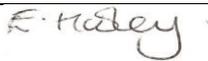




WHISTLEBLOWING POLICY

PERSON RESPONSIBLE FOR POLICY:	Mrs E Hooley
APPROVED:	23 rd November 2017
SIGNED: Headteacher Chair of Board of Trustees	 
TO BE REVIEWED:	November 2020

Background

In these guidelines, the term 'whistleblowing' means the confidential raising of problems or concerns relating to any wrongdoing within an organisation. This is not 'leaking' information but refers to matters of impropriety, for example, a break of law, school procedures or ethics.

There is no statutory requirement for a school to have a whistleblowing policy, and some schools cover this area in another policy such as anti-fraud and corruption policy, a bullying and harassment policy or through the child protection procedures. However, it is appropriate for whistleblowing arrangements to be used for the raising of a grievance within the academy (which would be dealt with under the staff grievance procedures).

This policy covers all employees, officers, workers and agency workers.

Introduction

The staff and trustees of The Oaks Academy seek to run all aspects of school business with full regard for high standards of conduct, honesty and integrity. If members of school staff, parents, trustees or the school community at large become aware of activities which give cause for concern, we have this whistleblowing policy. This acts as a framework to allow concerns to be raised confidentially and provides a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, including where appropriate under the school's disciplinary procedure.

We are committed to tackling fraud and other forms of malpractice and treat these issues seriously, we recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the school.

A whistle blower is a person who raises a genuine concern relating to any of the circumstances below. If you have any genuine concerns related to suspected wrongdoing or danger affecting the school (a whistleblowing concern), you should report it under this policy.

If you are uncertain whether something is within the scope of this policy, you should seek advice from the HR Manager.

This policy does not form part of any employee's contract of employment and the school may amend it at any time.

Appropriate circumstances for whistleblowing

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle blower should ask themselves a few questions before taking action:

- Is it, or do you believe it to be illegal?
- Is it, or do you believe it to be, against codes of practice issued by the School, the local authority (LA) the EFA/DFE or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?

If the individual raises malicious unfounded concerns or attempts to make mischief, including for personal gain, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

Examples of issues include:

- Manipulation of accounting records or finances.
- Inappropriate use of school assets or funds.
- Decision making for personal gain.
- Any criminal activity.
- A failure to comply with any legal or regulatory requirements.
- Damage to the environment of the academies of the Trust, to property belonging to the academies of the Trust or a member of the academy's community.
- Dangerous practices or danger to health and safety.
- Child protection issues including sexual, emotional or physical abuse of pupils or others.
- Abuse of position.
- Negligence.
- Fraud and deceit or corrupt practices including bribery.
- Serious breaches of school procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a business or pecuniary interest).
- Other unethical conduct, including the circulation of inappropriate emails or the unauthorised disclosure of confidential or sensitive information.
- Suppressing information about anything listed above.

Whistle blowers are encouraged to put their name to an allegation. If anonymity is requested, the school will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

There are, however, circumstances under which complete confidentiality may be difficult for the school to maintain. For example:

- If the matter leads to a legal procedure and evidence is required by the Court.
- If it is necessary for anyone investigating your concern to know your identity.
- If the issue raised comes within the remit of another Trust procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.

Following receipt of an anonymous disclosure under this policy, a proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible, It may also be necessary to depart from the intended procedural steps described below.

It is understandable that whistle blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Procedure

Stage 1

- As the first step, you should raise the matter with an appropriate level of line management which would normally be your own line manager. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you believe that your immediate manager(s) is involved, the Headteacher or Chair of Trustees should be approached.
- If the complaint is such that you do not feel able to raise it with someone connected to the School or any one of its academies, the school should ensure that you are made aware of how and with whom the matter can be raised externally.
- Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the whistle blowing policy.
- You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.
- If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.
- If the allegation is made orally, you can invite a friend or representative of a trade union / professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.
- If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted and every effort will be made to keep your identity secret.
- If you have raised the issue orally, you will be asked to put your concerns into writing, which you should date and sign.

- You will be told what steps the line manager intends to take to address the concern. He/she may be able to take the appropriate steps to investigate the matter raised. Alternatively, he/she may refer the matter to the Headteacher or to the Chair of Trustees, or other suitable person.
- Once the issue has been raised, you will be contacted usually within five working days by the Headteacher or the Chair of Trustees or other suitable person, who will arrange to meet to discuss the matter. You may bring a friend, colleague or trade union / professional association representative with you for purposes of giving support. Your companion must respect the confidentiality of your disclosure and any subsequent investigation and will not have a voice in the proceedings.
- Notes will be taken of the details of the concern and you will be asked to sign a copy of these notes.
- Depending on the gravity of the allegation the Headteacher or Chair of Trustees will consult the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example for the School's Disciplinary Policy or even a matter for the Police.
- An initial response will be given usually within five working days. You will be informed of the progress of the investigation and if continued confidentiality is an issue.
- When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.
- The line manager / Headteacher / Chair of Trustees will, where appropriate, also notify the person who is the subject of the disclosure usually within five working days of the meeting.

Stage 2

- If you are dissatisfied with the response, you can raise the matter within 10 working days of the date of the school's response by writing to the Headteacher or Chair of Trustees. Alternatively, you may contact the CEO of Crewe Multi Academy Trust.
- The Headteacher / Chair of Trustees in which you work or other appropriate will then write to you usually within five working days of receiving the letter to arrange a meeting to discuss continuing concerns and why you are dissatisfied with Stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend, colleague or representative of your trade union / professional association, who can provide support to you but will not have a voice in the proceedings.
- The Headteacher / Chair of Trustees may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting usually within five working days.

Stage 3

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

However, the law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

- If you are dissatisfied with the outcome of stage 2, you may opt in to take the matter to stage 3, by raising the matter externally within 10 working days of the date of the decision letter at stage 2, with any of the following, as appropriate.
 - Chair of the Trustees - Mr F Bradley email: chair@theoaksacademy.co.uk
 - The relevant professional bodies, regulatory organisations or a recognised trade union.
 - A solicitor.
 - The auditor – Mazars Tel. 020 7063 4000
 - A county councillor or your local member of parliament.
 - The local government ombudsman - **0300 061 0614**
 - The Police.
 - Public Concern at Work – 020 7404 6609 (<http://www.pcaw.co.uk>)
- In taking your concern outside the school you should ensure that, as far as possible, the matter is raised without confidential information being divulged.

Monitoring and review

The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy. It will be reviewed by the Board of Trustees as necessary.