

TDAP30H DISCLOSURE/WHISTLE BLOWING POLICY

Requisite: Recommended			Responsible Committee: F&P		
Vers.	Approval Date	Committee	Head	Chair	Next Review Date
A	SBC Policy				
C	28/04/2014	<i>Finance and Premises</i>			01/03/2016
G	29/03/2022	<i>Finance and Premises</i>			01/03/2024 update required
H	14/06/2022	<i>Finance and Premises</i>		J Walker	01/03/2024

Rationale

- 1.1 Employees and Academy Trustees or Members are often the first to realise that there may be something seriously wrong within the Academy. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. 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.
- 1.2 The Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Disclosure Policy is intended to encourage and enable staff to raise serious concerns within the Academy rather than overlooking a problem or blowing the whistle outside.
- 1.3 This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and 2013, the Public Interest Disclosure (Prescribed persons) (Amendment) Order 2015 and the recent 'Protect' 2018 regarding Whistleblowing arrangements and seeks to bring into the open concerns of the staff and public relating to issues concerning dishonesty involving the Academy.
- 1.4 This policy supports the Academy's Anti-Fraud and Corruption Policy and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees, trustees and members to raise serious concerns within the Academy, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.

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Purpose

2. Aims and Scope of the Policy

2.1 This policy aims to:

- Provide an avenue to raise concerns and receive feedback on any action taken;
- Allow complainants to take the matter further if they are dissatisfied with the Academy's response; and
- Reassure complainants that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.2 There are existing procedures in place to enable complainants to lodge a grievance relating to their own employment for example in relation to areas such as terms and conditions of employment; health and safety; work relations; new working practices; working environment and conditions; workload; organisational change, etc. This Disclosure Policy is intended to cover concerns that fall outside the scope of that procedure.

2.3 That concern may be about something that:

- is unlawful, or
- is contrary to the Academy's Standing Orders or policies, or
- falls below established standards or practice; or
- amounts to improper conduct.

For example (this list is not exhaustive):

- Malpractice or ill treatment of a student/stakeholder;
- A criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, particularly in relation to health and safety at work;
- Breach of Financial Regulations, Standing Orders;
- Showing undue favour over a contractual matter or to a job applicant;
- A breach of any code of conduct or protocol;
- If information on any of the above has been, is being, or is likely to be concealed.

2.4 The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

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3. Safeguards

Harassment or Victimisation

- 3.1 The Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Academy will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. The Academy will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.
- 3.2 This does not mean that if the complainant is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality

- 3.3 The Academy will do its best to protect a complainant's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

Anonymous Allegations

- 3.4 This policy encourages complainants to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Academy.
- 3.5 In exercising the discretion, the factors to be taken into account would include the:
- seriousness of the issues raised;
 - credibility of the concern; and
 - likelihood of confirming the allegation from an attributable source.

Untrue Allegations

- 3.6 If a complainant makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, malicious or vexatious allegations are made, disciplinary action may be taken against them in accordance with the Disciplinary Policy,

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4. How to raise a concern

4.1 Employees who raise concerns that fall within the scope of other Academy procedures will not usually be dealt with in this procedure, but will be advised on the appropriate procedure to use. Such employees will still receive protection as detailed in this policy.

4.2 As a first step, employees should normally raise concerns with their immediate manager or supervisor, or the Chair of Trustees as soon as the employee has reasonable suspicion. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If in doubt, contact the Head Teacher, Chair of Trustees or Vice Chair of Trustees. Members can also be contacted if the concern is about Trustees.

4.3 Concerns are better raised in writing. Complainants are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If a complainant does not feel able to put their concern in writing, they can telephone or meet the appropriate person referred to in 4.2. The earlier someone expresses their concern, the easier it is to take action.

4.4 Although complainants are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

4.5 Advice and guidance on matters of concern may be pursued and can be obtained from:

- SLT
- Trustees

4.6 Complainants may invite a trade union representative or work colleague to raise a matter on their behalf.

5. How the Academy will respond

5.1 The action taken by the Academy will depend on the nature of the concern and may:

- be resolved by agreed action without the need for investigation
- be investigated internally
- be referred to the Police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

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- 5.2 In order to protect individuals and the Academy, initial enquiries will be forwarded to the Head Teacher, Chair of Trustees or Vice Chair of Trustees, or a Member, who will decide whether an investigation is appropriate and, if so, what form it should take. An Investigating Officer will be appointed to then investigate the matter following the Academy procedures. All such decisions will be reported to the next meeting of the Trustee or Member Board where appropriate. Concerns or allegations that fall within the scope of specific procedures, for example discrimination issues, will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation and a complainant may be involved in those discussions. The person initiating the investigation shall report periodically thereon to the Board of Trustees or Members as appropriate.
- 5.4 If an investigation is required, an appropriate person will be appointed to investigate the concern. Following this the Investigating Officer will, within ten working days, write to the complainant:
- Acknowledging that an investigation will be carried out
 - Indicating how he/she proposes to deal with the matter
 - Giving an estimate of how long it will take to provide a final response
 - Telling them whether any initial enquiries have been made
 - Telling them whether further investigations will take place, and if not, why not
 - Advising them that any investigation will be carried out in the strictest confidence; and
 - Keeping them informed of the progress of the investigation.
- 5.5 The amount of contact between the persons considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.
- 5.6 When any meeting is arranged during the investigation, interviewees will be given the right, if they so wish, to be accompanied by a union representative or work colleague who is not involved in the area of work to which the concern relates.
- 5.7 The Academy will take steps to minimise any difficulties that a complainant may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Academy will advise them about the procedure.
- 5.8 The person initiating the investigation will report on the outcome of any investigation to the Board of Trustees or Members who will monitor the implementation of the recommendation of the investigation.

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6. How the matter can be taken further

- 6.1 This policy is intended to provide complainants with an avenue to raise concerns **within** the Academy. The Academy hopes complainants will be satisfied. If they are not, and feel that it is right to take the matter outside the Academy, the following are possible contact points:
- Local Council member (if staff member lives in the area of the Council)
 - The External Auditor or the ESFA/DfE
 - Relevant professional bodies or regulatory organisations e.g. unions/Ofsted
 - Solicitor
 - The Police
 - An independent person or organisation nominated for the purpose by the Academy
 - Protect, the Whistleblowing Advice Organisation: email whistle@protect-advice.org.uk (tel. no. 020 3117 2520). If complainants do take this matter outside the Academy, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. Complainants should check with the contact point about that.

7. The Investigating Officer

- 7.1 The Investigating Officer has overall responsibility to follow this policy, and will liaise as necessary with the Head, Chair or Vice Chair of Trustees or the Member requesting the investigation.
- 7.2 The Investigating Officer records the concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the person requesting the investigation. The records are then passed to the Governance Professional for confidential filing

8. The Law

- 8.1 This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.
- 8.2 The Act is incorporated into the Employments Rights Act 1996 and amendments up to January 2020 in section 43B which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by the ESFA.

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- **Revision Notes**

Rev A	original – SBC Policy
Rev B	Dorcan Academy format: revised, considered and agreed by Finance and Premises 25/02/2013 and for ratification at Full Governing Body 20/03/2013
Rev C	considered and approved at Finance and Premises 28/04/2014 and by full Governing Body on 21/05/14. Further review by Finance and Premises 16/06/2014
Rev D	Agreed and approved by Finance and Premises 13/06/2016
Rev E	Agreed and approved by Finance and Premises 26/02/2018
Rev F	Agreed and approved by the Finance & Premises Committee 14/01/2020
Rev G	Agreed and approved by the Finance and Premises Committee 29/03/2022
Rev H	Agreed and approved by the Finance and Premises Committee to reflect changes in Articles 14/06/2022

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Appendix I

The Board of Trustees has a legal responsibility for safeguarding the welfare of children that goes beyond basic child protection procedures. The duty is now to ensure that safeguarding permeates all activity and functions. This policy therefore complements and supports a range of other policies

- Anti-fraud and Corruption Policy
- Complaints
- Safeguarding Children and Young people
- Extremism and Radicalisation
- Behaviour
- Anti-Bullying
- Lettings and Use of Premises
- Special Educational Needs
- Academy trips
- Curriculum
- Children in Care
- Health and Safety
- Sex and Relationships Education
- Security
- Equality Diversity and Community Cohesion
- Students with Additional Needs
- Internet Access and Use
- Use of ICT and Website
- Young Carers
- Privacy, Confidentiality, Information Sharing and Data
- Whistle blowing

The above list is not exhaustive but when undertaking development or planning of any kind the Academy will consider safeguarding matters