



# Whistleblowing Policy

Policy reviewed by Academy Transformation Trust on	October 2017
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This policy links to:	Located:
<ul style="list-style-type: none"><li>• Disciplinary Procedure</li><li>• Grievance Procedure</li><li>• Safeguarding Policy</li></ul>	

Review Date – October 2020



## **Our Mission**

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

## **Our commitment**

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

We will continue to make reasonable adjustments to avoid anyone with a protected characteristic being placed at a disadvantage.

We will measure the success of our commitment in this policy by analysing bullying logs and actions in our academies to reduce or eliminate incidents of bullying.

## Introduction

ATT are committed to the highest possible standards of honesty and integrity and we expect all staff to reflect these standards. A culture of openness and accountability is essential in order to achieve this.

This policy provides a means for concerns to be raised under the Public Interest Disclosure Act 1998, which provides individuals with a certain level of legal protection if they wish to raise legitimate concerns.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Concerns raised under this policy should be about something that is, in the reasonable belief of the individual, made in the public interest. The disclosure may show one or more of the following:

- **Criminal Activity** - That a criminal offence has been committed, is being committed or is likely to be committed
- **Failure to comply** - That a person has failed, is failing or is likely to fail to comply with any legal or professional obligation or regulatory requirements to which they are subject
- **Miscarriages of justice** - That a miscarriage of justice has occurred, is occurring or is likely to occur
- **Danger to Health and Safety** - That the health or safety any individual has been, is being or is likely to be endangered
- **Damage to the environment** - That the environment has been, is being or is likely to be damaged
- **Deliberate Concealment** - That information tending to show any matter failing within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Disclosures of information may also include:

- Bribery, financial fraud or mismanagement
- Negligence
- Conduct likely to damage our reputation
- Unauthorised disclosure of confidential information
- Breach of internal policies and procedures.

This Whistleblowing Policy is intended to encourage staff to raise serious concerns internally, without fear of reprisals.

Covering up someone else's wrongdoing is a disciplinary offence. You should never agree to remain silent about a wrongdoing, even if you are told to do so by a person in authority, such as a Manager. You should report the matter to a more senior member of staff.

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## 1 Scope

- 1.1 This policy applies to all individuals working at all levels of the organisation: Board Members, Directors, Governors, all employees (including fixed term), Consultants, Contractors, Trainees, Volunteers, Casual and Agency staff. For the purpose of this policy, these will be collectively referred to as “staff”.
- 1.2 Should an individual from outside The Trust, for example a parent or carer, wish to raise a concern, they should be directed to The Trust’s Complaints Procedure.
- 1.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should refer to the Grievance Procedure or Dignity at Work Policy as appropriate.
- 1.4 Should you raise a concern whilst subject to any formal procedures, such as our Disciplinary Procedure, Grievance Procedure, Capability Procedure or Attendance Management Procedures, this will not halt processes.
- 1.5 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier, service provider or contractor. The law allows you to raise a concern in the public interest in a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first.
- 1.6 The Trust recognises that the scope of this policy may overlap with other policies within ATT, for example ATT’s Safeguarding Policy. Any concerns raised under this policy may, at The Trust’s discretion, be dealt with under the policy that it deems most appropriate for the circumstances. In the situation, that ATT decides to deal with your concern under a different policy, we will confirm this to you in writing, however the same protections as outlined in this policy will continue to apply, providing the concern is raised in the public interest.

## 2 Raising a Whistleblowing Concern

- 2.1 In line with our commitment to honesty and integrity, we actively encourage staff with genuine concerns to raise these. The process is outlined below and summarised in the process flowchart in Appendix 1.
- 2.2 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put in the matter of writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Principal, Chair of Governors or Trust Board.

- 2.3 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- The Principal
  - The Vice Principal
  - The Chair of Governors
  - The Chief Executive
  - A member of the Audit Committee
- <http://www.academytransformationtrust.co.uk/about-the-trust/company-information/our-board>
- 2.4 A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or Trade Union Representative to any meetings held under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. A written summary of your concern will be made at the meeting and you will be provided with a copy as is practicable after the meeting.

### **3 Investigation and Outcome**

- 3.1 Once you have raised a concern, an initial assessment will be carried out to determine the scope of any investigation. You will be informed of the outcome of the assessment. You may be required to attend additional meetings in order to provide further information. In some cases an investigator or investigators may be appointed. This may be staff with relevant experience of investigations or specialist knowledge of the subject matter, or it may, if The Trust deems it appropriate, be an external body. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoings.
- 3.2 The person you raised your concern with, or Investigation Officer, where appointed, will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent them giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

### **4 Confidentiality**

- 4.1 The Trust are committed to treating all concerns in confidence and will do its best to protect your identity. It may become necessary to disclose your identity as part of the investigation, for instance if police involvement is required, however this will not be done until the reasons for this have been fully discussed with you.

### **5 Anonymous Disclosures**

- 5.1 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you and we

wouldn't be able to provide you with feedback on our investigation or outcomes. It is also more difficult to establish whether any allegations are credible and have been made in the public interest.

- 5.2 The Trust will use its discretion when deciding whether to investigate an anonymous disclosure. Factors that may be taken into consideration when making this decision include the seriousness of the issue raised and the likelihood of confirming the allegation through other sources.

## 6 False Allegations

- 6.1 If you make what you believe to be a genuine allegation in the public interest under this policy and, following investigation your allegation is not confirmed then no action will be taken against you. ATTs preference is that genuine allegations are raised however, if following an investigation it is concluded that the allegation was of a vexatious or malicious nature than you may be subject to disciplinary action.

## 7 Protection and Support for Whistleblowers

- 7.1 The Trust recognises the decision to report a concern can be difficult one to make and will take action to protect you if you raise a concern.
- 7.2 Staff must not suffer any detrimental treatment as a result of raising a concern in the public interest. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment from the employer or co-workers connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Principal or CEO immediately.
- 7.3 If the matter is not remedied, you should raise it formally using our Grievance Procedure. Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such activity will be subject to disciplinary action.
- 7.4 If you feel you need further support throughout this process or prior to raising a concern, you are encouraged to contact your Union. ATT has an Employee Assistance Programme (EAP) available to all employees free of charge. If employees feel troubled by this process they can contact the EAP for free confidential advice and support by calling 0800 107 6585. There is also a website available: [www.employeecare.com](http://www.employeecare.com)  
The access code and password for this service is 72247.

## 8 Whistleblowing and Safeguarding

- 8.1 We recognise that children cannot be expected to raise concerns in an environment where staff fail to do so.

- 8.2 All staff should be aware of their duty to raise concerns about the attitude or actions of colleagues. If you are concerned that a member of staff or adult in a position of trust poses a danger to a child or young person or that they might be abusing a child or young person you should report your concerns to the Principal in the first instance. Where those concerns relate to the Principal the concerns should be reported to the Chair of Governors in line with this policy and will be addressed using the procedure for dealing with allegations of abuse against staff (see Safeguarding Policy, section 3.2).

## **9 How the matter can be taken further**

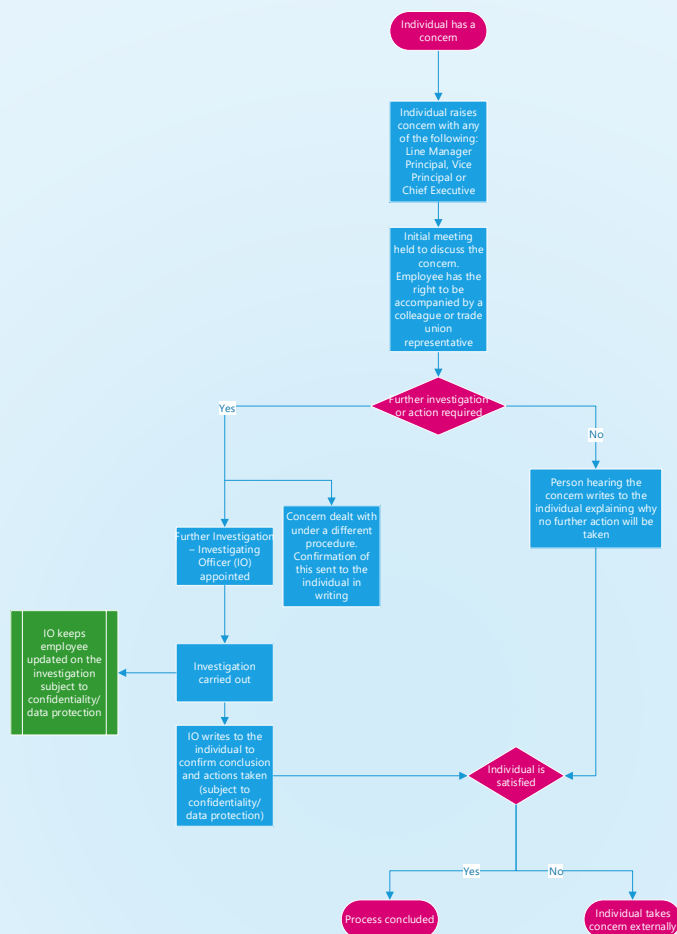
- 9.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will rarely, if ever, be appropriate to alert the media.
- 9.2 We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Further information on this can be found in Appendix 2.
- 9.3 With concerns relating to Child Protection, the NSPCC Whistleblowing Advice Line offers free advice and support to professionals with concerns about how Child Protection issues are being handled in their own or another organisation. Further information on this can be found in Appendix 2.
- 9.4 If you are not satisfied with the actions taken by The Trust regarding a concern you have raised and you feel it is right to take the matter further then possible contact points are provided in Appendix 3.

## **10 Responsibility for success of this policy**

- 10.1 The ATT Board has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. The Principal (or CEO for ATT Head Office) has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 10.2 The CEO, in conjunction with the ATT Board will review this policy as required from a legal and operational perspective and no later than three years following its implementation date. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Governance Department or the ATT Board.



Appendix 1



## Appendix 2

The independent whistle blowing charity, Public Concern at Work, operates a confidential helpline on 020 7404 6609. They also provide a list of prescribed regulators for reporting certain types of concern which can be found below:

### **Advice, Conciliation and Arbitration Service (ACAS)**

For information and help on employment issues and dispute resolution.

0300 123 1100

[www.acas.org.uk](http://www.acas.org.uk)

### **Community Legal Service**

The Community Legal Service Direct provides free information, help and advice direct to the public on a range of common legal issues.

0845 345 4345

[www.legalservices.gov.uk](http://www.legalservices.gov.uk)

### **Equality Advisory and Support Service (EASS)**

For advice on discrimination issues.

0808 800 0082

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

### **Liberty**

For advice on human rights.

020 7329 5100 / 020 3145 0460

[www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk)

### **Local Citizens Advice Bureau**

For general advice and information on a range of legal fields.

Wales: 0344 4772020    England: 03444 111444

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Local Law Centre**

For free legal advice and in some cases representation.

[info@lawcentres.org.uk](mailto:info@lawcentres.org.uk)    [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### **Pay and Work Rights Helpline**

For help and advice on government enforced rights.

0800 917 2368

### **Royal Mencap Society**

For whistleblowing advice for workers in health and adult social care.

08000 724 725

### **NSPCC Whistleblowing helpline**

For advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation.

[www.nspcc.org.uk](http://www.nspcc.org.uk)

Call 0800 028 0285

Email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### **Appendix 3**

Should an employee not be satisfied with the actions taken by the Trust regarding a concern they have raised and they feel it is right to refer the matter to an external body then possible contact points could be used:

- The Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police

If an employee does not feel able to raise their concern using the external bodies outlined above, they should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.