



Confidential Reporting/ Whistleblowing Policy

Office Use

Legislation/Guidance		External Checking	
The Public Interest Disclosure Act 1998			
Employment Rights Act 1996			
Teaching Unions	Consultation Completed	Public Sector Unions	
✓	✓	✓	

New / Amended	Published (date of first approval):	Review (date of this review):	Last Reviewed (date of last review):	Statutory:	Committee:	SLT Lead:
Amended	2016	Autumn 2020	Autumn 2019	No	Finance	HU
Legislation checked:				Legal Advice:		
✓				Browne Jacobson Policy		



CONFIDENTIAL REPORTING/WHISTLEBLOWING POLICY

INTRODUCTION

The Principal and Governors recognise that a member of staff may be the first to realise if something is wrong within the Academy. However they may not want to express their concerns because they feel that speaking up would somehow be disloyal to their colleagues or to the Academy.

It is important for staff to know that The Elizabethan Academy is committed to the highest possible standards of openness, probity and accountability. Part of meeting that commitment is to encourage employees and others with concerns about any aspect of the Academy's work to feel able to come forward and voice those concerns. The Academy recognises the need for confidentiality and the fact that the majority of cases will have to proceed on a confidential basis.

SCOPE OF THIS POLICY

Aims of the Policy

The policy is designed to ensure that staff can raise their concerns about wrongdoing or malpractice within the Academy without fear of victimisation, subsequent discrimination or disadvantage. It is also intended to encourage and enable them to raise serious concerns within the Academy rather than ignoring a problem or 'blowing the whistle' outside.

This policy aims to:

- encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
- provide avenues for them to raise those concerns and receive feedback on any action taken;
- ensure that they receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

Range of the Policy

The policy is intended to enable those who have concerns regarding wrongdoing or malpractice to report those concerns at the earliest possible opportunity so that they can be properly investigated. The policy is not, however, intended to replace existing procedures, for example:

- if the concern relates to someone's own treatment as a member of staff, they should raise this under the existing Grievance Procedure Policy or the Anti-harassment and Bullying Policy, as appropriate;
- if a parent or other user of the Academy has a concern about services provided, they should raise this as a complaint to the Academy;



- some areas of service have their own specific procedures, e.g. Safeguarding procedures (please see the Whole School Policy for Child Protection to Safeguard and Promote the Welfare of Children, or other policy as relevant).

Where concerns are raised, the subsequent investigation may take the form of any appropriate procedure, either internal or external, e.g. an internal audit enquiry or a Police investigation.

The person who has raised the concerns will where possible be kept informed of progress and of the outcome of any investigation.

Who can raise a concern under this Policy?

The provisions of the policy apply to all:

- Employees at the Academy
- Governors of the Academy
- Employees of contractors working for the Academy, e.g. agency staff
- Employees of suppliers
- Voluntary workers within the Academy

What should be reported?

Staff should report any concerns that they have about service provision or about the conduct of Employees or Governors of the Academy or others acting on behalf of the Academy (including supply teachers and volunteers) that:

- make them feel uncomfortable in terms of known standards, or
- are not in keeping with the Academy's regulations and policies, or
- fall below established standards of practice, or
- are improper behaviour

These concerns might relate to:

- discrimination on any grounds, for example race, gender, disability, sexual orientation
- health and safety of the public and/or other employees
- unauthorised use of public/Academy funds
- possible fraud and corruption
- neglect or abuse of students, or
- other unethical conduct

To fall within the remit of this Policy the complaint must also be a "qualifying disclosure" in accordance with the legislation. This is any disclosure of information which "in the reasonable belief of the employee / worker" making the disclosure tends to show that one or more of the following has occurred, is occurring or is likely to occur:



- a criminal offence (minor or serious)
- a failure by a person to comply with any legal obligation to which they are subject
- a “miscarriage of justice”
- danger to the health and safety of any individual
- damage to the environment
- the deliberate concealment of information about any of the above.

SAFEGUARDS

The Legal Framework

The Employment Rights Act (ERA 1996) as amended by the Public Interest Disclosure Act 1998 (PIDA) provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice.

The Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Harassment or Victimisation

The Academy is committed to good practice and high standards and to being supportive of its staff.

The Academy recognises that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the Academy, their colleagues and those for whom they are providing a service.

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

Support for the Person Raising Concerns

Throughout the process the member of staff:

- Will be given full support from the management and Governors of the Academy. If you would like the support of a Governor please contact them directly
- Will have their concerns taken seriously.
- The Academy will do all it can to help them throughout the investigation e.g. provide access to advocacy services where the individual has no access to Trade Union Support.

If, following discussions with the member of staff, the Principal and Governors consider redeployment on a temporary basis is appropriate, the Academy will seek to arrange for this to take place where this is feasible in liaison with other schools and academies.

Confidentiality

All concerns will be treated in confidence and any records relating to the case will be handled in accordance with the Data Protection Act. Every effort will be made not to reveal the identity of the member of staff who raises concerns, should that be their wish.



If the concerns raised are investigated as part of the disciplinary/grievance/harassment procedures, it may be that it is not possible to take the appropriate action on the disclosure without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If they agree to this, they will be offered the appropriate advice and support and would not, as far as is reasonable possible, be overtly identified as the whistleblower.

Anonymous Allegations

This policy encourages staff to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Academy. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.
- the need to involve any third party such as the Police or Health and Safety Executive

Whilst every effort will be made to protect the anonymity of the whistleblower this may not be necessary due to the factors listed above. The Academy will however ensure that this information is shared only on a need to know basis.

Untrue Allegations

Some concerns raised may, when investigated, prove to be groundless. If a concern is raised or an allegation made in good faith by someone reasonably believing it to be true and their concerns are not confirmed by investigation, they should have nothing to fear as the Academy will recognise their genuine motives. **However should there be reasonable suspicion that someone may have made an allegation frivolously, maliciously or for personal gain, then an investigation will be undertaken and disciplinary action may be taken against them.**

RAISING A CONCERN

Who should a concern be raised with?

Whilst there is no legal requirement as to whom or how a disclosure should be made we request that as a first step, staff should normally raise concerns with their Faculty Leader, HR Manager or with the Principal. This might depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing.

If this is not appropriate, for example, if they are the person or persons about whom the concerns relate, staff should raise their concerns with the Chair of Governors who is also a Member.

If they are not confident that either of these will deal with their concerns properly, then they may raise the issue with the Directorate Children and Young People who may bring it to the attention of the Academy and ask them to investigate or indeed investigate on the Academy's behalf.



If an individual is unsure whether or now to raise a concern or wants confidential advice, they may wish to consult their Trade Union. Alternatively, they can contact the independent charity Protect on 020 3117 2520 or via the contact form on their website at <https://protect-advice.org.uk/> They provide individuals with free confidential advice on how to raise a concern about serious malpractice at work. Alternatively, you can visit their website for other useful information and guidance.

How to raise concern(s)

Staff may raise their concern by telephone, in person or in writing. In the interests of confidentiality, staff may raise concerns via their Trade Union. The earlier they express their concern, the easier it is to take action. They will need to provide the following information:

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

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

Staff 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) of them who have had the same experience or concerns.

They may invite their Trade Union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns they have raised.

HOW THE ACADEMY WILL RESPOND

The Academy will take their concerns seriously and will respond to them.

In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form that investigation should take.

Where concerns or allegations fall within the scope of specific Academy procedures, then they would normally be referred for consideration under those procedures.

As a result of this, where appropriate, the concerns raised may:

- be investigated by a Senior Leader, internal audit or through the discipline/grievance/harassment process;
- be referred to the external auditors;
- be referred and dealt with under the established Safeguarding procedures
- form the subject of an independent inquiry.

Within ten working days of a concern being raised the Principal (or Chair of Governors if internally raised with them) will write to the person raising the concern:



- acknowledging that their concern has been received;
- indicating how the Academy proposes to deal with the issue;
- telling them whether any further investigations will take place (and if not, explaining why this is the case);
- supplying them with information on staff support mechanisms.

The amount of contact between the person raising the concern and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the person raising concern will be interviewed to ensure that their disclosure is fully understood.

A meeting can be arranged away from the workplace, if they wish, and a union or professional association representative or a friend may accompany them in support.

The Academy will do what it can to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the Academy will arrange for them to receive appropriate advice and support.

They need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.

THE RESPONSE OFFICER

The Principal has overall responsibility for the maintenance and operation of this policy. The Principal will maintain a record of concerns raised and the outcomes. Records will be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns.

The Principal will report to the Governing Body as necessary and as far as reasonably practicable, without overtly revealing the identity of the whistleblower.

HOW THE MATTER CAN BE TAKEN FURTHER

The aim of the policy is to provide staff with an appropriate way to raise their concerns. Hopefully, they will be satisfied with any action taken as a result of their raising issues. However, should this not be the case and they feel it necessary to take the matter outside the Academy, our prescribed contacts are:

- the County Council's Strategic Director for Children & Young People's Services
- the External Auditor
- the relevant Trade Union
- OFSTED
- The Health and Safety Executive
- the Police



This does not prevent staff from seeking their own legal advice.

If the member of staff raises their concerns outside the Academy, they should ensure that it is to one of the above prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy.

Disclosures can legally be made to the following:

- Someone other than the Academy who has legal responsibility for the situation in respect of the disclosure
- A legal adviser
- A Government Minister
- A prescribed person e.g. HMRC, the Health and Safety Executive etc.
- Some other person to whom it is reasonable to disclose

They should not disclose information that is confidential to the Academy or to anyone else, such as a client or contractor of the Academy, except to those included in the list of prescribed contacts.

REVIEW OF POLICY

Before its publication, the contents of this policy were subject to consultation with the relevant Trade Unions and the Academy will continue to review the policy every 12 months.

An equality impact assessment has been undertaken to ensure no groups or individuals with protected characteristics are unintentionally disadvantaged by this policy or practice.



DATE OF REVIEW:	Autumn 2020
SIGNED ON BEHALF OF SENIOR LEADERSHIP TEAM:	
DATE:	12.11.2020
GOVERNING COMMITTEE:	Finance Committee
SIGNED ON BEHALF OF GOVERNING BODY:	
SIGNED ON BEHALF OF THE MEMBERS:	
DATE:	12/11/2020



DATE OF NEXT REVIEW:	Autumn 2022