



Wootton Academy Trust



Whistle Blowing Policy

- a) This policy applies to all schools managed by Wootton Academy Trust
- b) This policy was adopted by Wootton Academy Trust in December 2012
- c) This policy was reviewed by Wootton Academy Trust in December 2012



WOOTTON ACADEMY TRUST
(Wootton Academy Trust, Registered Company in England, Company number 7740758)

Whistle Blowing Policy and Procedure

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Whistle Blowing Policy and Procedure

1 Overview: What is 'Whistle blowing'?

Whistle blowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Governing Body or by fellow employees. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Academy Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers. **(See Section 5 for internal procedures).**

2 Protecting the Whistle Blower

Under the Public Interest Disclosure Act 1998 a whistle blower is protected from detriment and unfair dismissal. The Academy will support and not discriminate against concerned employees who apply the whistle blowing procedure, provided any claim is made in good faith.

3. Protecting your identity

3.1 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. If such harassment or victimisation should occur, you should write to The Chair of Governors who will deal with the matter.

3.2 However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity, we will not disclose it without informing you. We will advise you when concerns raised formally about colleague cannot be presented to them or investigated without revealing your identity.

3.3 If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

3.5 If you do not tell us who you are, it will be much more difficult for us to investigate the matter. Anonymous complaints that are not supported by any evidence cannot be investigated.

3.6 You should also be aware that we have a duty to protect colleagues from unfounded anonymous accusations.

3.7 While we will consider anonymous reports, it will not be possible to apply many aspects of this policy for any concerns raised anonymously.



4 When Should Whistle Blowing Procedures be Used?

- 4.1 If an employee has concerns about wrongdoing at the Academy and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
- 4.2 Each individual member of staff should feel able to speak freely on such matters. However, the Academy and colleagues have the right to protect themselves against unfounded false or malicious accusations.
- 4.3 Whistle blowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
- 4.4 Whistle blowing is not appropriate for dealing with issues between an employee and the Academy which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.
- 4.5 Whistle blowing is not appropriate for dealing with student complaints, which will be dealt with under separately published procedures.
- 4.6 Whistle blowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection.

5 The Procedure

- 5.1 Any issue raised will be kept confidential while the procedure is being used.
- 5.2 The Representor (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing.
- 5.3 However, if the concern relates to the Representor's line manager or any person to whom he or she reports, other than the Headteacher, the Representor should raise the issue with the Headteacher;
- 5.4 If the concern relates to the Headteacher, the Representor should raise the matter with the Chair of the Governing Body.
- 5.5 The person with whom the matter is raised is referred to as the "Assessor".

The Assessor will:

- 5.5.1 interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to students;
- 5.5.2 obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;



- 5.5.3 consult with the Representer about further steps which could be taken;
 - 5.5.4 advise the Representer of the appropriate route if the matter does not fall under this Procedure;
 - 5.5.5 other than in the case of paragraph 4.4, report all matters raised under this procedure to the Chair of the Governing Body.
- 5.6 At the interview with the Assessor, the Representer may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy staff to take notes.
- 5.7 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
- 5.7.1 the matter be further investigated internally by the Academy;
 - 5.7.2 the matter be further investigated by external consultants appointed by the Academy;
 - 5.7.3 the matter be reported to an external agency;
 - 5.7.4 disciplinary proceedings be implemented against an employee;
 - 5.7.5 the route for the Representer to pursue the matter if it does not fall within this procedure; or
 - 5.7.6 that no further action is taken by the Academy.
- 5.8 The grounds on which no further action is taken include:
- 5.8.1 the Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
 - 5.8.2 the Assessor is satisfied that the Representer is not acting in good faith;
 - 5.8.3 the matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
 - 5.8.4 the matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 5.9 The recommendation of the Assessor will be made to the Headteacher. However, should it be alleged that the Headteacher is involved in the alleged wrongdoing, the recommendation will be made to the Governing Body.
- 5.10 The Headteacher or Chair of the Governing Body, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.



- 5.11 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
- 5.11.1 where the Assessor is under a legal obligation to do so;
 - 5.11.2 where the information is already in the public domain; or
 - 5.11.3 on a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 5.12 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.
- 5.13 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 5.14 If the Representor has not had a response within the above time limit or such reasonable extension as the Academy requires, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.
- 5.15 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

6 Malicious Accusations

- 6.1 A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Academy's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

7 Informing External Agencies

- 7.1 Within the Academy all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Academy fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.
- 7.2 Whistle blowing to an external agency without first going through the internal procedure is a breach of the Academy's Code of Conduct. The external agencies which may be used if disclosure is permitted under paragraph 6.1 are:
- 7.2.1 Department for Education
 - 7.2.2 Member of Parliament;
 - 7.2.3 National Audit Office;



7.2.4 Health and Safety Executive;

7.2.5 Police.

7.3 Whistle blowing to the media is not appropriate or permitted in any circumstances.

8 Confidential Employee Enquiries

7.1 Employees may, on a confidential basis seek prior guidance from the Headteacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Headteacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Academy or any person under these procedures.

9 Monitoring, Evaluation and Review

9.1 The Governing Body will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.



APPENDIX A

WHISTLE BLOWING POLICY GUIDANCE FOR MANAGERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE

1. School Managers should ensure that employees are aware of the Whistle blowing Policy and know where it can be located.

2. If you receive a disclosure in respect of any of the matters set out under the heading 'What to Raise a Concern About' in the Whistle blowing Policy you must take the following action:

1. Take the matter seriously and do not dismiss or belittle the information,
2. Ask for evidence and make a secure record of any evidence submitted
3. Respect as far as possible the confidentiality of the employee, and adhere to the policy under the heading "To protect your identity" where the employee has specifically asked for confidentiality
4. Ensure that the employee understands the Whistle blowing procedure,
5. Acknowledge the concern within 3 working days, and follow the procedure.
6. Discuss ways that the employee could be supported,
7. Investigate the concern objectively as you are the "Assessor", dealing with all parties with sensitivity and tact,
8. Set out clearly how the concern is to be taken forward,
9. Ensure that notes are made and kept of the process followed, notes of discussions etc.,
10. Keep informed the person raising the concern about the progress made and outcome of the investigation
11. Provide the Headteacher with details of the concern and inform him/her about the progress and outcome of the investigations.

3. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the HR.

4. Note that if the concern relates to fraud, you should report it in line with this policy