



# WHISTLEBLOWING POLICY

Version and Date		Action/Notes
1.0	July 18	Approved by F & GP Committee
1.1	July 19	Updated in line with Academies Financial Handbook 2019

## **1. Purpose**

The purpose of this policy is to make clear that employees can and should voice concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended that this policy will encourage and enable employees to raise serious concerns within the academy and The Samara Trust (TST) rather than overlooking a problem or 'whistleblowing' outside the organisation.

## **2. Applicability**

This policy applies to all employees within TST whether on a permanent or on a fixed term contract. It also applies to contractors working for the academy or TST on academy premises, for example agency workers, supply teachers and builders.

## **3. Roles and Responsibilities**

TST along with the local governing body and management of the academy has overall responsibility for ensuring that the Whistleblowing Policy is managed appropriately in accordance with this agreed procedure.

The principal along with line managers are responsible for making employees aware of the existence of this policy. The principal is responsible for maintaining a record of concerns raised and outcomes (but in a form which does not endanger confidentiality) and will report to the local governing body and TST as necessary.

Employees are responsible for making themselves familiar with and complying with this policy.

## **4. Policy**

Employees could be the first to realise that there may be something seriously wrong within an individual academy or TST. However, they may not express their 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 the employee may feel it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

TST is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of TST's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy aims to encourage employees to feel confident about raising serious concerns and to question and act upon concerns about practice and to provide avenues for employees to raise those concerns and receive feedback on any action taken. The policy also aims to reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief and have made any disclosure in good faith.

The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. This includes:

- Conduct which is an offence or breach of the law.
- Disclosures related to miscarriages of justice.
- Serious health and safety risks, including risks to the public as well as other employees.
- Serious damage to the environment.

- The unauthorised use of public funds.
- Sexual or physical abuse of pupils.
- Unethical conduct.

Any serious concerns that an employee may have about any aspect of conduct by employees of the academy or others acting on behalf of the academy may be reported under this policy. This policy does not replace TST complaints procedure.

## **5. Safeguards against harassment or victimisation**

TST recognises that the decision to report a concern can be a difficult one to make. If what the employee is saying is true, or they have a reasonable believe that it is true, the employee will have nothing to fear because they will be doing their duty to the academy and pupils of the academy.

TST will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect employees when concerns are raised in good faith.

Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect an employee.

## **6. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of an employee who raises allegations under this policy. At the appropriate time, however, the employee may need to come forward as a witness.

Employees are encouraged to put their name to allegations wherever possible. This is because concerns expressed anonymously are much more difficult to investigate. Therefore anonymous allegations will be considered at the discretion of the principal in consultation with the chair of the local governing body.

## **7. Untrue allegations**

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, the employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against the employee.

## **8. How to raise a concern**

When raising concerns, individuals will express them in writing to their principal or to a member of the board of trustees on [iwilson@thesamaratrust.cheshire.sch.uk](mailto:iwilson@thesamaratrust.cheshire.sch.uk)

If an individual is raising a concern about the head teacher, they should express their concerns in writing to the chair of governors.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern.
- Any relevant names, dates and places.
- The reasons for the concern.

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistle blower, as this may undermine the legitimacy of the investigation outcome.

## **9. How the academy will respond**

The academy may need to test out the concerns. Where appropriate management may investigate the concerns, this could be through the disciplinary process where relevant; or form the subject of an independent inquiry.

In order to protect individuals and those accused of malpractice, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation.

Within 10 working days of a concern being raised the principal, chair of the LGB, CEO of TST will write to the employee:

- Acknowledging that a concern has been raised.
- Indicating how it is proposed 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.
- Telling the employee whether further investigations will take place and if not, why not.

The amount of contact between the individual considering the issue and the employee who raised the issue will depend on the nature of the matters raised; the potential difficulties involved and the clarity of information provided. If necessary the academy will seek further information from the employee.

The academy accepts that the employee will need to be assured that the matter has been properly addressed and therefore the academy will inform the employee of the steps that have been taken to resolve the matter as appropriate. Where the employee has raised concerns in writing, then the academy should confirm their course of action in writing also.

## **10.How the matter can be taken further**

The aim of this policy is that employees should be able to raise concerns internally and it is hoped that the employee will be satisfied with any action taken. If this is not the case then they may raise their concerns to TST's board of trustees. If the employee wishes to take the matter outside of the organisation then the following are possible contact points:

- Public Concern at Work.
- Audit Commission.
- A relevant Trade Union.
- Citizens Advice Bureau.
- Relevant Professional Bodies.
- Regulatory Organisations.
- Local Police.

If the employee chooses to take the matter outside of the academy and TST then the employee should ensure that they do not disclose confidential information. An employee should not take concerns directly to the media.