



Whistleblowing Policy



North Kesteven Academy
2019-2021

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1. Introduction

North Kesteven Academy (the Academy) is committed to achieving the highest possible standards of openness, probity and accountability. This policy will enable all staff to raise concerns of serious wrongdoing about any aspect of the Academy without fear of reprisal.

Staff and governors at Academies are often the first to realise that there may be something seriously wrong. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. They may also fear harassment or victimisation, and in these circumstances it may be easier to ignore the concern rather than report suspected malpractice.

This document makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage.

The Whistleblowing Policy is intended to encourage and enable staff and governors to raise serious concerns within the Academy rather than overlooking a problem or raising the matter externally.

This policy applies to all staff, governors and any casual/agency staff working for the Academy at all levels and grade, and also covers suppliers and those providing services to the Academy.

Whistleblowing is distinct from the grievance procedure which should be used if there is a complaint relating to personal circumstances in the workplace. Concerns about wrongdoing within the Academy including (but not limited to) malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees should be raised using this procedure.

This policy has been designed in line with the Public Interest Disclosure Act 1998 (<http://www.legislation.gov.uk/ukpga/1998/23>) to enable individuals to raise issues of concern in an appropriate manner.

2. Purpose

This policy aims to:

- Create an ethical, open culture
- Establish safe routes for communications of concerns
- Encourage staff to feel confident in raising concerns
- Establish a fair and impartial investigative procedure
- Provide avenues for staff to raise concerns and receive appropriate feedback
- Ensure that staff receive a response to concerns and are aware of how to pursue them if they are not satisfied
- Remind staff of the duty of confidentiality
- Ensure that staff will be protected from any reprisals or victimisation by the Academy trust, provided that there is reasonable belief that the matter disclosed tends to show wrongdoing and that the disclosure has been made in an appropriate manner.

- Safeguard against the abuse of the procedure via malicious raising of unfounded allegations

3. Scope

This policy may be used by all staff at the Academy to raise concerns where the wellbeing of others or the academy itself is at risk.

The term 'staff' broadly includes employees, governors, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the Academy.

The Whistleblowing policy is designed to sit alongside other Academy policies such as Disciplinary, Grievance, Safeguarding and Complaints. As a guide:

- Employment related issues should generally be dealt with under the Grievance Policy
- Complaints (rather than malpractice) about Governors should be dealt with under the Complaints Policy

4. Equality

The Whistleblowing Policy must always be applied fairly and in accordance with the Equality Act 2010 and with the Academy's own Equality Policy.

5. Responsibilities

The Academy is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.

The Head Teacher has overall responsibility for the internal organisation, control and management of the Academy.

6. Timing

The whistleblowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed ten school days.

7. What to raise concerns about

The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest, which are as follows:

- a) That a crime has been committed, is being committed, or is likely to be committed;

- b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject;
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur;
- d) That the health and safety or safeguarding of an individual (or individuals) has been, is being, or is likely to be endangered;
- e) That the environment has been, is being or likely to be damaged;
- f) That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

Particular concerns that may fall within the terms of this policy include, for example, breach of a code of conduct, wilful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that any disclosure will most likely relate to the actions of employees, contractors, and casual or agency staff, but they may also relate to the actions of a third party.

8. The Academy's assurances to staff

- a) To ensure staff members have the right to disclose a concern
 - Staff have the right to disclose a concern/issue if the Academy does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Academy fails to properly consider or deal with the issue.
- b) To protect staff members
 - If a member of staff makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real, the staff member will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Academy will not tolerate the harassment or victimisation of any member of staff raising a genuine concern.
 - If a member of staff requests that their identity is protected, the Academy will not disclose it unless required to do so in law. If the situation arises where the Academy is unable to resolve the concern without revealing the member of staff's identity (for instance because their evidence is needed in court), the Academy will discuss with them how the matter should proceed. However, it must also be stated that if a member of staff chooses not to disclose their identity it will be much more difficult for the Academy to look into the matter or to protect their position or to give them feedback. Accordingly, while the Academy will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

9. Internal procedure

9.1 Stage one – notification

The Representor (member of staff raising the concern) should do so orally or in writing to their line manager or to the Head Teacher. The Representor has the right to have the matter treated confidentially.

If the line manager or the Head Teacher believes the concern to be genuine and that it is appropriate to use the Whistleblowing Policy, the manager should contact the Head of Human Resources. The Head of Human Resources will either act as Assessor or will

appoint another Assessor who is not implicated in any allegation (normally a member of the Senior Leadership Team not directly involved).

If the Representor feels unable to raise their concern with their line manager or the Head Teacher in the first instance, they may contact the Head of Human Resources directly. If this occurs, they will be asked to explain why they feel unable to raise the concern with their line manager or the Head Teacher.

Should the Head of Human Resources be involved in any allegation, the Head Teacher would act as Assessor.

Should the Head Teacher be involved in any allegation, then the Head of Human Resources will act as Assessor.

9.2 Stage two – the meeting

The appointed Assessor will interview the Representor within ten school days, in confidence, or earlier if there is potential immediate danger to the safety of students/staff members/other parties. At the meeting, the Assessor shall:

- Obtain as much information as possible from the member of staff making the allegation about the grounds for the belief of malpractice;
- Consult with the staff member about further steps which could be taken;
- Inform them of appropriate routes if the matter does not fall within the Academy's Whistleblowing Policy;
- Report all matters raised under this procedure to the Academy's Head of Human Resources.

At the interview with the Assessor, the member of staff may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a note taker.

9.3 Stage three – the outcome

Within ten working days of the interview, the Assessor will recommend to the Head Teacher, or the Representor's line manager (plus the Head of Human Resources, if they are not acting as Assessor), one or more of the following:

- The matter be investigated internally by the Academy via an alternative Policy
- The matter be investigated by an external person appointed by the Academy
- The matter be reported to the Department for Education/Education and Skills Funding Agency (ESFA)
- The matter be reported to the Police
- No further action be taken

In cases of fraud or other financial malpractice, the Assessor should be mindful of the Fraud Policy and of ESFA's Academies Financial Handbook, and requirements to inform the ESFA as soon as possible of various events (e.g. fraud/theft/irregularity amounting to £5,000 in any one transaction, or cumulatively in any one financial year). Such cases should be discussed with the Academy's Head of Finance.

The grounds on which no further action is taken may include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;

- The matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority.

Should it be alleged that the Head Teacher is involved in the alleged malpractice, the Assessor's recommendation will be made directly to the Chair of the Board of Governors.

10. External contacts

Clearly there may be occasions where the Representor is not content with the conclusion of the Assessor. However, extreme care should be taken in the involvement any external parties and especially the media to avoid (potentially unfounded) bad publicity for the Academy.

Therefore, Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons.

Compelling reasons for reporting to external bodies could be the involvement of the senior managers, serious health and safety issues or possible discrimination. External bodies which could be used might include:

- The Department for Education / Education and Skills Funding Agency
- Her Majesty's Revenue and Customs
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- The Police

Where matters are taken outside of the Academy, individuals should be mindful of the Academy's Data Protection policy and must take special care to not disclose confidential information.

11. Malicious accusations

Deliberately false or malicious accusations made will be dealt with under the Academy's disciplinary procedure.

The Academy will, however, ensure the member of staff making any allegation is protected from any form of victimisation or discrimination.

12. Review

This policy will be reviewed every two years in line with Academy guidelines.