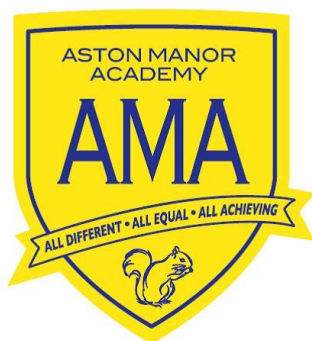


## **EQUITAS ACADEMIES TRUST**



## **WHISTLEBLOWING POLICY**

**Review Date:** December 2017

**To be Reviewed:** December 2018

**Agreed:** F & GP Board

**Policy Lead:** Zoe Donnelly

## **WHISTLEBLOWING POLICY**

### **1. INTRODUCTION**

The Trust Board are committed to the highest possible standards of honesty and integrity, and it expects all employee to maintain these standards in accordance with their Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

### **2. SCOPE AND PURPOSE**

The aims of this policy are:

- To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide employees with guidance on how to raise concerns.
- To reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This policy applies to all employees of the Trust, Trustee's, consultants, contractors, casual and agency staff and volunteers.

### **3. WHAT IS WHISTLEBLOWING?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for employees who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that wrongdoing or dangers at work occur. This may include:

- criminal activity; miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of internal policies and procedures including the Trust's Code of Conduct;

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- conduct likely to damage the reputation of the Trust;
- unauthorised disclosure of confidential information;
- Other unethical behaviour
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the above activities (a whistleblowing concern) it should be reported under this policy.

This policy should not be used for complaints relating to an employee's own personal circumstances, such as the way they have been treated at work. In those cases they should use the Grievance Procedure.

If an employee is uncertain whether something is within the scope of this policy they should seek advice from a member of the Trust's leadership team.

If your concern is in relation to safeguarding and the welfare of students at the academy, you should consider whether the matter is better raised under the academy's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the policy may still apply.

## 4. RAISING A WHISTLEBLOWING CONCERN

The Employee should be able to raise any concerns with their line manager. They may tell them in person or put the matter in writing. Their line manager may be able to agree a way of resolving the concern quickly and effectively.

However, where the matter is more serious, or the employee feels that their line manager has not addressed their concern, or they prefer not to raise it with them for any reason, or they are the subject of the complaint, then the matter can be discussed with:

- The HR Manager. This is the member of staff who is responsible managing whistleblowing complaints.
- The Headteacher

Contact details are set out at the end of this policy.

A meeting will be arranged as soon as possible to discuss the concern. The employee may bring a colleague or union representative to any meetings under this policy. Their companion must respect the confidentiality of the disclosure and any subsequent investigation.

The HR Manager / Headteacher will take down a written summary of your concern and provide you with a copy after the meeting. The HR Manager / Headteacher will also aim to give you an indication of how we propose to deal with the matter.

## 5. CONFIDENTIALITY

The Trust hopes that Employees will feel able to voice whistleblowing concerns openly under this policy. However, if they want to raise a concern confidentially, the Trust will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know the identity, this will be discussed with the employee.

Employees are not encouraged to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information as requested. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in section 10 and appropriate measures can then be taken to preserve confidentiality. If there is any doubt employees can seek advice from Public Concern at Work, the independent whistleblowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.

Where anonymous complaints are received the HR Manager/ Headteacher will make a determination about whether to investigate based on:

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

A central record of disclosures made under the Whistleblowing policy will be kept.

The Trust will comply with data protection requirements in terms of any records made and kept.

## 6. EXTERNAL DISCLOSURES

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases an employee should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for an employee to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. Public Concern at Work holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of employees, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows employees to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, employees are encouraged to report such concerns internally first. Employees should contact their line manager or one of the other individuals set out in section 4 for guidance.

**7. INVESTIGATION AND OUTCOME**

Once a concern has been raised an initial assessment will be carried out to determine the nature and scope of any investigation. The employee will be informed of the outcome of the assessment. They may be required to attend additional meetings in order to provide further information.

In some cases the Trust may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) will collate findings on the matter and may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing. This will be sent to the Headteacher and/or the Trust Board for actioning.

The investigator will aim to keep the employee informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent the investigator giving the employee specific details of the investigation or any disciplinary action taken as a result. The information about the investigation should be kept confidential.

If it is concluded that a whistleblower has made false allegations maliciously, or with a view to personal gain, the whistleblower may be subject to disciplinary action.

**8. IF THE WHISTLEBLOWER IS NOT SATISFIED**

While the Academy cannot always guarantee the outcome the employee/whistleblower is seeking, the Trust will try to deal with their concern fairly and in an appropriate way. By using this policy employees can help us to achieve this.

If the employee is not happy with the way in which their concern has been handled, they can raise it with one of the other key contacts in section 10 below.

**9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS**

It is understandable that whistleblowers are sometimes worried about possible repercussions. The aim is to encourage openness and support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.

Employees must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If the employee believes that they have suffered any such treatment, they should inform one of the contact people in section 10 immediately. If the matter is not remedied they should raise it formally using the Trust's Grievance Procedure.

Employees must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

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### 10. CONTACTS

Headteacher – Aston Manor Academy	Mrs Jill Sweeney 0121 359 8108 <a href="mailto:jsweeney@astonmanoracademy.com">jsweeney@astonmanoracademy.com</a>
Headteacher – Chilwell Croft Academy	Mr Nick Lambert 0121 464 3402 <a href="mailto:n.lambert@chilwellcroft.bham.sch.uk">n.lambert@chilwellcroft.bham.sch.uk</a>
HR Manager	Miss Zoe Donnelly 0121 380 5651 <a href="mailto:zdonnelly@astonmanoracademy.com">zdonnelly@astonmanoracademy.com</a>
Chair of Trust Board	Ms Alex Lofthouse 0121 604 1000 <a href="mailto:l.lofthouse@ucb.ac.uk">l.lofthouse@ucb.ac.uk</a>
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

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Date of next review: December 2018