



WHISTLEBLOWING POLICY

Inspire Partnership Academy Trust

Date approved by trustees 03 04 2019

Whistleblowing Policy

Introduction

This policy sets out details of the procedure whereby academy-based staff and trustees and governors can raise legitimate and genuine concerns about any form of wrong doing or malpractice e.g. alleged misconduct relating to improper practices or fraud, sexual or physical abuse of pupils or staff which fall outside the scope of other existing internal procedures.

The procedures laid out will allow staff to voice their concerns in the knowledge that these will be taken seriously and investigated thoroughly and impartially and there will be no repercussions against staff that raise matters in good faith. The procedure therefore aims to act as a deterrent to serious malpractice and also enables the academy to avoid public criticism should such matters become public knowledge.

The procedure is not a substitute for normal line management processes but in addition to them. Staff should always first consider using normal line management for raising concerns. This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff feels inhibited in going through normal line management.

Statutory Requirements

The Public Interest Disclosure Act 1998 which aims to give statutory protection against victimisation and dismissal to employees who 'blow the whistle' on their employers' fraudulent, criminal or dangerous activities came into effect on 2nd July 1999.

From that date employees who report malpractice in specified circumstances and subject to specified conditions have been protected from 'blowing the whistle'. The Act sets out six categories of disclosure which qualify for protection. They are matters which, in the reasonable belief of the whistle blower tend to show:

- The commission of a criminal offence;
- Failure to comply with a legal obligation;
- A miscarriage of justice;
- Health and safety contraventions;
- Environmental damage; or
- Deliberate concealment of information in relation to the above.

The 'belief' can be in relation to past, present or future anticipated events. If a whistle blower is dismissed s/he is entitled to unlimited compensation from an Employment Tribunal. Dismissal will be automatically unfair.

Scope

This policy applies to all individuals working at all levels of the Inspire Partnership Academy Trust, including members, trustees, governors, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this policy).

The whistleblowing procedure should not be used where staff themselves feel they are being treated inappropriately. These instances should be addressed through the grievance procedure.

The procedure does not apply to parents or members of the public, for whom a separate complaints procedure exists.

Operation of the Policy

This procedure can be used where there are serious concerns such as:

- Child protection issues
- Conduct which is an offence or breach of law (e.g. Fraud)
- Risks to health and safety
- Damage to the environment
- Unauthorised use of public funds
- Financial malpractice, fraud and corruption
- Harassment, discrimination or victimisation of others
- Other unethical conduct, (including any attempts to cover up the above or any offence likely to be committed).

Staff should not unduly delay raising their concern. The seriousness of the issue will influence who you decide to raise it with. It may be:

- Your immediate line manager
- Your Head of School/Headteacher/Executive Head Teacher
- A Designated Safeguarding Lead (for child protection issues)
- Your Local Authority Designated Officer (LADO) (for child protection issues)
- The Chair of your Local Governing Body
- The Chair of the Board of Trustees

It will rarely, if ever, be appropriate to make any external disclosure to the press, through social media or other public channels. Talking such steps may result in disciplinary action.

If staff are not satisfied with the internal procedure and have concerns about fraud or corruption the academy's External Auditor can be contacted at:

Write to: Wilkins Kennedy
Greytown House
221-227 High Street
Orpington
Kent
BR6 0NZ

Call: 01689 827505

Alternatively, staff may contact the Audit Commission Whistleblowing Hotline as follows:

Write to: Audit Commission
3rd Floor
Fry Building
2 Marsham Street
London
SW1P 4DF

Call: 0303 444 8346

If staff are not satisfied with the internal procedure and have concerns about practices and procedures for the safeguarding of children and young people they should contact Ofsted on their Whistleblower hotline as follows:

Write to: WBHL
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Call: 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).

Email: whistleblowing@ofsted.gov.uk.

Further details can be found at <http://www.ofsted.gov.uk/contact-us/whistleblower-hotline>.

The Chair of Trustees and CEO will ensure that there is no victimisation or harassment of those raising reasonable concerns, regardless of the outcome of any particular incident.

Concerns will be received in one of three ways:

- Over the telephone;
- By letter; or
- By a visit to or from the employee.

Once a concern has been raised the first step under the procedure is for the receiving officer to determine whether it falls under the procedure. If the matter is considered to be a concern which should be dealt with under this policy, the receiving officer will take from the member of staff sufficient details to enable the matter to be thoroughly investigated in a timely manner. The receiving officer should take all concerns seriously and investigate objectively. Staff should normally receive feedback on the outcome of the investigation.

In some cases, it will not be possible to maintain confidentiality (see below) and the receiving officer would explain this to the employee. In such circumstances, the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively pursued.

Confidentiality

As far as is practicable, staff who use the procedure are able to do so in confidence if they wish, if this is possible. There are only two circumstances when this may not be possible.

1. If a particular person misuses the scheme, e.g. by making false, malicious or repeated unsubstantiated complaints against colleagues. Such misuse of the scheme could give rise to action under the academy's Disciplinary Procedure. If a receiving officer knows or has a suspicion that an employee comes into this category then s/he will take advice from an appropriate member of management who will help to determine what action should be taken.
2. If the circumstances make it necessary for the identity of the employee to be revealed for the purpose of completing the investigation of a concern. An obvious example of this is where an individual may need to give evidence at a disciplinary hearing.