



# **University Academy Keighley**

## **Whistle Blowing Policy**

# Contents

1.0	Introduction	3
2.0	Aims and Scope of This Policy	3
3.0	Safeguards	4
3.1	Harassment or Victimisation	4
3.2	Responsibilities and Confidentiality	4
3.3	Anonymous Allegations	6
3.4	Untrue Allegations	6
4.0	How to Raise a Concern	6
5.0	How the Academy Will Respond	7
6.0	Detriment	8
7.0	The Responsible Officer	9
8.0	Approval by Governing Body and Review Date	9

## 1.0 Introduction

- 1.1 This Policy acknowledges and incorporates the specific statutory rights and protection given to employees by the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, which applies to certain kinds of protected disclosure, termed “qualifying disclosure”

The 1998 Act 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. The policy set out in this document applies those statutory provisions to the administration of the Academy.

- 1.2 This Policy applies to the Governors and all employees (including those designated as casual hours, temporary, agency, authorised volunteers or work experience), and those contractors working for the Academy on Academy premises, for example, builders, etc

### 1.3 What is Whistleblowing?

- 1.3.1 Whistleblowing encourages and enables employees to raise serious concerns **within** the Academy rather than overlooking a problem or 'blowing the whistle' outside.

- 1.3.2 Employees are often the first to realise that something seriously wrong may be happening within the Academy. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the Academy 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.

- 1.3.3 The Academy 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 Academy’s work 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 Academy; rather than overlooking a problem or publicly disclosing the matter.

Through this Policy the Academy wishes to stress to employees that **“if you are in doubt – raise it”**.

## 2.0 Aims and Scope of This Policy

- 2.1 The aim of this policy is to provide:

- reassurance that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a “qualifying disclosure” in good faith.
- support to employees in the internal reporting of suspected wrongdoing in a safe and constructive manner and provide feedback on any action taken;
- avenues for employees to raise concerns about suspected wrongdoing and to receive feedback on any action taken by the Academy in response to those concerns;

- opportunities for employees to take the matter further if they are dissatisfied with the Academy's response to their concerns by identifying ways to report concerns to the appropriate regulator or outside body.

2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse for staff to bring grievances on decisions made by the Academy with which they are unhappy. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other Academy policies for dealing with complaints, with Governors or management Codes of Conduct and with protocols for good working relationships within the Academy.

## 2.3 Types of Concern

2.3.1 Concerns raised under this Whistleblowing Policy "qualifying disclosures" should be about something that is, or may be;

- unlawful or a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- mistreatment or abuse of a service user or a member of the public for whom the Academy has a responsibility;
- in disregard of legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application;
- against the Academy or Financial Regulations;
- fraud and corruption;
- amounts to improper conduct or unauthorised use of public funds;
- has led to or could lead to damage to the environment;
- a deliberate cover up of information tending to show any of the above; and
- other unethical conduct.

## 3.0 Safeguards

### 3.1 Harassment or Victimisation

3.1.1 The Academy 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. If what you are saying is true, you should have nothing to fear because you will be doing your duty to those for whom you provide a service.

3.1.2 The Academy will take action to protect you when you raise a concern in good faith. 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.

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

### 3.2 Responsibilities and Confidentiality

3.2.1 The Governing Body must:

- treat all disclosures in confidence

- seek advice from their HR provider (as required) with regard to the application of this Policy
- provide support to employees making whistleblowing disclosures where they consider the employee has a reasonable belief that the information disclosed is both accurate and in the public interest
- consider fully whether to investigate any whistleblowing disclosures made and if it is decided that an investigation is required ensure that it is undertaken properly and objectively.
- inform the employee making the whistleblowing disclosures of the progress being made with any subsequent investigation (or provide a full explanation as to why an investigation will not be taking place). It is not necessary to provide detailed information which may breach the confidentiality of the investigation but rather provide reassurance that the investigation will reach an appropriate outcome.
- where a whistleblowing disclosure is a “qualifying disclosure”, protect the employee making the disclosure from suffering any detriment in their employment (including dismissal) such as harassment or victimisation from any other manager or employee because the employee has made the disclosure. If an 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.
- where a whistleblowing disclosure is a “qualifying disclosure”, take all possible steps to protect the employee making the disclosure from suffering any detriment in their employment by other parties outside the Academy with an interest in the concerns being raised because the employee has made the disclosure.

The Principal will:

- maintain a secure and confidential record of all whistleblowing disclosures and the outcomes reached from the investigations carried out in accordance with the Academy’s Retention of Records Policy.
- refer all whistleblowing disclosures received to the Chair of the Governing Body and support the Governing Body in meeting their responsibilities under this Policy.
- make employees (and contractors/agency workers etc) aware of the existence of this Policy.

Employees should:

- report all concerns about suspected wrongdoing within the Academy (excluding any related to their own contract of employment) which come to their attention during their employment, providing they:
  - disclose in good faith
  - believe it to be substantially true
  - do not act maliciously or make false allegations
  - do not seek personal gain.

and that it is in the public interest that those concerns should be subject to further scrutiny.

- preferably put their name to any whistleblowing disclosures made.
- fully participate in any investigation following a whistleblowing disclosure made by them.

HR will:

- provide support (as necessary)

### **3.3 Anonymous Allegations**

3.3.1 This policy, as stated, encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Academy against the following criteria:

- the seriousness of the issues raised;
- the likelihood of confirming the allegation from attributable sources;
- the Academy's best interests; and
- the protection of Academy assets.

3.3.2 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**

3.4.1 If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

## **4.0 How to Raise a Concern**

4.1 The Academy recognises that employees may wish to seek advice from their Trade Union representative, if applicable, or an advisory body such as Public Concern at Work, before raising a concern about suspected wrongdoing. Public Concern at Work is a charity which provides free support to both organisations and individuals with regard to whistleblowing issues. It also provides a safe haven where employees can confidentially discuss whether and how best to raise a whistleblowing concern.

### **Internally**

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

In some circumstances, where you believe the Principal or senior managers may be involved, the concerns can be raised directly with the Chair of the Governing Body.

- 4.3 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.
- 4.4 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 (who may be your Trade Union contact) to give you an opportunity to agree this as a true record.
- 4.5 The earlier you express the concern, the easier it is to take action.
- 4.6 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.

### **Externally**

- 4.7 This policy is intended to provide you with a way to raise concerns within the Academy. The Academy hopes you will be satisfied by its response. If an employee feels unable to raise their concerns about suspected wrongdoing internally or feels dissatisfied with an internal investigation into their concerns, they may be justified in contacting a relevant external person or organisation for the relevant category of wrongdoing.

The following has been prescribed by the Secretary of State and is an extract from the full list of prescribed persons, as set down in The Public Interest Disclosure (Prescribed Persons) Order 2014, which contains the external persons and organisations relevant to raising concerns into wrongdoing within the Academy.

- The Audit Commission for England and Wales
- The Charity Commissioners for England and Wales
- Children's Commissioner
- OFSTED
- The Environment Agency
- Health and Safety Executive
- Information Commissioner
- Education Funding Agency

- 4.8 If an employee chooses to disclose their concern outside the Academy, they must take care to ensure that they do not disclose confidential or privileged information. Examples of information that is given to the Academy in confidence (either explicitly or where it is clear from the circumstances that there is an expectation that the information will not be passed on) are:

- information that would enable a child or other vulnerable client to be identified
- commercially sensitive information
- third party personal financial information
- information that is held as part of court proceedings where the information has not been made public
- legal advice given to the service

Where confidential or privileged information is inappropriately disclosed, an employee may be subject to disciplinary action in accordance with the Academy's Disciplinary Procedure.

## **5.0 How the Academy Will Respond**

- 5.1 The action taken by the Academy 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) or referred to another agency.
- 5.2 If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.
- 5.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.
- 5.4 In any event within ten working days of a concern being received, the Academy 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; and
  - confirming the independent person to support you during any investigation, e.g. your trade union official.
- 5.5 This named person will make contact with you as soon as possible, 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(s) 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.
- 5.6 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.
- 5.7 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.
- 5.8 The amount of contact between investigating officers 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.
- 5.9 When any meeting is arranged, you may, if you so wish be accompanied by a Union or professional association representative or a friend (who need not be associated with the Academy).
- 5.10 The Academy 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 Detriment**

- 6.1 The Academy is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.



## **7.0 The Responsible Officer**

- 8.1 The Principal has overall responsibility for the maintenance and operation of this policy. Within his /her duty to ensure that the Academy acts lawfully, he/she will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

## **8.0 Approval by Governing Body and Review Date**

Under the direction of the Principal, this policy will be reviewed annually, and a report made to the Governing Body.

**Policy approved**

**(Chair of Governing Body)**

**Date**

**18.7.2017**

**Principal**

**Review date**

**July 2018**