



Whistleblowing Policy and Procedure (Public Interest Disclosure)

**This policy was adopted by the Board of
Directors of Acorn Multi Academy Trust on**

1st December 2016

Whistleblowing Policy and Procedure HRP32

Status

- a. This Policy is to be found in the organization's Policy and Procedures Manual and exemplified in the Employee Handbook
- b. As with all policies, this policy does not form part of the Contract of Employment

1. Policy Statement

Acorn Multi Academy Trust (Acorn MAT / the organisation) is committed to the highest standards of openness, probity and accountability. In line with that commitment, the organisation has implemented this policy and procedure to cover the genuine concerns that an employee may have about suspected wrongdoing within the organisation.

In demonstrating this commitment the organisation encourages its employees and workers who have serious concerns about any wrongdoing within the organisation to come forward and express their concerns.

This policy is primarily for concerns where the interests of others or the organisation itself are at risk. Any employee or worker who raises concerns in good faith can do so on a confidential basis without fear of reprisal or victimisation.

This Policy applies to the Trust's Board Members, Directors, Governors, management and all staff.

1.1 What is Whistleblowing?

Whistleblowing occurs when a worker raises a concern about dangerous or illegal activity that they are aware of through their work that affects others. In general, workers should be able to make disclosures about wrongdoing to their employer, so

that problems can be identified and resolved quickly within organisations, without fear of reprisal.

The provisions introduced by the Public Interest Disclosure Act 1998 protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered.

When should Whistleblowing procedures be used?

1. If an employee has concerns about wrongdoing at the Academy and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
2. Each individual member of staff should feel able to speak freely on such matters. However, the Academy and colleagues have the right to protect themselves against unfounded false or malicious accusations.
3. Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
4. Whistleblowing is not appropriate for dealing with issues between an employee and the Academy which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.
5. Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.
6. Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Headteacher or Child Protection Officer.

1.2 Who does the policy apply to?

This policy applies to all employees, including full time, part time and temporaries (regardless of length of service), Trust's Board Members, Directors, Governors, agents, contractors, suppliers and customers of the organisation.

Applicants, or external bodies or agencies not covered in the above that have genuine concerns about malpractice or illegal acts as outlined in under this policy are encouraged to report their concerns.

Please note that Whistleblowing is specific to the issues relating to the Act, and matters relating to a complaint about your own personal circumstances or an appeal against a decision are addressed through the organisation's Grievance Policy and Procedure or the relevant policy.

2. Policy

This Policy reflects the requirement set out in the Public Interest Disclosure Act 1998 (The 'Act'), which provides protection to individuals who disclose, in good faith, information about alleged wrongdoing at work, providing:

- the information is disclosed in good faith
- they reasonably believe that the information and any allegation contained in it to be substantially true
- the worker does not act maliciously or make false allegations
- the worker does not act for personal gain

The 'Act' protects disclosures of information relating to one or more of the following:

- unlawful or a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health or safety of any individual
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption: or
- deliberate covering up of information tending to show any of the above seven matters

This policy is intended for use with allegations which appear likely to harm the reputation of the organisation. All other matters should be raised through the appropriate policy.

The organisation's Whistleblowing Policy is intended to complement statutory protection rather than detract from it. For the avoidance of doubt, your statutory rights will not be affected in any way by the Whistleblowing Policy.

The Public Interest Disclosure Act 1998 provides workers with protection against victimisation or dismissal should they reasonably and in good faith report concerns.

This policy is accompanied by a procedure that should be followed when "blowing the whistle". The policy is designed to give you that opportunity, protection and based on the following principles:

- The organisation will not tolerate harassment or victimisation of a genuine whistle blower (including informal pressures) and will treat such conduct as gross misconduct, which if proven, may result in dismissal.
- The organisation reserves the right to amend the policy and procedure, as necessary, to meet any change in requirements.
- If there is anything which you think the organisation should know about, please use the procedure (please see 3 below). By knowing about malpractice at an early stage the organisation stands a good chance of taking the necessary steps to safeguard the interests of others and protect the organisation. In short, please do not hesitate to "blow the whistle" on wrongdoing.
- Only genuine concerns should be reported. Disclosures must be made in good faith with a reasonable belief that any information and/or allegation is substantially true, and that the disclosure is not made primarily or solely for personal gain. Malicious or false allegations will be treated as a serious disciplinary offence, if proven, may result in dismissal.

3. Procedure

Employees wishing to make a disclosure should do so in the first instance to their line manager, or another manager within their academy. However, if for some reason this first step is inappropriate then the concern should be raised at a more senior level with the Executive Headteacher, Chair of Governors or Chair of Directors of the Trust. In some circumstances the concerns can be raised directly with the Trust's Board, or the Education Funding Agency (EFA). If the disclosure is about the line manager/Head of School then the disclosure should be made to the next senior manager/Executive Head/CEO or to the Chair of Directors, if the concern relates to the Executive Head.

The organisation will not tolerate the harassment or victimisation of anyone raising a genuine concern; however the organisation recognises that the employee may want to raise a concern in confidence under this policy, and the identity of the employee will not be disclosed without their consent. However, in situations where concerns cannot be resolved without revealing the employee's identity (for instance because their evidence is needed in court) the matter will be discussed with the employee and the matter of how and whether the organisation can proceed.

4. The investigation

The organisation will decide how to respond in a responsible and appropriate manner under this policy. An investigation will be conducted as speedily and sensitively as possible. An official written record will be kept at each stage of the procedure.

A decision as to whether a preliminary investigation should be carried out will be made within two weeks of the complaint having been received. Where this is not possible, the person making the complaint will receive an explanation of the delay.

The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable), by an independent investigating officer appointed by the Trust, or referred to another agency. If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

The employee is entitled to be accompanied by their union representative (if any / and or a member) or a work colleague throughout the procedure when reporting their concerns.

Normally, the line manager or the person to whom the employee has raised the concern will investigate their concern/s as follows:

- If appropriate, arrange an initial interview with you within 7 days of the complaint to ascertain your area/s of concern. This interview will remain confidential if requested.
- The notes taken during the interview will be sent to the employee to approve, as an accurate record of what was discussed.

- The employee will be asked whether they want their identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.
- The employee will be asked if they are prepared to make a verbal or written statement (if you have not already done so).
- The manager, a more senior manager or an external person or body as appropriate, will then conduct further investigations. The manager may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.
- The investigation may be conducted by the internal auditors, for example in the case of financial irregularity or suspected fraud.
- The aim, to complete the investigation within 7 working days although in serious or complicated cases, this may not be possible.

The person against whom the disclosure is made will normally be told at an early stage, and be provided with supporting evidence and allowed to respond. However, it may be necessary to conduct the investigation in confidence (i.e. without informing the subject of your allegation/s) until (or if) it becomes necessary to do so. Alternatively, depending on the nature and seriousness of the complaint, the person/s against whom the allegation/s is made may be suspended while investigations are undertaken.

If it is not possible to comply with the timescale set out above, you will be informed and given a revised one.

5. Outcome of the investigation

If there is a case to answer, and if appropriate, the disciplinary procedure will be initiated against the person/s who is the subject of the allegation/s.

The employee raising the disclosure will be informed of the outcome of the investigation within 5 working days of completion of the investigation (including any disciplinary investigation). The exact nature of any disciplinary action taken against any person will remain confidential.

Whether there was a case to answer or not, and provided that the employee's disclosure was made in good faith because they reasonably believed it to be true, the organisation will ensure that they are protected from reprisal or victimisation as a result of their complaint.

Only where it is established that an employee's allegations were false and made maliciously will disciplinary action be taken against that employee. Such disclosures will be treated as gross misconduct and may result in dismissal without notice or payment in lieu of notice.

If, as a result of investigations the employee who raised the disclosure is implicated in some way in any wrong doings disciplinary action may be taken against them. The fact that they have blown the whistle will be taken into account if an action is considered.

6. Monitoring, Evaluation and Review of the policy

Confidential records will be kept of all matters raised through this policy. The Director of the Trust Board has overall responsibility for the maintenance and operation of this policy. Within his/her duty to ensure that the Trust acts lawfully, he/she will maintain a record of all concerns raised under this policy and the outcomes of any investigations. The Trust Board will review this policy *in conjunction with the recognised trade unions* annually to assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.

7. Contacts

Please refer to the organisation's Staff List for key contacts when wishing to raise an issue under this policy

8. Further information

ACAS

Tel: 08457 474747

www.acas.org.uk

Charity Commission for England and Wales CC47 - Investigating Charities

Tel: 0845 3000 218

www.charitycommission.gov.uk

Companies House

Tel: 0870 333 636

www.companies-house.gov.uk

Department for Business, Enterprise and Regulatory Reform (formerly DTI)

Tel: 020 7215 5000

www.berr.gov.uk

Chartered Institute of Personnel and Development

Tel: 020 8612 6200

www.cipd.co.uk

Public Concern at Work

Tel: 020 7404 6609

www.pcaw.co.uk

Law relating to this document

Leading statutory authority

Public Interest Disclosure Act 1998, as amended

Employment Rights Act 1996, as amended

9. Related Policies and Documents

Data Protection Policy

Disciplinary Policy

Grievance Policy

Policy Version and Revision Information	
Authorised by SMT (Acorn MAT Board)	Dec 2016
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