aspect of practices encountered within school to come forward and voice those concerns without fear of reprisals. This policy is to support staff wanting to raise such issues. It is recognised that certain cases will have to proceed on a confidential basis.

This policy takes into account the provisions of the Public Interest Disclosure Act 1998, which also provides legal recourse for the person raising the concern should they feel they have been treated unfairly as a result of "whistleblowing". A purpose of the policy is to give all members of staff the confidence to come forward and raise issues of concern.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

Complaints that do not count as whistleblowing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.
Report these under your employer's Grievance Policy.

Aims

The aim of this policy is to provide safe and confidential avenues for all staff, volunteers and those associated with the Academies to raise concerns and receive feedback over malpractice including those of child protection, social care, corruption and financial irregularities occurring within the organisations. It will result in:

- staff being aware of how to express concerns in regards to suspicion of bad practice
- a recognition that systems are in place to prevent victimisation and / or intimidation of staff who raise concerns in good faith
- an atmosphere that enables and encourages staff to raise serious concerns
- a clear and understandable process regarding taking issues of concern further if they are not satisfied with the response and provide feedback at all stages regarding progress being made.

Safeguards

Harassment and Victimisation
We recognise 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 alleged malpractice. The Governing Bodies will not tolerate harassment or victimisation and will take action to protect the person raising the concern when they raise a concern in good faith. This does not mean that if the person raising the concern is already the subject of disciplinary or other procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality
It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.

Anonymous Allegations
This policy encourages the person raising the concern to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Headteacher (or Chair of Governors). In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issued raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

Untrue Allegations
If an allegation is made but subsequently, following an investigation, not up held then no action will be taken against the instigator providing they:

- have acted in *good faith*;
- believe that the information disclosed, and any allegation contained in it, is **substantially true**; and
- **have not** *acted for personal gain*.

It should be note that if a malicious or false allegation is made, disciplinary action may be considered.

Guidelines

Raising a concern
Minor issues of concern should in the first instance be raised with immediate line managers, however issues felt to be of a more serious or sensitive nature should be raised directly with the Headteacher. If you feel unable to raise the matter with your Headteacher, for whatever reason, then the matter should be raised with the Chair of Governors.

Whenever possible, concerns should be raised in writing (Appendix 1) and should set out the background and history of the concern, giving names, dates and places if known, as well as the reason why the individual is particularly concerned about the situation.

The earlier the concern is expressed, the easier it is to take action.

Although those raising a concern will not be expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Individuals may seek advice and support, and also invite their Trade Union or professional association to raise a matter on their behalf. This would be welcomed and encouraged by the Academies.

How the allegation will be dealt with

The action taken by the Headteacher will depend on the nature of the concern. The matters raised may:

- be investigated internally. Any investigation will be undertaken paying due regard to confidentiality.
- be referred to the Police.
- be referred to the external Auditor.

In order to protect individuals and the Academies, 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 (e.g. child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

The Headteacher (or Chair of Governors) will write to the complainant within a maximum of 10 working days of a concern being received;

- acknowledging that the concern has been received;
- indicating how the matter will be dealt with;
- giving an estimate of how long it will take to provide a final response;
- telling them whether any initial enquiries have been made; and
- telling them whether further investigations will take place, and if not, why not.

N.B. In certain high-risk situations, i.e. child protection concerns, interim action may already have been taken.

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.

When any meeting is arranged, the person raising the concern has the right, if they so wish, to be accompanied by a Trade Union representative, workplace representative or a work colleague or a personal supporter who is not involved in the area of work to which the concern relates.

The Academies will take steps to minimise any difficulties, which the person raising the concern may experience as a result of raising a concern. For instance, if the person raising the concern is required to give evidence in criminal or disciplinary proceedings, the Headteacher will advise and support them through the procedure.

We accept that the person raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigations.

Alternative methods of taking forward a complaint

This policy is intended to provide the person raising a concern with appropriate avenues to raise those concerns internally with the Academies whenever possible however, if an individual feels it is right to take the matter outside this process, the following are possible contact points:

- Individuals' solicitors.
- The Education Funding Agency (EFA).
- Your Trade Union or professional association – employees may invite their Trade Union or professional association to raise a matter on their behalf.
- The Police – suspicions of fraud or corruption may be reported directly to the Police.
- Protect – this is a charity, which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest. They operate a helpline on 020 3117 2520 or can be e-mailed at whistle@protect-advice.org.uk
- The Health and Safety Executive.
- Any other relevant Inspectorate or regulatory body

The Advisory, Conciliation and Arbitration Service (Acas)

If the person raising the concern does take the matter outside the Academy, they need to ensure that any disclosure is made in a reasonable and responsible way. A disclosure will be protected, even if it is proven to be unfounded, as long as it was made in good faith.

If you're treated unfairly after whistleblowing

You can take a case to an employment tribunal if you've been treated unfairly because you've blown the whistle.

You can get further information from the Advisory, Conciliation and Arbitration Service (Acas), Citizens' Advice, the whistleblowing charity Protect or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

You must notify Acas if you want to take your case to an employment tribunal.

Appendix 1

Whistle Blowing Report Form

Name: _____

Date: _____

Please give a brief outline of your concern? (Please give relevant names, dates, locations etc)

Were there any other witnesses? If so, please give their full contact details.

Did you take any action at the time? – if so, please outline what action you took

if you did not take action at the time, please give details as to why you took no action

Signed: ……

Date……

Designation……