



LIFE ACADEMIES TRUST

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Whistle Blowing

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1 INTRODUCTION

The Public Interest Disclosure Act 1998 – the so called ‘Whistleblowers’ Bill’, came into effect on 2 July 1999.

The Act is to protect workers who disclose certain kinds of information from being dismissed or penalised as a result of disclosing wrongdoing. It is a complex piece of legislation.

The purpose of the Act is to enable an employee, where there is malpractice which threatens the public interest, to raise concerns in a responsible way. Employees are first expected to raise matters internally with their employer. Where this is not possible or where the matter is not properly addressed internally, the Act protects workers if the disclosure is made externally in a way specified by the legislation. If the information is disclosed in a way not authorised by the Act then the protection is not available.

The Act, in protecting employees from recrimination if they speak out, encourages employers to establish procedures that enable and facilitate those employees to voice their concerns and to this end the procedure below is adopted by the Governors of the school.

2 SCOPE

This Procedure applies to all Trust staff and those contractors working for the school, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the school.

The Procedure is not intended to have contractual effect and may be amended or withdrawn at the Trust’s discretion.

3 RESPONSIBILITY

Life Academies Trust are committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment the Trust wants to ensure that, any activity which falls below these standards is reported to the Trust so that it can be dealt with promptly.

Employees are often the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They 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.

This policy document makes it clear that employees can do so without fear of victimisation, subsequent discrimination or advantage. It is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or ‘blowing the whistle’ outside.

This policy is in addition to the school’s complaints procedures and other statutory reporting procedures.

3.1 Aims

This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for employees to raise those concerns and receive feedback on any action taken;
- Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.
- There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
 - conduct which is an offence or a breach of law;
 - disclosures related to miscarriages of justice;
 - health and safety risks, including risks to the public as well as other employees;
 - damages to the environment;
 - the unauthorised use of public funds;
 - possible fraud and corruption;
 - sexual or physical abuse of clients, or other unethical conduct.

Any serious concerns that employees have about any aspect of the Trust or the conduct of Trust employees or others acting on behalf of the Trust can be reported under this Policy. This may be about something that:

makes employees feel uncomfortable in terms of known standards, their experience or the standards they believe the school subscribe to;

- is against any school policy;
- falls below established standards of practice;
- amounts to improper conduct.

3.2 Safeguards

The Trust recognises that the decision to report a concern can be a difficult one to make. If what the employee is saying is true, they should have nothing to fear because they will be doing their duty to their employer and those employed at the Trust.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

The Public Interest Disclosure Act 1998 and the Enterprise & Regulatory Reform Act 2013 provides additional protection for staff using this Policy.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the employee if they so wish. At the appropriate time, however, they may need to come forward as a witness.

This policy encourages employees to put their name to the allegation whenever possible but concerns expressed anonymously are much less powerful and will be considered at the discretion of the Principal and Chair of Governors.

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee makes an allegation maliciously or for personal gain, disciplinary action may be taken against them.

3.3 How to raise a concern

As a first step, an employee should normally raise concerns with their immediate line manager. This depends on the seriousness and sensitivity of the issues involved, however and who is suspected of the malpractice.

If an employee believes that their manager is involved then they should approach the Principal.

Where an employee wishes to report a concern, but does not have the confidence to report this through the Principal, they are encouraged to approach the Chair of the Academy Governance Committee. The Chair of the Academy Governance Committee has a responsibility to inform the Chief Executive Officer or Chair of Trustees

Where an employee wishes to report a concern, but does not have the confidence to report this through either the Principal or Academy Governance Committee, they are encouraged to approach the Chief Executive Officer.

In some cases the notifying individual may prefer to report the concern to an independent officer.

Concerns may be raised orally or in writing. Written reports should include:

- The background and history of the concern (giving relevant dates)
- The reason why they are particularly concerned about the situation

The earlier an employee expresses the concern the easier it is to take action.

Although an employee is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

The employee may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns. Advice and guidance can also be obtained from the HR team.

The employee may invite their trade union or a friend to be present during any meetings or interview in connection with the concerns they have raised.

3.4 How the Trust will respond

The Trust will respond to the concerns raised. It should not be forgotten that testing any concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process;
- be referred to the Police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The overriding principle which the Trust will have in mind is the public interest.

Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within **ten** working days of a concern being raised, the responsible person contacted will write to the reporting employee:

- Acknowledging that the concern has been received;
- Indicating how the Trust propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Telling the employee whether any initial enquiries have been made;
- Supplying the employee with information on staff support mechanisms;
- Telling the employee whether further investigations will take place and, if not, why not.

The amount of contact between the persons considering the issues and the reporting employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It may be necessary for the school to obtain need further information from you.

Where any meeting is arranged off-site, if the reporting employee so wishes, can be accompanied by a union or professional association representative or a friend.

The Trust will take steps to minimise any difficulties which the reporting employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for them to receive advice about the procedure.

The Governing Body accepts that the reporting employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed of the outcomes of any investigation, normally in writing, in the context of their specific allegations.

3.5 How the matter can be taken further

This policy is intended to provide employees with an avenue within the Governing Body to raise concerns and it is hoped that they will be satisfied with any action taken. If not, and if they feel it is right to take the matter outside those who have been considering the matter, the following are possible contact points:

- the designated independent person or organisation
- the external auditor
- the employees chosen trade union
- the local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- relevant voluntary organisation
- the police

If the matter is taken outside the Governing Body employees should ensure that they do not disclose confidential information.

4 RECORDS INDEX

The Public Interest Disclosure Act 1998

5 RECORDS RETENTION

All records relating to this procedure will be kept on file for the length of time required by the decision.

DO	DON'T
Make a note of your concerns	Be afraid of raising your concerns
<ul style="list-style-type: none"> • Record all relevant details, such as the nature of your concern, the names of parties you believe to be involved, details of any telephone or other conversations with names, dates and times and any witnesses. • Notes do not need to be overly formal, but should be timed, signed and dated. • Timeliness is most important. The longer you delay writing up, the greater the chances of recollections becoming distorted and the case being weakened. 	<ul style="list-style-type: none"> • There is protection for employees who raise reasonably held concerns through the appropriate channels. • You will not suffer discrimination or victimisation as a result of following these procedures and the matter will be treated sensitively and confidentially.
Retain any evidence you may have	Convey your concerns to anyone other than authorised persons
<ul style="list-style-type: none"> • The quality of evidence is crucial and the more direct and tangible the evidence, the better the chances of an effective investigation. 	<ul style="list-style-type: none"> • There may be a perfectly reasonable explanation for the events that give rise to your suspicion. Spreading unsubstantiated concerns may harm innocent persons.

WHISTLE BLOWING

	(Section 2 of the Fraud Response Plan sets out who you should notify)
Report your suspicions promptly	Approach the person you suspect or try to investigate the matter yourself
<ul style="list-style-type: none"> In the first instance, report your suspicions to your Principal. If this action would be inappropriate, further guidance on disclosure can be found in the Fraud Policy and Procedure and LIFE Academies Trust's Whistleblowing Policy. 	<ul style="list-style-type: none"> There are special rules relating to the gathering of evidence for use in criminal cases. Any attempt to gather evidence by persons who are unfamiliar with these rules may WEAKEN the case.