

# **OUR CO-OPERATIVE ACADEMIES TRUST**

## **WHISTLEBLOWING POLICY 2016 - 2017**



**Origin: Gloucestershire Local Authority**

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**Date of Review: July 2017**

## OUR Co-operative Academies Trust Whistleblowing Policy 2015-2016

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### Introduction

- Whistleblowing has been defined as:  
  
**“the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees”.** (Public Concern at Work Guidelines 1997)
- Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 (“PIDA”)**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.
- This policy applies to all school staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the school.

### Aims and Scope of Policy

- The Governing Body is committed to high standards in all aspects of the Academy and will treat whistleblowing as a serious matter. In line with the Governing body’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.
- This policy aims to:
  - Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
  - Provide members of staff with avenues to raise concerns
  - Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
  - Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

### Safeguard Against Reprisal, Harassment and Victimisation

- The Governing Body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Governing body’s staff disciplinary procedures.

## **Confidentiality**

- The Governing Body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.
- However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

## **Anonymous Allegations**

- Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Governing Body will take the following factors into account:
  - The seriousness of the issue raised
  - The credibility of the concern
  - The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

## **Untrue and Malicious/Vexatious Allegations**

- If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Governing Body will consider taking disciplinary action against the member of staff.

## **Allegations Concerning Child Protection Issues**

- If a member of staff raises a concern related to a child protection issue, the Principal or Chair of Governors (if the concern is about the Principal) should urgently consult the LA Officer designated to lead on child protection (LADO) (Jane Bee 01452 426994). However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the Designated Safeguarding Lead either before raising their concern with the Governing Body or where the Principal or Chair of Governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

## **Procedure for Making a Whistleblowing Allegation**

- Concerns should be expressed in writing to the Principal. If the concern involves the Principal then the Chair of Governors should be the first point of contact. It is expected that the person receiving the allegation will become the investigating officer. However it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

- Where the concern relates to a Child Protection matter, if you do not want to raise this through the Academy, you must consult the LA officer designated to lead on safeguarding (Jane Bee). If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.
- Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

### **Response to Whistleblowing**

- The matter raised may:
  - Need inquiry internally in the school
  - Need to be passed to the Police if it relates to alleged criminal activity
  - Need to be passed to the person in the LA who deals with complaints about financial management or financial propriety in schools.
  - Need to be referred to the LA Officer designated to lead on safeguarding (Jane Bee) if there is a concern relating to child protection.
- At this stage concerns/allegations are neither accepted nor rejected.

### **The Inquiry Report**

- Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistleblower will also be notified of the outcome. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.
- If the investigation was carried out by a person other than the Principal or Chair of the Governing Body the written report must be submitted to the Principal and Chair of Governing Body to determine what further action (if any) is required) when considering further actions, the Principal and Chair of Governing Body **must** act on any recommendations made in the report. If the Principal and Chair of Local Governing Board cannot agree on further actions, a panel of three Governors (excluding the Principal, Chair of the Governing Body and any Governors employed at the Academy) will be convened to consider the report and agreed further actions.
- Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonomised) will be made available to all Governors.