

CONCORDIA MULTI ACADEMY TRUST

Whistleblowing Policy

September 2018 review date September 2019

1.0 Introduction

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly, and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the Trust and its academies.

This Policy also applies to the Trust's Board Members, Governors, management and all staff.

Employees are often the first to realise that something seriously wrong may be happening within the Trust or one of its academies. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to their employer or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

Concordia Multi-Academy Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the work of the Trust or one of its academies to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Trust or an academy, rather than overlooking a problem or publicly disclosing the matter.

2.0 Aims & Scope of this policy

This policy aims to:

- Provide avenues for you to raise concerns and receive feedback on any action taken;
- Allow you to take the matter further if you are dissatisfied with the response of the Trust / academy;

This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust / academy. Nor is it an alternative to well-established disciplinary or grievance procedures, which should be used to address concerns regarding individual employment matters. It may however overlap with other policies for dealing with complaints, with Board or management Codes of Conduct and with protocols for good working relationships within the Trust / academy.

Concerns raised under this Whistle-blowing Policy should be about something that is, in the reasonable belief of the employee, made in the public interest, and may be;

- Unlawful or a criminal offence; or
- A breach of a legal obligation; or
- A miscarriage of justice; or
- Mistreatment or abuse of a client or a member of the public for whom the Trust / academy has a responsibility; or
- In disregard of legislation governing health and safety at work; or
- Seeking undue favour over a contractual matter or a job application; or
- Against the Trust / academy or Financial Regulations; or
- Amounts to improper conduct or unauthorised use of public funds; or
- A deliberate cover up of information tending to show any of the above.

(The list above is for guidance only and is not intended to be comprehensive.)

Members of staff are entitled to refuse to carry out instructions if they would result in any of the above, and disciplinary action will not result in these circumstances.

3.0 Safeguards

3.1 Harassment or Victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will take action to protect you when you raise a concern. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.

All parties should note that Whistleblowers are protected, by law, from suffering a detriment, bullying or harassment from another employee.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

3.2 Confidentiality

All concerns will be treated in confidence and the Trust will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

3.3 Anonymous allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concern anonymously, this may best be done through your trade union.

3.4 Untrue allegations

If you make an allegation which is not confirmed by the investigation, no action will be taken against you unless it is considered that you have made malicious or vexatious allegations. In these circumstances, disciplinary action may be taken against you.

4.0 How to raise a concern

Staff should in the first instance raise a concern with their line manager, or another manager within their academy. However, if for some reason this first step is inappropriate then the concern should be raised at a more senior level with the Headteacher/Principal.

Where a staff member feels that their concern has not been adequately investigated by the line manager, they may refer the issue to the Headteacher/Principal.

Where it was not appropriate to report the concern to the line manager and the issue was reported directly to the Headteacher/Principal, any complaints regarding action taken to manage the concern by the Headteacher/Principal should be directed to the Chair of the Board of Governors at the school.

Where a staff member believes that a concern has not been taken seriously after this second referral, the issue should be reported to representatives of the Board of Trustees of the Concordia Multi-Academy Trust.

Concerns may only be raised with the Trust's Board, or the Education Funding Agency (EFA), once the staff member's line manager and/or the Headteacher/Principal and/or the school Chair of Governors have considered the issue following the referral process documented above.

Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. This may be done using the Confidential Report Form CRF1 (Appendix 1). It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record.

The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may of course wish to seek advice from your trade union representative on how best to raise your concern.

5.0 How the Trust will respond

The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues), by an independent investigating officer appointed by the Trust, or referred to another agency.

If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

In any event within ten working days of a concern being received, the Trust will write to you at your home address:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquiries have been made
- Telling you whether further investigations will take place, and if not, why not
- Telling you the name of the person or agency who has been appointed by the Trust to investigate the matter
- Naming an independent person to support you during any investigation e.g. your trade union official.

This named person will make contact with you immediately, explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation and the investigating officer informed of any further issues you think are necessary. You should raise with this support officer any concerns you have about the conduct of the investigation. This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.

If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed.

The amount of contact between the investigating officer 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 from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a work colleague.

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

6.0 How the matter can be taken further

This policy is intended to provide you with a way to raise concerns within the Trust and / or one of its academies. The Trust hopes you will be satisfied by its response.

If you are not, you may wish to raise the matter with your trade union official, who in return will liaise with the Trust on your behalf.

7.0 Monitoring, Evaluation and Review

The Members of the Concordia Multi-Academy Trust have overall responsibility for the maintenance and operation of this policy. Within their duty to ensure that the Trust acts lawfully, they will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

The Members Board will review this policy in conjunction with appropriate stakeholders at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.

Does the individual have any personal interest in the matter? (tick box) YES NO

If yes, please give details

Does this concern fall more properly within another school procedure?
(tick box) YES NO

If yes, please state which procedure:

Initial Action taken by the Headteacher/relevant person managing issue and outcome - ensuring any urgent action is undertaken:

RECOMMENDED Further Action (tick appropriate box) None required

Investigation by School Management Internal audit Disciplinary Process

Refer to: Police External audit

Other, please state

Signed: Headteacher*	Date:
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Individual person raising the concern: Please sign below and enter any comments, if any, in this box.

Signed:	Date:
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