

POLICY / PROCEDURE / ACADEMY DOCUMENT:	WHISTLEBLOWING POLICY	
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THIS VERSION APPROVED (DATE):	7th March 2016	
SIGNED: (CHAIR OF MEETING)	
MINUTED (DATE):	7th March 2016	
REVIEW DATE:	1st March 2019	
COMMITTEE:	Leadership and Management	
RESPONSIBLE OFFICER:	Strategic Business Manager	

WHISTLEBLOWING POLICY

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WHISTLEBLOWING POLICY

1 BACKGROUND

- 1.1 The Public Interest Disclosure Act 1998 ("the Act") came into force on 1 January 1999. It provides employees with legal protection against dismissal or detriment for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern. An extract of the Act is attached as Appendix A

2 POLICY

- 2.1 The Ashley School Academy Trust is dedicated to ensuring that standards within The Ashley School Academy Trust are high and that all statutory regulations and requirements are complied with. It will take seriously any concerns relating to malpractice within the organisation including suspected allegations of: **financial irregularities; corruption; bribery; creating or ignoring a serious risk to health, safety or the environment; failure to comply with a legal obligation; a miscarriage of justice; criminal activities; serious abuse or fraud.**
- 2.2 Serious malpractice may involve governors, managers, colleagues / clients or suppliers of goods and services to the organisation.
- 2.3 The Ashley School Academy Trust has, therefore, introduced this procedure to enable you to raise your concerns about serious malpractice which are in the public interest at an early stage through internal school procedures. This policy and procedure seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations which are not well-founded.

3 PROCEDURE

- 3.1 This procedure should not be confused with the procedure on dealing with harassment at work or The Ashley School Academy Trusts Grievance and Disciplinary procedures. A whistleblower is not usually directly or permanently affected by the concern. They are a witness, not a complainant. This procedure is not for anonymous complaints and should not be used to raise individual concerns regarding terms and conditions of employment.

3.2 Any concerns about malpractice should be raised internally, verbally or in writing, with either the Headteacher or Chair of Governors.

3.3 Anyone feeling unsure can seek confidential advice at any time from Public Concern at Work, a registered charity which advises on serious malpractice in the workplace on 020 7404 6609 or email helpline@pcaw.co.uk Public Concern at Work is also able to advise whether you can or should take the concern further.

4 APPLICABILITY OF THIS POLICY AND PROCEDURE

4.1 This policy applies to all employees of The Ashley School Academy Trust, including apprentices; casual workers, home-based workers and agency workers engaged by The Ashley School Academy Trust.

5 PROTECTED DISCLOSURES

5.1 The law allows employees to raise what it defines as a 'protected disclosure' which the employee believes to be in the public interest. In order to be a 'protected disclosure', a disclosure must relate to a specific subject matter (see below) and must also be made in an appropriate way. A 'protected disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest and must consist of information and not merely be allegations of suspected malpractice.

6 SPECIFIC SUBJECT MATTER

6.1 If, in the course of employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- ♦ That a criminal offence has been committed or is likely to be committed.
- ♦ That an individual has failed or is failing or is likely to fail to comply with any legal obligation to which they are subject.
- ♦ That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- ♦ That the health and safety of any individual has been, is being, or is likely to be, endangered.
- ♦ That the environment, has been, is being, or is likely to be, damaged.
- ♦ That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

7 ASSURANCES

- 7.1 Concerns raised under the procedure will be treated seriously and sensitively.
- 7.2 Where practicable, immediate steps will be taken to remedy the situation. The final outcome may take longer, depending on the issue that is raised.
- 7.3 We will make every effort to keep your identity confidential, if you wish this to be the case. Where this may cause difficulties, (for example, if The Ashley School Academy Trust is legally obliged to do so, for the purposes of seeking legal advice or if you are asked to give evidence), you will be told and we will discuss the options with you.
- 7.4 No formal disciplinary action will be taken against an employee on the grounds of making a disclosure under this policy or procedure. This does not prevent The Ashley School Academy Trust from bringing disciplinary action against an employee where The Ashley School Academy Trust has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside The Ashley School Academy Trust without reasonable grounds.
- 7.5 Equally, The Ashley School Academy Trust will not tolerate any harassment, bullying or victimisation of an employee by a colleague for making a disclosure and disciplinary action will be taken by The Ashley School Academy Trust against the colleague in question.

8 WHAT HAPPENS NEXT?

- 8.1 Having alerted us to the concern, it is our responsibility to investigate the matter quickly. The initial stage will be to interview you, in confidence, and then assess what further action should be taken. We will seek to do this within a reasonable period (usually 5 working days) of you raising your concern.
- 8.2 We will look into your concern carefully and thoroughly. We have to be fair to you, but also to any others involved. If someone is potentially being accused of serious misconduct, we have to find out their side of the story as well.
- 8.3 We will respect any concerns you have expressed about your safety or career.

- 8.4 You may bring a work colleague or trade union representative along with you at any interviews that are arranged, providing that person is not involved in the area of work to which the concern relates. This person should attend to provide support only, and will not be allowed to become involved in the proceedings. They can however, assist you in putting forward your representations but cannot answer questions on your behalf.
- 8.5 If it is felt that the concern can be resolved quickly, or in a straightforward manner, it will be brought to the attention of the appropriate manager. This may lead to other processes being implemented such as the disciplinary procedure.
- 8.6 Where the matter requires more detailed consideration, either because of the complexity of the concern, or the possibility of other proceedings, an investigating officer will be appointed and a formal investigation will be carried out.
- 8.7 If The Ashley School Academy Trust determines that the disclosure does not have sufficient merit to warrant further action, you will be notified in writing of the reasons for The Ashley School Academy Trusts decision and advised that no further action will be taken by The Ashley School Academy Trust under this policy and procedure.

9 WHAT THE SCHOOL ASKS OF YOU

- 9.1 The purpose of this procedure is to enable you to raise your concerns within The Ashley School Academy Trust in confidence, without any fear of reprisal. We, therefore, ask that:
- ♦ You do not take your concerns outside The Ashley School Academy Trust other than as stated in this procedure
 - ♦ When raising your concern you declare any personal interest you have in the matter as you should raise the matter in the interest of the public and not use this policy for individual matters.

10 AT THE END OF THE PROCESS

- 10.1 A record will be made of the nature and outcome of the concern. These records will be kept by the Clerk to the Governors. The purpose of this record is to ensure that a central record is kept, which can be cross referenced with other complaints, in order to monitor any patterns of concern across The Ashley School Academy Trust and to assist us in monitoring the procedure.

10.2 Normally, we will try to let you know, in writing, the results of our assessment / investigation and about any action that is proposed, subject to third party rights. Correspondence will be addressed to your home address. Where action is not taken, you will be given an explanation.

11 APPEAL PROCESS

11.1 If you disagree with the decision you may, within two weeks of receiving that notification, request in writing, to the Headteacher or, if the matter involves the Headteacher, to the Chair of Governors, a review of the decision stating your grounds for requesting the review.

12 ACCESS TO EXTERNAL BODIES

12.1 If, having exhausted internal procedures, an allegation is found to be unsubstantiated; the individual raising the concern has the right to access an appropriate official and independent external body. An appropriate body might be The Ashley School Academy Trust internal or external auditors, the DfE / EFA, an MP or a local Councillor. Such a step, however, would have serious implications for The Ashley School Academy Trust and should only be taken after very careful consideration. Advice may be sought from 'Public Concern at Work' (details above) before taking such action.

APPENDIX A

THE PUBLIC INTEREST DISCLOSURE ACT 1998 [Extract]

This legislation aims to protect workers who make “qualifying disclosures” of malpractice in their organisation from victimisation as a result of making such a disclosure. It is automatically unfair to dismiss an employee or select him/her for redundancy because they made a disclosure, provided that the disclosure qualifies under the Act.

A “qualifying disclosure” must relate to:

- ♦ a criminal offence;
- ♦ a failure to comply with any legal obligation;
- ♦ a miscarriage of justice;
- ♦ danger to health and safety of any individual;
- ♦ damage to the environment;
- ♦ an attempt to cover up any of these.

Any disclosure must be made in good faith and not for personal gain. The employee does not have to prove that malpractice has occurred, simply that they had a reasonable belief that it took place or was about to take place.

The Act directs workers to raise their concerns internally in the first place, wherever their employer has a procedure for doing so. In certain cases, the Act also protects disclosure to “prescribed regulators” such as the Audit Commission.

The Act only protects wider disclosure (e.g. to the media, an MP etc) if:

- ♦ the employee reasonably believed they would be victimised if they had raised the matter internally or with a prescribed regulator;
- ♦ there was no prescribed regulator and they reasonably believed the evidence would be concealed;
- ♦ the concern had already been raised with the employer or prescribed regulator;
- ♦ the concern was exceptionally serious.

13 VERSION CONTROL

Academy Version 2015-2016/001	v.001 – March 2016
Date agreed by the Leadership & Management Committee:	7 th March 2016
This policy updates and replaces that approved by Governors:	25 th January 2016
<p>In this policy as in all documents of The Ashley School Academy Trust (“TASAT”) any reference to The Ashley School, The Academy, School, Governors of The Ashley School or Trustees of The Ashley School is a reference to The Board of Directors of The Ashley School Academy Trust and any reference to the Headteacher of The Ashley School is a reference to the Chief Executive Officer of TASAT.</p>	
<p>The Ashley School Academy Trust An exempt charity limited by guarantee Company Number: 07729412</p>	