



TRUST IN LEARNING (ACADEMIES) WHISTLEBLOWING POLICY AND PROCEDURE



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Date	Page	Change	Purpose of Change
March 2018	5	Extending external contact information on the final page	Updated in line with recommendations
March 2018	2/3	Extending cause for concern	Updated in line with recommendations

1. Introduction

This policy and procedure enables employees to exercise their rights under the Public Interest Disclosure Act 1998. It applies to all employees of Trust in Learning (Academies) [TiLA], which includes temporary employees, agency staff and contractors (whilst engaged on Academy business). The Directors of TiLA and the Local Governing Bodies of each school within TiLA encourage a free and open culture and are committed to high standards of honesty. Any form of malpractice will not be tolerated and it is recognised that employees have an important part to play in reporting any concerns. It is also recognised that it is often difficult for employees to report concerns through fear of victimisation or reprisal. This whistle-blowing policy aims to reassure employees that they can raise genuine concerns without fear of reprisals. It aims to encourage and enable employees to raise concerns internally within the Academy, rather than overlooking the problem or raising the concern outside. This policy and procedure does not apply to the general public, or school pupils who report alleged instances of malpractice by their teachers.

2. Aim and Scope

The aim of this policy is to:-

- reinforce existing procedures in place for employees, who have reasonable suspicions, to raise concerns at an early stage
- provide employees with avenues to raise concerns
- provide employees with feedback on any concerns raised
- reassure employees they will be protected from victimisation or reprisals if they raise any genuine concerns
- enable employees to take the matter further if they are unhappy with the Board of TiLA or the Governing Bodies response

This policy is intended to cover concerns that fall outside of other procedures including the following (this list is not exhaustive)

- a criminal activity
- a failure to carry out a legal or professional obligation or regulatory requirement
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment

- financial fraud or mismanagement
- negligence
- conduct likely to damage school or Trust reputation
- Unauthorised disclosure of confidential information
- Public examination fraud
- deliberate concealment of any of the above

Before initiating the procedure employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with the employees
- Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day to day concern.

3. Communication

- The Trust in Learning Board will notify the Academies when a new policy is added or an existing policy is reviewed
- Academies must notify the Trust in Learning Board if they have created a new policy or amended an existing policy
- This policy is one of a suite of policies and is listed under the main policy matrix that shows the full list of policies that are available
- The policy is available on a drive that is accessible to all staff
- All staff are notified when a policy is updated or a new policy is added to the portfolio
- The staff induction process covers policies and procedures together with the on line access instruction

4. Responsibilities and Accountabilities

- The Trust in Learning Board is responsible for ensuring that each school complies with legislation and that this policy and its related procedures are fully implemented
- The Head Teacher is responsible for the implementation of this policy and for ensuring that all staff are aware of this policy
- The Head Teacher must ensure that this policy is covered during the staff induction process
- The effectiveness of this policy is evaluated in the annual Improvement plan
- Targets are set if appropriate within the Improvement Plan
- All policies are reviewed regularly and the next major review date is stated at the start of this policy
- Any complaints regarding this policy or the operation of this policy will be handled via the Complaints Procedure Policy
- Any complaint against or by a member of staff will be covered by reference to the Discipline, Conduct and Grievance Policy

Monitoring and Review

- The effectiveness of this policy is evaluated in the annual Improvement plan.
- Targets are set if appropriate within the Improvement Plan.
- All policies are reviewed on an annual basis and have a major review every three years. The next major review date is stated at the start of this policy.

- Any complaints regarding this policy or the operation of this policy will be handled via the Complaints Procedure Policy.
- Any complaint against or by a member of staff will be covered by reference to the Discipline, Conduct and Grievance Policy.

5. Safeguards – Harassment or Victimisation

All employees who make a good faith disclosure will be protected from any form of victimisation and reprisals. Disciplinary action will be taken against any employee who engages in any form of harassment or victimisation against an employee who has raised a concern. Employees who are concerned about reprisals can seek information and advice on anonymity from their Trade Union.

6. Anonymous Allegations

This policy encourages employees who raise concerns not to remain anonymous, by ensuring they will be protected from victimisation. However, where an employee wishes to remain anonymous an attempt to protect their identity will be made. This may not always be possible as employees who report concerns may be required to give evidence as a witness, in situations where disciplinary or criminal action is taken. The Board and LGB will use its discretion in maintaining the anonymity of the individual concerned. The following factors would need to be taken into account: -

- the seriousness of the issue(s) raised
- the likelihood of obtaining information from alternative sources, which
- would confirm the allegation

7. Untrue Allegations

Where allegations made in good faith are found to be untrue, no action will be taken against the employee raising the concern and the Board and LGB will ensure that the negative impact on the person accused is minimised.

The Board and the LGB will protect individuals from false and malicious allegations. Allegations will be investigated before determining what action, if any, should be taken. Where it is established that an employee makes an allegation which is known to be false, malicious or for personal gain, they will be subject to disciplinary action, under the TiLA Disciplinary Procedure.

8. How to raise a concern

Employees who raise concerns that fall within the scope of other TiLA procedures will not be dealt with in this procedure, but will be advised on the appropriate procedure to use. Such employees will still receive protection as detailed in this policy. Employees should initially raise concerns with their Line Manager. However, this depends on the seriousness of the concern, the sensitivity of the issue raised and who is suspected of being involved in the malpractice. If, for some reason, the employee is unable to raise the concern with their Line Manager, they should contact the Chief Executive, Headteacher or the Chair of the Board.

Employees do not have to provide evidence of the allegation but will be expected to demonstrate that there are reasonable grounds for concern. Wherever possible, employees should raise concerns in

writing identifying the nature of the concerns and the grounds on which these are based. Information on the background, history, names, dates and places should be provided if possible. If employees do not feel able to raise concerns in writing they may telephone the Chief Executive, the Chair of either the LGB or TiLA to arrange a meeting face to face.

9. How the Local Governing Body will respond

All concerns raised will be treated confidentially by those involved in the reporting process. Action taken by the Board or LGB will be dependent on the nature of the concern raised. The concerns raised may:

- be resolved by agreed action without the need for investigation
- be investigated by leadership or at the discretion of the LGB, be the subject of an independent inquiry;
- or be referred to the police
- Initial enquiries will be made to determine the most appropriate form of investigation

Employees will receive an initial response to any concerns raised within ten working days. Due to the nature of the concerns covered by this procedure it may not always be possible to indicate how the matter raised will be dealt with and the likely timescale. However employees who wish to know will be kept informed of the progress and outcome, where this will not compromise the process. This aim is to reassure employees that the matter has been properly addressed. The amount of contact between the individual raising the concern and the person(s) investigating the matter will be dependent upon the issue raised, the potential difficulties involved and the clarity of the information provided.

At any meeting arranged to investigate a concern the employee will have the right to be accompanied by their trade union representative or a work colleague, who is not involved in the area of work to which the concern relates. Any difficulties that an employee may experience as a result of raising a concern will be kept to a minimum.

10. How the matter can be taken further?

It is intended that this procedure will enable any employees to raise concerns. If an employee is not satisfied that their concerns have been taken seriously, they should write to the Chair of the Local Governing Body or Chair of TiLA and request that the investigation is reviewed. Employees are able to rely on their rights under the Public Interest Disclosure Act 1998, which came into force on 2 July 1999 and provides the following:

- protection from suffering any detriment as a result of making a 'qualifying disclosure', as defined within the Act
- a list of prescribed persons that employees can contact when raising a concern

Employees who do take a concern outside the Academy should ensure that they do not disclose confidential information, except in accordance with this procedure. If you feel that it is right to take the matter outside the Academy or Trust the following are possible contact points:

Chair of Trust in Learning (Academies)
Mr G Rice
University of the West of England
Coldharbour Lane,
Frenchay,
Bristol BS16 1QY
Tel: 0117 328 6555

Sue Elliott
HR Director
Trust in Learning (Academies)
Trust House
Teyfant Road
Bristol
BS13 0RG
Tel: 0117 377 3442

The Police (Avon and Somerset Constabulary - local rate telephone number is 0845 4567000)

ACAS (www.acas.org.uk)

Your trade union or your solicitor

If you want to seek external advice please contact Public Concern at Work (an independent registered charity who can give advice - telephone number 020 7404 6609 or whistle@pcaw or Public Concern at Work (www.pcaw.org.uk) or a prescribed regulator examples of which are set out below:

- Ofsted (whistleblowing helpline): 0300 123 3155 or whistleblowing@ofsted.gov.uk
- National Audit Office : 020 7798 7999
- Information Commissioner : 0303 123 1113
- Environment Agency: 03708 506 506
- Health and Safety Executive : 0300 0031 647