

North Norfolk Academy Trust

Whistle Blowing Policy



North
Norfolk
**Academy
Trust**



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Lead: Chief Financial Officer
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INTRODUCTION

A whistle blowing policy and procedure is about the ways in which concerns about malpractice may properly be raised within North Norfolk Academy Trust and if necessary outside of the Trust.

As a person working for any of the schools within the Trust, you may feel that speaking up would be disloyal to your colleagues or to the school or to the Trust. You may worry about repercussions. In these circumstances, you may feel it is easier to ignore the concern rather than to report it.

North Norfolk Academy Trust is committed to the highest standards of openness, integrity and accountability. We want employees, and others that we deal with, who have concerns about the any aspect of the Trust's work to come forward and voice those concerns.

However, there is a balance to be struck between the right of individuals to speak freely on a range of matters and the right of the Trust to protect itself, and it's employees, from false and malicious accusations.

DEFINITION

Whistle blowing inside the workplace is the reporting by workers or ex workers of wrong doing on the part of the senior leadership teams, the Local Governing Bodies, the Board of Trustees or by fellow employees. Workers may include contractors and agency workers.

There are existing procedures in place for employees to lodge grievances concerning their employment, and for any safeguarding issue to be raised. This policy is intended to cover concerns that fall outside these. This policy, therefore, covers concerns about:

- Conduct which is an offence or breach of law.
- Sexual, physical or verbal harassment or abuse.
- Sex, race or disability discrimination.
- Health and safety risks, including risks to members of the public or environmental damage.
- Unauthorised or inappropriate use of public funds.
- Fraud or corruption.
- Breach of policies.
- Anything that makes you feel uncomfortable in terms of standards.
- Unethical or improper conduct.
- Concealing information about any of these matters.

PRINCIPLES

The principles of this policy and procedures are to:

- Create an ethical, open culture.
- Establish safe routes for communication of concerns.

- Protect the whistle blower by making it clear that the Trust will support and not discriminate against concerned employees, provided any claim is made in good faith.
- Establish a fair and impartial investigative procedure by making sure that the Trust responds to the concern by focusing on the problem, rather than denigrating the messenger.
- Remind staff of the duty of confidentiality which 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 information is disclosed or unless the Trust fails to properly consider or deal with the issue.
- Safeguard against abuse of the procedure by ensuring that the malicious raising of unfounded allegations is recognised as a disciplinary offence.
- Uphold the right to disclose a concern if the Trust does not deal with the matter.
- Ensure there is a review mechanism using the comments and experience of those who may have had reason to invoke the whistle blowing procedure.

LEGISLATION

The Public Interest Disclosure Act 1998 is designed to protect 'whistle blowers' from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers. Students may also have information which should be raised in the public interest.

THE PROCEDURE

All parties will agree that the issue raised will be kept confidential while the procedure is being used.

The Representor (the person raising the concern) should:

1. Raise their concern with their line manager or the Headteacher/Head of School. This may be done orally or in writing. The Representor has the right to have the matter treated confidentially.
2. If the line manager believes the concern to be genuine and that it is appropriate to use the Whistle Blowing procedure, the manager should contact the Headteacher (The Assessor).
3. Should it be alleged that the Headteacher is involved in the alleged malpractice; Or the concern has been raised with the Headteacher/Head of school, the Chair of Governors should be contacted to act as Assessor. Similarly, if the Chair of the Local Governing Body has been approached, then they should contact a member of the Board of Trustees to act as Assessor.
4. If the Representor feels unable to raise their concern with their line manager or the Headteacher, in the first instance, they may contact the Chair of Governors direct. If this occurs the Representor will be asked to justify why they feel unable to raise the concern with their line manager or the Headteacher.

The Assessor should:

1. Interview the Representor within seven working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury.
2. Obtain as much information as possible from the Representor about the grounds for the belief of malpractice.
3. Consult with the Representor about further steps which could be taken;
4. Advise the Representor of the appropriate route if the matter does not fall under the Trust's Whistle Blowing Procedure.
5. Report all matters raised under this procedure to the Headteacher or, where relevant, the Chair of the Governing Body, or the Board of Trustees.
6. 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 member of the Trust's staff to take notes.
7. Within ten working days of the interview, the Assessor will recommend to the Headteacher (of Chair of Governors, or Board of Trustees), one or more of the following:
 - the matter be investigated internally by the Trust.
 - the matter be investigated by the external auditors appointed by the Trust.
 - the matter be reported to the Department for Education.
 - the matter be reported to the Police.
 - the route for the member of staff to pursue the matter if it does not fall within this procedure; or
 - that no further action is taken by the Trust.

The grounds on which no further action is taken include:

- the Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur.
- the Assessor is satisfied that the Representor is not acting in good faith.
- the matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies.
- the matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other public authority.

NB. Should it be alleged that the Headteacher is involved in the alleged malpractice; the Assessor's recommendation will be made to the Board of Trustees.

The recipient of the recommendation (Headteacher, Governing Body or Board) will ensure that it 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 Board of Trustees.

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:

- where the Assessor is under a legal obligation to do so.
- where the information is already in the public domain.
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- where it is essential that the Representor provides evidence at a disciplinary hearing or other proceedings.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty eight days. 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 limits, they may appeal to the Chair of the Governing Body or the Chair of the Board of Trustees or, if appropriate, the appointed external sources, but will inform the Assessor before doing so. The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

MALICIOUS ACCUSATIONS

Deliberately false or malicious accusations made by a Representor will be dealt with under the Trust's disciplinary procedure.

EXTERNAL SOURCES

Whistle blowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the Governing Body or Board as a whole, serious health and safety issues or possible discrimination.

The external sources which could be used are:

- Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police
- Professional body or Trade Union

The Trust will ensure the Representor is protected from any form of victimisation or discrimination.

MONITORING, EVALUATION AND REVIEW

The Board of Trustees will review this policy triennially and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.