

Staff whistle blowing policy



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1. Introduction

- 1.1. The Public Disclosure Act (1999) was introduced to give legal protection to employees who raise concerns about malpractice in their workplace; to prevent them being dismissed or penalised.
- 1.2. The Trust is committed to the highest possible standards of openness, honesty and accountability. It expects its employees who have serious concerns about any aspect of the Trust's work to voice those concerns without fear of reprisal.

2. Objectives of the policy

- 2.1. To encourage all employees to feel confident about raising serious concerns.
- 2.2. To provide a way for individuals to raise those concerns and to receive appropriate feedback on any action taken.
- 2.3. To ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- 2.4. To reassure those who raise concerns that they will be protected from possible reprisals or victimisation provided that they have made any disclosure in good faith.

3. When to use this procedure

- 3.1. The Public Interest Disclosure Act (1999) was introduced to protect employees who expose serious wrong doing in the workplace. The law protects the employee who raises the concern from victimisation provided they reasonably believe the information and act in good faith.
- 3.2. There are existing procedures that enable employees to lodge a grievance relating to their own employment or for the public to make a complaint. This policy is not to be used to follow up issues that have already gone through grievance or complaints procedures. This policy is intended to cover major concerns that fall **outside** the scope of other procedures. This policy covers concerns such as:
 - conduct which is an offence or a breach of law
 - health and safety risks, including risks to the public as well as other employees
 - damage to the environment
 - the unauthorised use of Academy funds
 - possible fraud and corruption
 - sexual or physical abuse
 - other unethical conduct



- serious failure to comply with appropriate professional standards
- abuse of power
- deliberate breach of a Trust policy
- attempts to conceal any of the above

4. Reporting a concern

- 4.1. Employees should normally raise their concerns with their immediate line manager. However if they feel that this would be inappropriate or ineffective they should discuss the matter with the Vice Principal.
- 4.2. If the concern involves the Vice Principal, then the complainant should contact the Principal.
- 4.3. If the activities of the Principal or a member of Head Office staff are part of the concern, then the Trust's Chief Executive Officer is the appropriate contact. If the activities of the Chief Executive Officer is part of the concern, then the Chair of the Board of Trustees is the appropriate contact.
- 4.4. The Academy recognises that there are occasions when the concerns are so serious that an employee may not feel confident about raising his/her concerns in person and would prefer to raise them in a more confidential way.
- 4.5. The information may be provided in writing or on the telephone. Those who wish to make a written report should use the following format:
 - the background and history of the matter (giving relevant dates)
 - the reasons for being particularly concerned about the situation
 - the extent to which the problem has been personally witnessed or experienced (providing documented evidence where possible)
- 4.6. It is important to raise concerns while the problem is in its early stages as taking action to rectify matters will be easier.
- 4.7. The person reporting the matter will not be expected to prove beyond doubt the truth of an allegation but will need to demonstrate that there are reasonable grounds for their anxiety.
- 4.8. Although this Policy encourages staff to put their name to any information, it is possible for them to express their concerns anonymously.
- 4.9. A full investigation will be carried out and action taken where allegations are found to be proven.
- 4.10. The Academy will not allow any harassment or victimisation of the person reporting a concern and will take action to protect that person whenever a concern is raised in good faith.
- 4.11. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect a member of staff.

5. Confidentiality



- 5.1. All concerns will be treated in confidence and every effort will be made, subject to any legal constraints, not to reveal the employee's identity.
- 5.2. At the appropriate time, however, the member of staff may need to be called as a witness.

6. Anonymous allegations

- 6.1. This policy encourages employees to give their names when making allegations.
- 6.2. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Principal.
- 6.3. In exercising this discretion the factors to be taken into account would include:
 - the seriousness of the issues raised;
 - the credibility of the concern;
 - the likelihood of confirming the allegation from attributable sources.

7. Untrue allegations

- 7.1. Frivolous or malicious allegations or those made for personal gain will not be tolerated and may result in disciplinary action or legal proceedings.

8. How the Trust will respond

- 8.1. Where an investigation, meeting, hearing or appeal is held in connection with this policy, its conduct shall be governed by the document "Staff Hearings and Appeals – Procedures" except to the extent that there is any specific override within this policy.
- 8.2. The Vice Principal (or appropriate substitute) will respond to all concerns raised with him/her. Where appropriate, the matters raised may:
 - be investigated by a member of the senior management team or through the disciplinary process;
 - be referred to the police by either the Academy or the complainant;
 - be referred to the external auditor;
 - be referred to a more appropriate procedure.
- 8.3. 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.
- 8.4. 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.
- 8.5. Where a disclosure is made, the person or persons against whom it is directed will be told of the allegation and the evidence supporting it. They will be allowed to comment before any investigation, or further action, is concluded.
- 8.6. The Vice Principal will write to the complainant within ten working days of a concern being raised:



- acknowledging that the concern has been received;
- indicating how the Academy intends to deal with the matter;
- giving an estimate of how long it is likely to take to give a final response;
- detailing the results of initial enquiries;
- informing on whether further investigations will take place and, if not, why not;
- where applicable, supplying the employee with information on staff support mechanisms.

8.7. The amount of contact between the employee and the Vice Principal will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Vice Principal will seek further information from the employee. Subject to any legal constraints, the member of staff will be kept informed of the progress of enquiries and, wherever possible, informed of the outcome of the investigation.

8.8. If the Vice Principal needs to discuss the matter further an 'off site' meeting can be arranged if the employee wishes.

8.9. The Academy will take steps to minimise any difficulties that an employee might experience as a result of raising a concern. For instance, if s/he is required to give evidence in criminal or disciplinary proceedings, the Vice Principal will arrange for him/her to receive advice about the procedure.

9. How the matter can be taken further

9.1. This policy is intended to provide employees with a method of raising concerns. The Trust expects that employees will generally be satisfied with any action taken. If they are not, and feel it would be right to take the matter outside the Trust, the following are possible contact points:

- the external auditor;
- trade union representative;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisation;
- a relevant voluntary organisation;
- the police.

9.2. Employees who take such matters outside of the Trust should ensure that they do not disclose confidential information.