



# **Whistleblowing Policy and Procedure**

## **WHISTLEBLOWING POLICY AND PROCEDURE**

### **WHISTLEBLOWING POLICY**

#### **1.0 Introduction**

- 1.1 As a person working for Clarion Academy Trust you may be the first to realise that there could be something seriously wrong within the Trust. However, you may feel that speaking up would be disloyal to your colleagues or to the Trust. You may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Trust is committed to the highest possible standards of openness, integrity and accountability. We expect employees and others that we deal with, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns.
- 1.3 The purpose of this Policy and the accompanying Whistleblowing Procedure is to make it clear that you can raise your concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. The Trust encourages you to raise serious concerns in the first instance within the Trust rather than overlooking a problem or 'blowing the whistle' outside, and we would rather that you raised the matter when it is just a concern rather than waiting for proof.
- 1.4 You should continue to raise appropriate concerns with relevant external agencies such as the Health and Safety Executive, the Audit Commission, and utility regulators.
- 1.5 The Policy and Procedure applies to all employees and those contractors working for the Trust on Trust premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Trust in their own premises, or in the premises of another contractor, including construction and other sites. The Policy also applies to organisations working in partnership with the Trust.
- 1.6 The Policy has been prepared in response to the Public Interest Disclosure Act 1998 in accordance with Government guidance on the issue and has been discussed with the relevant trade unions and has their support. The Policy has been formally adopted by the Trust and publicised widely to all those who may wish to use it.
- 1.7 The Trust recognises employees may wish to seek advice and be represented by their trade union representative when raising a concern under the Policy and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the Policy and Procedure will not suffer detriment in their employment with the Trust.

#### **2.0 Aims and Scope of the Policy**

##### 2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

2.2 There are existing procedures in place to enable employees to lodge grievances relating to their employment. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, including the complaints procedure. This Policy therefore includes your concerns about:

- conduct which is an offence or a breach of law;
- harassment of others;\*
- sex, race or disability discrimination against others;\*
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of clients;
- breaches of the Trust's Standing Orders, and policies;
- anything that makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trusts subscribes to; or
- other unethical or improper conduct (not otherwise included in this list)
- concealing information about any of these matters

\* Complaints relating to harassment of, or discrimination against, you will be dealt with under the specific procedures relating to those matters.

2.3 The Policy applies to service provision, the conduct of Staff, Governors, or others acting on behalf of the Trust.

2.4 It should be emphasised that this Policy is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the Policy. It is not designed to question financial or business decisions taken by the Trust nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this Policy and may not be protected under the Public Interest Disclosure Act 1998.

### **3.0 The Trust's Promise to You**

3.1 The Trust is committed to good practice and high standards and wants to be supportive of employees and others who work for the Trust.

3.2 The Trust recognises that the decision to report a concern can be a difficult one to make. If you raise your concern based on reasonable belief and in good faith, you have nothing to fear because you will be doing your duty to your employer and the public and the Public Interest Disclosure Act 1998 will protect you from dismissal or other detriment. If your concern is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

3.3 The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith, even if you are genuinely mistaken in your concerns. Any harassment or victimisation of a whistle-blower may result in disciplinary action against the person responsible for the harassment or victimisation.

3.4 Any investigations into allegations arising from your whistleblowing will not influence or be influenced by any other personnel procedures to which you may be subject.

#### **4.0 Confidentiality**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If we are not able to resolve your concern without revealing your identity (e.g. because your evidence may be needed in Court), we will discuss this with you.

#### **5.0 Anonymous Allegations**

5.1 This Policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but may be considered by the Trust taking into account:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

5.3 The Chief Executive Officer and Chair of Trustees will decide in each case whether a complaint made anonymously should be investigated.

#### **6.0 The Responsible Officers**

6.1 The Chief Executive Officer and the Chair of Trustees have overall responsibility for the maintenance and operation of this Policy. The Chief Executive Officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Trust Governing Body.

### **WHISTLEBLOWING PROCEDURE**

#### **7.0 How to Raise a Concern**

7.1 As a first step, you should normally raise concerns with your immediate manager, your Head Teacher, the Chief Executive Officer or if you wish your Trade Union. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

7.2 If you are unsure whether or how to raise a concern you can contact the independent voluntary organisation Public Concern at Work on 020 7404 6609, for guidance.

- 7.3 Concerns may be raised orally or in writing. The Trust encourages you to identify yourself when raising your concern, but if you wish you may remain anonymous.
- 7.4 The Chief Executive Officer and Chair of Trustees as the persons responsible for the Whistleblowing Policy will be informed of all concerns raised under the Policy (unless, of course, they are against those individuals).
- 7.5 If you believe that senior management is involved, or if you are not happy with your line manager or the Head teacher's or Chief Executive Officer's response to your concerns, you should approach the Chair of Trustees (or if it concerns the Chair of Trustees the Vice Chair of Trustees).
- 7.6 The earlier you express the concern the easier it is to take action.
- 7.7 Although you are not expected to provide proof for your concern, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.8 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.9 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised. Any meetings that need to be arranged with you can be held off-site if you wish.
- 7.10 If you are not an employee of the Trust we would prefer that you raise your concern in the first instance with the Chief Executive Officer.

## **8.0 How the Trust Will Respond**

- 8.1 Whoever you raise your concerns with (normally your immediate line manager, Head Teacher or the Chief Executive Officer) will appoint a person not associated with the matter to look into it. You will be informed who this is. Confidentiality will be maintained in accordance with Section 4 of the Whistleblowing Policy.
- 8.2 In order to protect individuals and those accused of misdeeds or possible malpractice, this person will carry out initial enquiries in order to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Trust has in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, harassment or discrimination issues) will normally be referred for consideration under those procedures.
- 8.3 Following these initial enquiries, the Trust will respond to your concerns as appropriate. Your concern may:
- be investigated by management, Trust appointed internal auditors, or through the disciplinary process;
  - be referred to the Police;
  - be referred to an external auditor;
  - form the subject of an independent inquiry.
- 8.4 Some concerns may be resolved by action agreed with you without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within seven working days of a concern being raised, the person appointed to look into it will contact you (in a way which does not arouse suspicions in your workplace):

- acknowledging that the concern has been received;
- indicating how we propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on staff support mechanisms;
- advising you of your entitlement to seek advice and representation from your trade union representative;
- telling you whether further investigations will take place and if not, why not, and
- to agree with you how to proceed if you have chosen to remain anonymous.

8.6 The Trust will do what it can to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for you to receive advice about the procedure and other appropriate support.

8.7 The Trust accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints and any confidentiality or other issues, we will inform you of the outcome of any investigation.

## **9.0 How Your Concerns Can Be Taken Further**

9.1 This Procedure is intended to provide you with an avenue within the Trust to raise concerns. If you are unsure whether or how to raise a concern you can contact the independent voluntary organisation Public Concern at Work on 020 7404 6609, for guidance.

9.2 The Trust hopes you will be satisfied with any action taken as a result of raising a concern. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:

- your trade union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- the police.

9.3 If you do take the matter outside the Trust, you should be careful not to disclose confidential information and ensure that you comply with the requirements of the Public Interest Disclosure Act 1998 so that you do not lose the protection of the Act against dismissal or other detriment. Seek advice from the organisation you contact about this.