



# MARISH



## Academy Trust

# Whistle Blowing Policy and Procedure

**Date:** 04/07/17

**Version:** 4.0

### **Summary**

This policy sets out the principles within which the School will deal with whistle-blowing issues, subject to the understanding that each case may need to be treated on its own individual merits.

It gives a procedure for staff to follow and alternatives to that procedure.

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## 1 Introduction

Marish Academy Trust is committed to the highest possible standards of openness, probity and accountability in the delivery of its services to the people who live and work within our community. Whilst the Trust, DFE and indeed the Local Authority, has put in place a wide range of rules, regulations, procedures and codes of practice to deliver this commitment, malpractice and/or wrongdoing unfortunately still may occur.

This policy sets out the principles within which the Academy Trust will deal with whistle-blowing issues, subject to the understanding that each case may need to be treated on its own individual merits. Once adopted by the Governing Body, this policy applies to all school staff, teaching and non-teaching (including full-time, part-time, permanent, fixed term or temporary contract).

Employees are often the first to realise that there may be something seriously wrong within the school or the Academy Trust. However, you may be worried about raising such issues or may want to keep the concerns to yourself because you may consider that it is none of your business or that it is only a suspicion. You may also feel that raising the matter would be disloyal to your colleagues, managers or to the Trust itself. Also, you may decide to say something but find that you have not spoken to the right person, or you have raised the issue in the wrong way and are not sure what to do next. It is worth remembering that your Trade Union, professional organisation or regulatory body can play a valuable role in assisting you raise your concerns under this policy.

The Governing Body and the leadership of both the Trust schools are not prepared to tolerate any such malpractice, abuse or wrongdoing and expect employees, and others that we deal with, who have concerns about what is happening at work to come forward and voice those concerns. This policy has been introduced by the Trust to enable you to raise your concerns about such malpractice or wrongdoing at an early stage and in the right way, without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable you to raise concerns within the Trust (see Paragraphs 6 & 9) or if you feel that this is not appropriate then externally (see Paragraph 9) rather than overlooking a problem.

The Academy Trust has particular responsibility for protecting the welfare of children and employees are under an obligation to raise concerns about any suspected abuse.

This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.

## 2 Independent Advice

If you are unsure whether to use this procedure or you want independent advice at any stage you may contact:

PUBLIC CONCERN AT WORK  
Suite 306,  
16 Baldwins Gardens,  
LONDON, EC1N 7RJ.

Tel. No. 0207 404 6609

<http://www.pcaw.co.uk/contact.htm>

Public Concern at Work is a registered charity, which promotes accountability and good governance in organisations and responsibility amongst individuals. It has been at the forefront of recent developments in self-regulation and public interest Whistle-blowing. Its lawyers can give you free, confidential advice at any stage about how to raise a concern about serious wrongdoings or malpractice at work.

Alternatively, you may wish to seek assistance from your Trade Union or professional organisation. The contact points for recognised Trade Unions within the locality are as set out in **Appendix "A"**.

### **3 What is Malpractice, Abuse or Wrongdoing?**

Malpractice, abuse and wrongdoing can include a whole variety of issues and some are listed in **Appendix "B"**. However, this is not a comprehensive list but is intended to illustrate the sort of issues, which may be raised under this policy.

This policy is primarily for concerns where the interests of others or of the Academy Trust itself are at risk. It is not for use if you are aggrieved as an employee about your personal position. In this situation you should use the Trust's existing Grievance Policy and procedure.

### **4 The Academy Trust's Assurances to Employees**

If you raise a genuine concern under this policy you will not be at risk of losing your job or suffering any form of retribution as a result. If you are acting in good faith it does not matter if you are mistaken. However, the Trust will view very seriously any false and malicious allegations, which are made under this policy and will regard such allegations by any employee of the Trust as a serious disciplinary offence.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

If you ask us to protect your identity by keeping your confidence we will not disclose it without your consent. However, it is possible that we will be unable to resolve the concern raised without revealing your identity (e.g. because your evidence is needed in Court) but if this occurs we will discuss with you how we should proceed.

### **5 How to Raise a Concern?**

Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. The earlier you express your concern the easier it will be to take action. **REMEMBER - IF IN DOUBT RAISE IT.**

The Trust will not expect you to prove that your concern is true, but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.

It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.

If you are an employee and have a concern about any malpractice, abuse or wrongdoing we hope you will feel able to raise it first with your Line Manager or team leader. If you feel unable to raise the matter with your team leader, then please raise the matter with the Associate or Executive Headteacher.

If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with your Team leader or Head Teacher; or you consider that it is not appropriate to do so then you can contact a member of the Trust's Governing Body.

## **6 How the Trust Will Handle the Matter?**

Once you have told us of your concern we will look into it to assess initially what action should be taken. This may involve an internal enquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

It may be necessary to arrange a meeting with you and if you so wish you can be accompanied by a Trade Union representative or a work colleague.

Where it is considered appropriate, the matters raised may be referred to external agencies to investigate, e.g. the Police, external auditor or through some other form of independent inquiry. We will of course, tell you if this is going to happen.

Within 10 working days of a concern being raised by you, the person handling the matter will write to you

- a. acknowledging that the concern has been received;
- b. indicating how we propose to deal with the matter;
- c. giving an estimate of how long it will take to provide a final response;
- d. telling you whether any initial enquiries are being made;
- e. supplying you with information on staff support mechanisms;
- f. telling you whether further investigations will take place, and if not, why not.

Whilst the purpose of this policy is to enable us to investigate your concerns of malpractice, abuse or wrongdoing and take appropriate steps to deal with it, we will give you as much feedback as we properly can. Please note that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

The Trust will take steps to minimise any difficulties which you may experience as a result of raising the concern. Thus, if you are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for you to receive advice about the procedure.

## 7 Anonymous Allegations

You are encouraged to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Governing Body. In exercising this discretion, the factors to be taken into account will include:

- a. the seriousness of the issues raised
- b. the credibility of the concern
- c. the likelihood of confirming the allegation from attributable sources.

If you do raise a concern anonymously and it is considered, then it will not be possible for you to be contacted, for instance to inform you of the outcome of your concern or to discuss any aspect of your concern.

## 8 How to Raise a Concern – Externally

This section explains how to raise a concern external to the Trust and Governing Body with the Local Authority. Whilst we hope this policy gives you the reassurance you need to raise such matters internally, some circumstances may require an external approach.

Thus, you are completely at liberty to raise any concern externally at any time with any of the external agencies set out in **Appendix “C”**. The telephone numbers are general contact numbers so you will need to explain the nature of your concern and ask to be put through to the appropriate Department and/or person.

These external agencies are aware of and have endorsed this policy.

## Appendix A

### List of Recognised Trade Unions

NAME OF UNION	ADDRESS	CONTACT POINT
G.M.B. (Southern Region)	Unit 2, Richfield Place, 12 Richfield Avenue, Reading, RG1 8EQ  (Tel./Fax. 0118 9 507776)	Kevin Brandstatter
Unite (TGWU/Amicus)	89 Southampton Street READING RG1 2QL.  (Tel: 0118-9750777)  Unite the union, South East Regional Centre, Chalvey Road East, Slough, SL1 2LS T: 01753 313 820	Bob Middleton  Senior Regional Industrial Organiser  Debbie Watson
UNISON  Central & East Berks	Civic Offices, Bridge Street, Reading, Berkshire, RG1 2LU  T:0800 0 857 857	Ms B Reynolds
N.U.T.  Regional Office	Britton House, College Road, Ardingly, Haywards Heath, West Sussex RH17 6TT  TEL: 01444 894500	Phil Clarke
N.A.S.U.W.T.	South East Regional Centre Milestone House Portsmouth Road Woking Surrey GU23 7JZ  (Tel: 01483 226130)	Regional Officer

A.T.L. (Assoc. of Teachers & and Lecturers)	7 Northumberland Street London WC2N 5RD  Tel: 020 7930 6441 Fax: 020 7930 1359	Regional Officer
N.A.H.T.	1 Heath Square Boltro Road Haywards Heath West Sussex RH16 1BL  (Tel: 03003030333)	Jane Walters
A.E.P.(Assoc. of Educ of Psychologists)	4 Riverside Centre Frankland Lane Durham DH1 5TA  (Tel. 0191 384 9512)	Regional Officer

## Appendix B

### Illustrative List of Malpractice, Abuse or Wrongdoing

- Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel).
- Maladministration (e.g. unjustified delay, incompetence, neglect advice).
- Breach of any statutory Code of Practice (e.g. National Code of Local Government Conduct).
- Health and safety risks, including risks to the public as well as other employees (e.g. faulty electrical equipment).
- Abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect).
- Damage to the environment (e.g. pollution).
- The unauthorised use of public funds (e.g. expenditure for improper purpose).
- Fraud and corruption (e.g. housing benefit fraud, to solicit or receive any gift/reward as a bribe).
- Breach of the Employee Code of Conduct.
- Abuse of power (e.g. bullying/harassment).
- Other unethical conduct.

## Appendix C

### List of External Bodies

<u>NAME &amp; ADDRESS</u>	<u>AREA OF CONCERN</u>
<p>Public Concern at Work CAN Mezzanine 7 - 14 Great Dover Street London SE1 4YR</p> <p>(Tel. No. 020 3117 2520)</p>	<p>All matters of malpractice and/or wrongdoing.</p>
<p>Mick West Relationship Manager and District Auditor The Audit Commission North Wing, Southern House, Sparrowgrove, Otterbourne Winchester Hampshire SO21 2RU</p> <p>(Tel 01962 704600)</p>	<p>Financial Probity</p>
<p>Local Government Ombudsman The Commission for Local Administration in England The Oaks, No. 2 Westwood Way Westwood Business Park COVENTRY, CV4 8JB.</p> <p>(Tel. No. -024 7682 0000)</p>	<p>Maladministration - causing injustice to a member of the public.</p>
<p>Thames Valley Police Windsor Road SLOUGH, Berkshire.</p> <p>Tel. No. <u>01865 841148</u> CRIMESTOPPERS Tel. 0800 555111</p>	<p>Breach of the Criminal Law</p>
<p>Headquarters: Fraud Squad Thames Valley Police c/o Windsor Road Slough Berkshire</p> <p>(Tel. No. - <u>01865 841148</u>)</p>	<p>Fraud and Public Sector Corruption</p>

<p>Commissioner for Social Care Inspection  1015 Arlington Business Park  Theale  Reading RG7 4SA  (Tel: 0118 903 3230)</p>	<p>Poor care practice/abuse in registered establishments, including care homes.</p>
<p>The Environment Agency  Thames Regional Office  Kings Meadow House  Kings Meadow Road  Reading, RG1 8DQ.    Tel: General Enquiries: 0370 8506506    Hazardous Waste Registration: 08708 502 858    Agricultural Waste Registration: 0845 6033113    Flood line: 0845 988 1188    Incident Hotline : 0800 807060</p>	<p>Environmental dangers.</p>
<p>The Health &amp; Safety Executive  Priestley House  Priestley Road  Basingstoke, Hants.    (Tel. No. – 01256 404000)</p>	<p>Health &amp; Safety dangers.</p>

## 9 Revision History

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1.0	28/04/2011	HT	
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