



# Whistleblowing Policy

For the Following Academies:

Holy Trinity C of E Primary School  
Connaught Junior School  
Crawley Ridge Infant School  
Crawley Ridge Junior School  
Windlesham Village Infant School

This Whistleblowing Policy was approved and adopted by the Trust Board  
on the 27<sup>th</sup> September 2019  
It will be reviewed in Autumn 2020

## **1. Rationale**

The Alliance Multi-Academy Trust (TAMAT) is fully committed to upholding the highest standards and is committed to openness, honesty, integrity and accountability.

TAMAT's Whistleblowing Policy is in place to enable each academy school to take effective action to address any concerns raised by employees and potentially avoid regulatory breaches. TAMAT will take all concerns raised seriously and they will be properly investigated.

A worker is protected against detriment or dismissal in connection with "blowing the whistle" on illegal practices in the workplace (Employment Rights Act 1996 and Public Interest Disclosure Act 1998). PIDA 1998 amended the ERA 1996 to introduce protection for workers who "blow the whistle" on wrongdoing at work. Workers have a right not to be dismissed or suffer any detriment at work as a result of making a "protected disclosure".

### ***1.1 The principal objectives of a whistle-blowing policy and procedure are to:***

- Convey the seriousness and importance that the employer attaches to identifying and remedying wrongdoing.
- Encourage workers to raise concerns internally as soon as possible and to give them the confidence to do so.
- Remind workers (often by cross-referring to other policies and codes of conduct) of the standards of behaviour expected of them.
- Ensure workers know whom to approach with a concern and to enable them to bypass the person, management level or part of the organisation, to which the concern relates.
- Outline the procedures for investigating disclosures and what steps might be taken if wrongdoing is uncovered.
- Make it clear what will happen to those who victimise genuine whistle-blowers or abuse the system by making malicious allegations.
- Provide access to further sources of advice and guidance on whistle-blowing.

## **2. Scope of the Policy**

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Whistleblowing Policy is intended to cover serious concerns that may fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998.

## **2.1 What situations does it cover?:**

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public or pupils as well as other staff
- Damage to the environment
- Information relating to the above issues that has been, or is likely to be, deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of pupils at the school
- Harassment & bullying of staff
- Breaches of codes of conduct
- Malpractice in examinations and assessments.

Therefore, when an employee has a reasonable concern about any aspect of TAMAT, the schools or the conduct of staff, or others connected with the school, this can be reported under the Whistleblowing Policy.

## **2.2 Who does the policy cover?**

The policy covers any employee who is on either a permanent or fixed term contract or an employee who is on a temporary or permanent contract with an agency providing a service to the school.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

### **3. Key Points about Raising Concerns**

#### ***3.1 Safeguarding Against Harassment or Victimisation***

It is recognised that the decision to report a concern can be a difficult one to make. Each school within TAMAT will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures) resulting from a member of staff raising a concern in good faith, and will handle any such allegations in accordance with the TAMAT's Grievance Policy.

A member of staff making an allegation within the scope of this policy will be supported by the school when raising a concern. Provided he/she:

- believes the concern to be true
- is not acting maliciously or making false allegations
- is not seeking any personal gain.

#### ***3.2 Unsubstantiated Allegations***

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken.

#### ***3.3 Confidentiality***

All concerns will be treated in confidence but, at the appropriate time, the whistle-blower may be asked to come forward as a witness and this will be discussed with him/her.

#### ***3.4 Anonymous Allegations***

This policy encourages staff to put their name to their allegation wherever possible.

Where a concern is raised via the external confidential Expolink service there is provision to provide Expolink with a name and contact details which will not be passed to the school without express permission from the individual.

Concerns expressed anonymously are much less powerful but will still be given consideration by the Local Academy Board and if required, the Board of Trustees. In exercising their discretion, the Local Academy Board would consider the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from sources which can be attributed.

### **4. How to Raise a Concern**

4.1 As a first step, a member of staff should normally raise concerns with his/her immediate line manager, the Headteacher or the School's Designated Safeguarding Lead (DSL) where this is appropriate to the nature of the concern.

If the allegations involve the Headteacher, the member of staff should raise the matter with the Chair of the Local Academy Board or if the concern raised involved the Chief Executive Officer (CEO) the matter should be raised with the Chair of Trustees.

While TAMAT encourages members of staff to raise their concerns internally, it also recognises that some staff may feel unable to do this. Should the whistle blower feel the need to involve a person external to the school, his/her trade union/professional association or the Area Education Officer (AEO), will refer allegations to TAMAT's legal and human resources representatives, as relevant to the nature of the concerns.

In the alternative they may wish to contact an independent, external organisation, such as Expolink, to report the concern. Expolink will be responsible for ensuring that concerns are referred on to the appropriate personnel from TAMAT's legal representation, who will, in turn, contact the Headteacher and CEO. Where financial impropriety has been alleged, information will be referred to the Education, Skills and Funding Agency.

**4.2** Concerns may be raised verbally or in writing. The earlier the concern is expressed the easier it is to take any required action. Members of staff who wish to make a written report are encouraged to include the following information:

- The background and history of the concern, giving relevant dates and providing as much supporting evidence as possible; and
- The reason(s) why they are particularly concerned about the situation.

Where a concern is raised verbally, the person hearing it must ensure that a written account of it is made to assist with any subsequent investigation.

**4.3** School management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation. Advice and guidance will be obtained as necessary from the school's personnel consultant through TAMAT's legal and HR retainer.

4.4 The whistle blower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

## **5. How the School Will Respond**

### **5.1 Initial Enquiry**

In the event that the concerns have been made to the Headteacher they will make the initial enquiries and will decide whether an investigation is appropriate and, if so, what form it should take

and who should be appointed to conduct it. At this point the Headteacher should inform the CEO & Chair of the LAB of their decision and actions.

If the concern has been made to the Chair of the Local Academy board, then any decision in relation to the action required should be made by the CEO. Another nominated governor from the local academy board may be asked by the Chair of the LAB, in consultation with the CEO, to investigate with support from TAMAT's legal advisors.

If the concern has been made to the Chair of Trustees they will decide what action should be taken in line with this policy and will seek advice from TAMAT's legal advisors.

A record of the decision as to whether an investigation is to be conducted should be kept confidentially and securely. The Chair of Trustees and trustee nominated with oversight of this policy should also be informed of the decision and action taken.

The overriding principle is that of the public interest. If urgent action is required, for example if the welfare of pupils may be at risk, this action will be taken before any investigation is conducted.

## **5.2 Next Steps**

Further to the results of the initial enquiry, the following steps will be considered:

- Concerns or allegations which fall within the scope of specific procedures, e.g. child protection, bullying or harassment or disciplinary, will normally be referred for investigation and consideration under those procedures.
- The CEO is responsible for reporting concerns in relation to financial malpractice and safeguarding to officers at the Educational, Skills and Funding Agency, Surrey County Council and partners from TAMAT's legal advisors.
- Where there are any concerns about financial impropriety or criminal activity, the concern will be referred by the Headteacher or the CEO to TAMAT's legal advisors before taking any other action. The final decision will be made by the CEO who is also the Accounting Officer for TAMAT.
- Concerns indicating unlawful activity should be reported to TAMAT's legal advisors.
- Suspected incidents of malpractice relating to examinations will be reported by CEO to the appropriate awarding body at the earliest opportunity upon the receiving the concern/carrying out an investigation.
- In some cases, an impartial investigator may be appointed with approval of the CEO and the school will seek advice from TAMAT's Personnel Consultant regarding an appropriate person.

### **5.2 Communication**

Within ten working days of a concern being raised, the person who is dealing with the concern will respond, in writing, to the employee directly.

The correspondence will:

- Acknowledge receipt of the concern
- Indicate how the school proposes to deal with the matter
- Give an estimate of how long it will take to provide a final response
- Advise whether any initial enquiries have been made
- Supply information on any staff support mechanisms (e.g. EAP), and
- Advise whether further investigation or action is required, and if not, why not.

### **5.3 Investigation**

Once preliminary enquiries have established the need for an investigation, an appropriate person will be appointed to conduct the investigation (section 5.1).

The person appointed to undertake the investigation is responsible for establishing the facts of the matter, as far as it is reasonably possible to do so, and assessing whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised. Written records of all interviews will be kept throughout the investigation together with details of any action taken.

The investigation will result in a written report and recommendations for corrective action and whether formal action should be taken, which will be passed to the Headteacher and/or the Chair of the Local Academy Board as appropriate to the concerns under consideration.

The member of staff raising the concern will, subject to legal constraints, be advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may, for example, include changes to working practices to ensure that a similar situation does not occur again. Where the concern was raised via Expolink, the employee will be invited to contact the service for feedback at the appropriate time.

## **6. Taking the Matter Further**

This policy is intended to provide members of staff with an avenue to raise concerns internally. If the member of staff feels that it is right to take the matter outside the school, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisations or a legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the FSA, the Health and Safety Executive and the Serious Fraud Office.

Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk)).

If the employee is not satisfied with the response and the investigation which was conducted they should put their concerns in writing to the CEO or the Chair of Trustees who will arrange further investigations where appropriate. The CEO/Chair of Trustees will send to the employee a written response.

## 7. Monitoring & Reporting

The Local Academy Board of each academy is responsible for overseeing the operation of this policy and for ensuring that appropriate records are maintained regarding concerns raised and the outcomes. The CEO is responsible for reporting concerns in relation to financial malpractice and safeguarding to officers at the Educational, Skills and Funding Agency, Surrey County Council and partners from TAMAT's legal advisors.

## 8. Contacts

<b>CEO</b>	Details available on <a href="http://www.tamat.org.uk">www.tamat.org.uk</a> or email <a href="mailto:info@tamam.org.uk">info@tamam.org.uk</a>
<b>Chair of Trustees</b>	Details available on <a href="http://www.tamat.org.uk">www.tamat.org.uk</a> in the leadership section
<b>Headteachers</b>	Details are available on <a href="http://www.tamat.org.uk">www.tamat.org.uk</a> in the leadership section
<b>Chair of Local Academy Boards</b>	Details available on school websites
<b>External auditors</b>	James Cowper Kreston Lauren Hewitt 0118 9551024
<b>Area Schools Officer (NW Quadrant)</b>	Kate Prince Telephone: 01483 518104 Email: <a href="mailto:kate.prince@surreycc.gov.uk">kate.prince@surreycc.gov.uk</a>
<b>Public Concern at Work</b> (Independent whistle-blowing charity)	Helpline: (020) 7404 6609 E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

