

# WHISTLEBLOWING POLICY

<b>Recommended by:</b> <b>Date:</b>	Resources 15 November 2016
<b>Approved by:</b> <b>Date:</b>	Full Governors 5 December 2016
<b>Review Date:</b>	15 November 2018

## **POLICY CONTEXT**

Ossett Academy & Sixth Form College are committed to maintaining high standards through openness, honesty, and accountability and protecting the integrity of the Academy, students and staff.

**PERSON RESPONSIBLE** – Principal supported by HR.

### **1. What is Whistleblowing?**

In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Academy.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Academy's work to come forward and voice those concerns.

Employees are often the first to realise that there may be something seriously wrong within the Academy. 'Whistleblowing' is viewed by the Academy as a positive act that can make a valuable contribution to the Academy's efficiency and long-term success. It is not disloyal to colleagues or the Academy to speak up. The Academy is committed to becoming an outstanding educator and achieving the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech.

If you are considering raising a concern you should read this Policy first. It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern, and
- what the Academy will do.

If you are unsure whether to use this Policy or want independent advice at any stage, you may contact the independent charity Public Concern at Work **tel:** 020 7404 6609. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

### **2. What is a Prescribed Person?**

The Prescribed Persons Order 2014 sets out a list of over 60 organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. For the Education Sector it is the following:

**Ofsted** Piccadilly  
Gate Store Street  
Manchester M1 2WD  
Tel: 0300 123 3155  
Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

## **Office of Qualifications and Examinations Regulation**

about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Casework Manager

Ofqual

Spring Place

Coventry Business Park

Herald Avenue Coventry

CV5 6UB

Tel: 0300 303 3346

Email: [Public.Enquiries@ofqual.gov.uk](mailto:Public.Enquiries@ofqual.gov.uk)

**The NSPCC Whistleblowing Helpline** offers free advice and support to professionals with concerns about how a child protection issue(s) are being handled in their own organisation.

**Call 0800 0280285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)**

The purpose of a prescribed person provides workers with a mechanism to make their public interest disclosure to an independent body that may be able to act on them. A worker will potentially qualify for the same employment rights as if they had made a disclosure to their employer if they report to a prescribed person. In order to qualify for this right, as well as meeting the criteria set out above, the worker must have a reasonable belief that:

When a whistleblower makes a disclosure to a prescribed person they escalate the issue beyond their employer, as those with investigatory and regulatory functions can consider acting upon the information that has been disclosed to them.

The prescribed person needs to decide, and clearly communicate, whether they limit their role to the receipt of protected disclosures only, or are accepting of a wider range of non-protected disclosures. This will depend on the prescribed person's statutory functions beyond the whistleblowing legislation.

The prescribed person is not responsible for deciding whether the individual who has made the disclosure qualifies for protection. Ultimately this will be decided by the employment tribunal in contested cases.

Ossett Academy benefits from an open whistleblowing culture; for example, by having this policy established and in our Staff Code of Conduct, it is more likely that concerns will be raised internally, which reduces the likelihood of escalation to a Ofsted or the Exam Regulator.

### **3. What is the aim of the Policy and when does it apply?**

#### **3.1. Aims of the Policy**

The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the Academy without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns within the Academy rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- highlight to you that failure to report a concern relating to the wellbeing of children could be seen as a failing in professional duty for some employees and be a breach of legislation resulting in possible disciplinary action
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

### **3.2. Scope of this Policy**

This Policy is intended to enable those who become aware of wrongdoing at Ossett Academy affecting a student, employee or some other person, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistleblowing Policy is not intended to replace existing procedures:

- if your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures.

### **3.3. Who can raise a concern under this Policy?**

The Policy applies to all:

- employees of Ossett Academy & Sixth Form College
- employees of contractors working for the Academy, for example, agency staff, builders and drivers
- employees of suppliers
- voluntary workers working with the Academy.

### **3.4. What should be reported?**

Any serious concerns that you have about the curriculum or the conduct of staff of the Academy or others acting on behalf of the Academy that:

- make you feel uncomfortable in terms of known standards
- are not in keeping with Ossett Academy's policies
- fall below established standards of practice; or
- are improper behaviour.

These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice

- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- deliberately covering up any of the above or
- other unethical conduct.

**NB.** This list is not exhaustive.

## **4. Protecting the Whistleblower**

### **4.1. Your legal rights**

This policy has been written to take account of the Enterprise and Regulatory Reform Act 2013 (amended The employment Rights Act 1996) and the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in good faith.

The Act makes it unlawful for the Academy 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.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Academy cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

### **4.2. Harassment or victimisation**

The Academy is committed to good practice and high standards and to being supportive of you as an employee.

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

The Academy will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

### **4.3. Support to you**

Throughout this process:

- you will be given full support from the Senior Leadership Team
- your concerns will be taken seriously; and
- Ossett Academy will do all it can to help you throughout the investigation.

If appropriate, the Academy will consider temporarily re-deploying you for the period of the investigation.

#### **4.4. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

#### **4.5. Anonymous allegations**

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This Policy is not ideally suited to concerns raised anonymously.

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.

#### **4.6. Untrue allegations**

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, Ossett Academy will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

### **5. Raising a concern**

#### **5.1. Who should you raise your concern with?**

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with your Line Manager or the Academy's HR Manager.

If the concern is about the Principal your concern should be raised with the Chair of Governors who will decide how the investigation will proceed. This may include external investigation.

If you are unsure who to contact you may call the independent charity Public Concern at Work **tel:** 0207 404 6609 for advice.

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

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates).

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you are acting in good faith and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

## **6. What the Academy will do**

The Academy will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the Academy will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by the Senior Leadership Team or through the disciplinary/grievance process
- be referred to the Police
- be referred to the external auditor
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry.

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how the Academy proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

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

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

## 7. How the matter can be taken further

This Policy is intended to provide you with an avenue within the Academy to raise concerns. The Academy hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Academy, you can contact your trade union, the police, or seek advice from the Public Concern at Work Service who will be able to advise you.

If you raise concerns outside the Academy you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy.

You 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.

This Policy does not prevent you from taking your own legal advice.

## 8. Review of the Policy

This policy will be kept under review in order to keep it in line with relevant legislation and as a minimum reviewed on a bi-annual basis.

## 9. Recording and Monitoring

The HR Manager will maintain an Academy register containing all concerns that are brought to his/her attention. All officers allocated to look into a concern must ensure the HR Manager is provided with sufficient details for the register. The HR Manager will report to the Governors of the Academy as required.

<b>Signature: Principal</b>	
<b>Signature: Chair of Governors</b>	
<b>Date:</b>	15 November 2016