



November 2021

Next review date: October 2023

Whistle Blowing Policy

(This policy applies to all academies managed by Wootton Academy Trust [WAT])

Person responsible: Mr Marcin Mieczkowski

Reviewed by: Board of Directors

1. What is 'Whistleblowing' ?

Whistle blowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Board of Directors or by fellow employees. Wrong doing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of Wootton Academy Trust's Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers.

2. Protecting the Whistle Blower

Under the Public Interest Disclosure Act 1998 a whistle blower is protected from detriment and unfair dismissal. WAT will support and not discriminate against concerned employees who apply the whistle blowing procedure, provided any claim is made in good faith.

3. Protecting your identity

3.1 WAT will not tolerate the harassment or victimisation of anyone raising a genuine concern. If such harassment or victimisation should occur, you should write to the Chair of the Trust who will deal with the matter.

3.2 However, we recognise that you may, nonetheless, want to raise a concern in confidence. If you ask us to protect your identity, we will not disclose it without informing you. We will advise you when concerns raised formally about a colleague cannot be presented to him/her or investigated without revealing your identity.

- 3.3 If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.
- 3.5 If you do not tell us who you are, it will be much more difficult for us to investigate the matter. Anonymous complaints that are not supported by any evidence cannot be investigated.
- 3.6 You should also be aware that we have a duty to protect colleagues from unfounded anonymous accusations.
- 3.7 While we will consider anonymous reports, it will not be possible to apply many aspects of this policy for any concerns raised anonymously.

4. When should Whistle Blowing procedures be used?

If an employee has concerns about wrong doing at Wootton Academy Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.

Each individual employee should feel able to speak freely on such matters. However, WAT and colleagues have the right to protect themselves against unfounded false or malicious accusations.

Whistle blowing 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.

Whistle blowing is not appropriate for dealing with issues between an employee and WAT 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.

Whistle blowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.

Whistle blowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection.

5. The Procedure

Any issue raised will be kept confidential while the procedure is being used.

The *Representor* (the person raising the concern) should raise their concern with their Line Manager. This may be done orally or in writing.

However, if the concern relates to the *Representor's* Line Manager or any person to whom he or she reports, other than the Executive Principal, the *Representor* should raise the issue with the Executive Principal in the first instance.

If the concern relates to the Executive Principal, the *Representor* should raise the matter with the Chair of the Board of Directors.

The person with whom the matter is raised is referred to as the "*Assessor*".

The *Assessor* will:

- a.) Interview the *Representor* as soon as possible within seven working days, in confidence. An early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
- b.) obtain as much information as possible from the *Representor* about the grounds for the belief of wrongdoing;
- c.) consult with the *Representor* about further steps which could be taken;
- d.) advise the *Representor* of the appropriate route if the matter does not fall under this Procedure;
- e.) other than in the case of dealing with pupil complaints, report all matters raised under this procedure to the Executive Principal.
- f.) at the interview with the *Assessor*, the *Representor* may be accompanied by a recognised trade union representative or a work colleague. The *Assessor* may be accompanied by a WAT employee to take notes.

Promptly within ten working days of the interview, the *Assessor* will recommend one or more of the following:

- a.) the matter be further investigated internally by WAT;
- b.) the matter be further investigated by external consultants appointed by WAT;
- c.) the matter be reported to an external agency;
- d.) disciplinary proceedings be implemented against an employee;
- e.) the route for the *Representor* to pursue the matter if it does not fall within this procedure; or
- f.) that no further action is taken by WAT.

The grounds on which no further action is taken include:

- a.) the *Assessor* is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or, is likely to occur;

- b.) the *Assessor* is satisfied that the *Representor* is not acting in good faith;
- c.) the matter is already (or has been) the subject of proceedings under one of WATs other procedures or policies;
- d.) the matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.

The recommendation of the *Assessor* will be made to the Executive Principal. However,

should it be alleged that the Executive Principal is involved in the alleged wrong doing, the recommendation shall be made to the WAT Chair of Directors.

The Executive Principal or Chair of Wootton Academy Trust Board, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Wootton Academy Trust Board.

The *Representor's* identity will be kept confidential unless the *Representor* otherwise consents or unless there are grounds to believe that the *Representor* has acted maliciously. In the absence of such consent or grounds, the *Assessor* will not reveal the identity of the *Representor* except:

- a.) where the *Assessor* is under a legal obligation to do so;
- b.) where the information is already in the public domain; or
- c.) on a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The conclusion of any agreed investigation will be reported by the *Assessor* to the *Representor* promptly within twenty-eight working days of the initial interview.

All responses to the *Representor* will be made in writing and sent to the *Representor's* home address.

If the *Representor* has not had a response within the above time limit or such reasonable extension as WAT requires, the *Representor* may go to an appropriate external agency, under paragraph 6, but will inform the *Assessor* before doing so.

The *Representor* may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

6. Malicious Accusations

A deliberately false or malicious accusation made by a *Representor* is a disciplinary offence and will be dealt with under WAT's Disciplinary Procedure, as well as potentially exposing the *Representor* to legal liability.

Informing External Agencies

Within WAT all employees have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Academy fails to follow required

procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

Whistle blowing to an external agency without first going through the internal procedure is a breach of the WAT's Code of Conduct. External agencies which may be used if disclosure is permitted under point 6 are:

Department for Education
Member of Parliament;
National Audit Office;
Health and Safety Executive;
Teacher Regulating Agency
Police.

Whistle blowing to the media is not appropriate or permitted in any circumstances.

7. Confidential Employee Enquiries

Employees may, on a confidential basis, seek prior guidance from the Executive Principal if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Executive Principal will attempt to provide guidance based on the information provided, but such guidance shall not prejudice the rights of WAT or any person under these procedures.

8. Monitoring, Evaluation and Review

WAT will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout WAT.

WHISTLEBLOWING POLICY

GUIDANCE FOR MANAGERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE

1. WAT Line Managers should ensure that employees are aware of the Whistle Blowing Policy and know where it can be located;
2. If you receive a disclosure in respect of any of the matters set out under the heading *When should Whistle Blowing procedures be used?* in the Whistle blowing Policy you must take the following action:
 - a. take the matter seriously and do not dismiss or belittle the information
 - b. ask for evidence and make a secure record of any evidence submitted
 - c. respect as far as possible the confidentiality of the employee, and adhere to the policy under the heading "To protect your identity" where the employee has specifically asked for confidentiality
 - d. ensure that the employee understands the Whistle Blowing Procedure
 - e. acknowledge the concern within 3 working days, and follow the procedure
 - f. discuss ways that the employee could be supported
 - g. investigate the concern objectively as you are the "Assessor", dealing with all parties with sensitivity and tact
 - h. set out clearly how the concern is to be taken forward
 - i. ensure that notes are made and kept of the process followed, notes of discussions etc.
 - j. keep informed the person raising the concern about the progress made and outcome of the investigation
 - k. provide the Executive Principal with details of the concern and inform him/her about the progress and outcome of the investigations.
3. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the HR.
4. Note that if the concern relates to fraud, you should report it in line with this policy.