

# Impact Education Trust Wide Policy

## Whistleblowing Policy

<b>Version Number</b>	1.0
<b>Date of Issue</b>	27 <sup>th</sup> January 2020
<b>Date Approved</b>	27 <sup>th</sup> January 2020
<b>Date for Review</b>	January 2021

## **Whistleblowing Policy**

### **Purpose and scope**

We are committed to creating and maintaining a culture of openness within our organisation so that individuals feel encouraged and confident to raise any concerns relating to suspected misconduct at an early stage.

We also recognise the negative effect which malpractice can have on the organisation, and therefore encourage you to raise genuine concerns, or any suspicions you may have concerning misconduct.

This Policy is intended to cover concerns that are made in the public interest. If the matter is of an individual or personal nature it should be pursued through the Grievance Procedure. Complaints relating to discrimination, victimisation or harassment should be dealt with through the Grievance Procedure.

This Policy applies to full and part-time workers, and contractors, home workers and agency workers, except if they are genuinely self-employed.

This Policy is non-contractual and may be amended by us at any time.

### **Protection**

We appreciate that those reporting concerns may be apprehensive. We want to reassure you that you will suffer no detrimental treatment as a result of voicing your concerns.

We will not tolerate victimisation, harassment, bullying or any other detrimental treatment of any worker who has made a disclosure under this Policy. Complaints about such behaviour will be dealt with under the Disciplinary Procedure.

Should you feel you have been subjected to any detriment as a result of raising a concern under this Policy you should notify **[INSERT MOST APPROPRIATE PERSON]**.

### **Disclosures under this Policy**

You can make a disclosure under this Policy if you have genuine concerns relating to any of the following areas of malpractice, or suspected malpractice:

- Criminal activity;
- Practices endangering health and safety;
- Practices damaging the environment;
- Failure to comply with a legal obligation;
- Bribery;
- Financial malpractice, impropriety or fraud;

- Serious failure to comply with any codes of practice or ethical rules covering the business; and,
- Attempts to conceal any of the above.

The malpractice can be past, present or prospective. It may have occurred inside or outside the United Kingdom.

You are encouraged to report suspected wrongdoing as soon as possible. No action will be taken against you if you raise genuine concerns even if the concern you raised is not confirmed by any subsequent investigation.

### **Confidentiality and anonymity**

Any disclosure you make under this Policy will be treated as far as reasonably practicable in a confidential and sensitive manner. If confidentiality is not reasonably practicable, for instance, because of the nature of the information, this will be explained to you.

We hope you will feel comfortable to voice any concerns openly, however, you may make a disclosure anonymously. However, concerns expressed anonymously cannot be dealt with as effectively as open disclosures as they are often more difficult to investigate.

### **How to make a disclosure (internally)**

A concern must be raised in writing using the form at Appendix 1. Any submission should set out the background and history of the issue giving rise to concern, giving names, dates and places where possible. The submission should also clarify the reason why there is felt to be particular concern about the situation and should include sufficient grounds to justify this concern. It is advised that the earlier a concern is raised the easier it is to take appropriate action.

Staff are encouraged to involve their trade union or professional association and may be accompanied by a recognised trade union representative or work colleague during any meetings, reasonable time off from work being permitted for this purpose.

The person should raise their concern with the headteacher or line manager (as appropriate) or, if the complaint is about the headteacher, with the chair of governors.

If the concern relates to the governing body, it should be raised with the Chair of the Trust (or, if that is felt inappropriate, with the most relevant of the external bodies identified below).

The action taken by the headteacher (or chair of governors) or line manager will depend on the nature of the concern. The matters may be subject to:

- internal investigation
- referral to external regulatory authorities

- referral to the police
- consideration of the Trust's disciplinary procedure (should the concern relate to the conduct of one or more employees).

An initial assessment should be made to decide whether an investigation is appropriate and, if so, what form this should take. Concerns or allegations that fall within the scope of other specific procedures (such as, for example, child protection) will normally be referred for consideration under those procedures.

It may be possible to resolve some concerns by agreed action without any requirement for an investigation. Within ten working days of a concern being received, the headteacher (or chair of governors) or line manager will write to the person who has raised the issue to:

- acknowledge receipt of the concern
- indicate how it is proposed to deal with the matter
- indicate whether an initial enquiry has been made
- indicate whether further investigation will take place, and if so,
- give an estimate of length of time before a full response will be provided.

The amount of contact between the person dealing with the matter and the staff member raising the concern will depend on the nature of the matters raised, the complexity of the issue(s), and the clarity of the initial information provided. If necessary, further information may be sought from the individual raising the concern.

Subject to legal and confidentiality constraints, the staff member will receive information about the outcomes of any investigation.

It should be noted that should any staff member making a disclosure under the terms of the whistleblowing policy already be subject to disciplinary, grievance or redundancy procedures, these procedures will not be halted as a result of any disclosure.

### **How to make a disclosure (externally)**

In accordance with legal protection for whistleblowers, only certain (prescribed) authorities and individuals are to be regarded as legitimate bodies who may be contacted to make a 'protected disclosure'.

Whistleblowing to an external body without initially going through the internal procedure is inadvisable without compelling reason. Examples of compelling reason could, for instance, include either concerns in relation to serious issues of health and safety or allegations that senior management had colluded in inappropriate conduct.

Should someone feel that it is appropriate to take the matter outside of the school, the following authorities (defined as 'prescribed persons') are the external regulators who, within an

educational setting, are most likely (although the list is not exhaustive) to be approached by a whistleblower:

- Ofsted
- Ofqual
- National Audit Office

Members of Parliament also qualify as 'prescribed persons' according to the relevant legislation.

If a member of staff does not feel able to raise concerns in any of the ways outlined above, they should consult Part IV A of the Employment Rights Act for information about other routes by which a disclosure may be made.

### **Dissatisfaction with the outcome of the process**

If you are dissatisfied with the outcome of the investigation, you should raise this with the **[INSERT APPROPRIATE PERSON]**, giving the reasons for your dissatisfaction. He/she will respond in writing notifying you of his/her acceptance or rejection of the need for further investigation and the reasons for this.

### **Training**

All of our workers will receive an appropriate briefing to ensure that they are fully aware of their rights and responsibilities under this Policy. This Policy will be made available to all employees **[via the company intranet] [employee handbook]**.

All managers will be fully briefed as to their role in supporting this Policy and the appropriate action to take in the event of any disclosure being made to them.

### **Breach of this Policy**

We may invoke the Disciplinary Procedure if you are found to have subjected a whistle-blower to any form of detrimental treatment. It may also be invoked if you have intentionally misled us in respect of any matter, breached this Policy in any other way and/or if we believe that you have made a false allegation maliciously.

**Appendix 1: Report Form to Be Used for Public Interest Disclosures**

**Name of Academy Setting:**

<p>Name: (person making the report - not compulsory but you are encouraged to insert your name)</p>	
<p>Person(s) reported</p>	
<p>Concerns reported: (give full details of the background to the concern including names, dates and places; reasons why you are concerned – attach separate sheet if necessary)</p>	
<p>Date:</p>	
<p>Signed:</p>	