

# WHISTLEBLOWING

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## Focus

All staff, Governors/Directors, including Members and Trustees.

## Rationale

Thomas Estley Community College (the College) as an Academy Trust is committed to the highest possible standards of openness, probity and accountability and we encourage employees and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within the school rather than over-looking a problem or raising the matter outside.

It applies to all employees, agency workers and those contractors working on the College's premises, for example, builders and drivers. It also covers suppliers and those providing services under a contract with the College in their own premises.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

## Purpose

The College and its employees have a duty to ensure that service users are respected and treated in a proper manner and that the standards of the services it provides are maintained at the highest possible level. The College also has a duty to ensure that resources (finance and staff) paid for with public money are used effectively and efficiently and without waste. Members of staff have a right to be treated with respect by their colleagues, service users and the College as their employer.

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken
- given a response to their concerns and are aware of how to pursue them if not satisfied
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith

There are other procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. It is important to draw distinction at this stage between matters of impropriety that follow the Whistleblowing provision (for example, some sort of breach of law, maladministration, fraud, dishonesty, abuse of power, etc.) with matters or more general grievance, which would be dealt with under Staff Grievance or College complaint procedures - copies of which are available from the PA to the Principal.

This procedure is intended to cover concerns that fall outside the scope of other procedures, including:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct which has occurred, is occurring or is likely to occur, as the result of which the College fails to comply with a legal obligation, for example, unauthorised use of public funds,

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possible fraud and corruption, other unethical conduct or discrimination of any kind, or wasteful/frivolous expenditure

- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks or safeguarding risks, including risks to the public as well as other employees (see below) and students
- past, current or likely damage to the environment

Concerns about any aspect of service provision possible financial malpractice or the conduct of employees or others acting on behalf of the College can be reported under the Whistleblowing Procedure.

This may be about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards you believe the school subscribes to, or
- is against the school's procedures and policies, or
- falls below established standards of practice, or
- amounts to improper conduct

## **Implementation (Roles and Responsibilities)**

You are expected to raise issues promptly and in good faith and can expect matters raised to be investigated properly and fairly.

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at the school's discretion.

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

Concerns can be raised verbally or in writing including email – however where email is used you need to ensure all aspects of the College's Acceptable Use Policy including Data Protection requirements are maintained. If you raise a matter verbally you may be requested to make a written statement at a later stage depending on the circumstances. Therefore it is important for you to keep a record of when you submitted the complaint and who to including detail as outlined below for a concern raised in writing.

A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why you are particularly concerned about the situation

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The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern. A trade union or professional association may raise a matter on behalf of an employee.

Whenever possible you should raise your concern with your immediate line manager or his/her line manager.

If this is not appropriate, you should approach the Principal.

If you wish to raise a serious concern about the Principal, the person to approach is the Chair of Governors.

You can write directly to one of the people referred to above marking the envelope "Private and Confidential". This will be opened by the individual concerned and you will be guaranteed a response within 7 days. This can be sent to your home address if you indicate that is what you want.

The action the College takes will depend on the nature of the concern. The matters raised may:

- be investigated internally in accordance with the College's procedures which may include the appointment of an investigating officer(s) who may or may not be the person to whom the concern was raised
- referred to Internal Audit Team, County Solicitors or HR for investigation on behalf of the College
- be referred to the Police
- be referred to the DfE
- form the subject of an independent inquiry

In order to protect individuals and the College, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The amount of contact between the investigating officer(s) considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

The College will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the College will advise or arrange for you to have advice about the procedure.

The College will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

The College accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

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This procedure is intended to provide individuals with an avenue to raise concerns within the College. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside of Thomas Estley Community College,, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named school contacts.

The Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information:

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure in good faith and believing it to be true.
- The dismissal of any Thomas Estley Community College employee directly due to the individual having made such a disclosure will automatically be unfair

The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain.

## **Employees who are the Subject of Concerns Raised**

If you are the subject of a complaint under this procedure it will be investigated in accordance with the appropriate disciplinary procedure. This means you will have all the rights contained in the procedure such as representation at the investigatory interview.

## **External Advice**

This procedure is intended to provide an effective way for you to expose mal-practice in the workplace. If you are not satisfied with the procedure, wish to seek advice from outside the College, it is possible for you to raise your concerns with an organisation called PUBLIC CONCERN AT WORK. This is a registered Charity that provides free advice for employees who wish to express concerns about fraud or other serious mal-practice. They can be contacted on 020 7404 6609 and their address is:-

Suite 306  
16 Baldwins Gardens  
London  
EC1N 7RJ

Alternatively if you have concerns about fraud or corruption you can contact Leicestershire County Council's Internal Audit Team on 0116 305 7610 or you can contact the Audit Commission which has set up a special telephone line on 020 3117 2520.

## **Monitoring, Evaluation and Review**

This policy version was approved and adopted by Governors (Strategy Committee) in March 2016. Details of this policy were originally shared with staff and governors in November 2015. A copy of this policy (and any other policies made reference to herein) are available from Principals PA and on the College's website. New staff are informed of this policy's existence as part of their induction. This policy will be reviewed as part of the College's three year policy review cycle.

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## Equality Monitoring

Thomas Estley Community College's commitment to equality and diversity means that this policy, via an Equality Impact Assessment, has been screened in relation to the use of gender-neutral language, recognition of the needs of disabled people, promotion of the positive duty in relation to race, age, disability and avoidance of stereotypes.

Based on the Equality Impact Assessment findings, this policy is judged to be of low impact against the equality strands of Race, Gender, Religion, Disability Sexual Orientation and Age. A copy of the Equality Impact Assessment of this policy is available from the Principal's PA.

This Policy is available in alternative formats on request. If you think we can improve the fairness of this Policy, please contact the individual who has responsibility for its update.