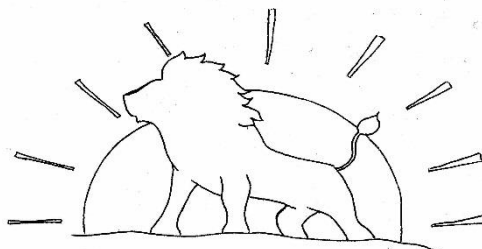


Whistle Blowing Policy

Northwick Park MAT



Northwick Park Primary and Nursery
We Take Pride



...working together



Approved by: Trust Directors
Last Reviewed : June 23

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Northwick Park Academy Trust

Whistleblowing Policy

Contents

1. Aims	3
2. Legislation	3
3. Definition of whistle-blowing	4
4. Procedure for staff to raise a whistle-blowing concern.....	4
5. Trust procedure for responding to a whistle-blowing concern.....	5
6. Malicious or vexatious allegations	7
7. Escalating concerns beyond the trust.....	7
8. Approval.....	Error! Bookmark not defined.
9. Links with other policies	7

Northwick Park Academy Trust

Whistleblowing Policy

1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academies Financial Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 ("the Act") protects workers and employees from detrimental treatment or dismissal as a consequence of disclosing information about unlawful actions of their employer or information about the conduct or behaviour of employees, volunteers or others associated with the operation and organisation of the school. This is known as "whistleblowing". The protection applies to employees, volunteers, agency and contract workers. The academy is committed to creating an open and supportive environment where individuals feel able to make a disclosure and feel confident in the process that will be followed. This policy sets out how disclosures can be made and how they will be handled. All disclosures will be treated consistently and fairly.

Employees who have a role involving finance should also have regard to the Financial Regulations document for their school which includes a Whistleblowing Policy containing specific provisions relating to financial issues.

3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but aren’t limited to):

- Criminal offences, such as fraud or corruption
- Pupils’ or staffs’ health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

Where having raised a concern informally and the employee/worker has a genuine belief that the School has failed to take appropriate action or the employee/worker considers the informal process is inappropriate and wishes to raise the matter formally, they may report their concern to the Chair of Governors or in exceptional circumstances to the Local Authority or to a prescribed body. (A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body will qualify for protection under the Act. A list of prescribed bodies is available at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-listv4.pdf

Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct, employees/workers should act quickly to report it but should not mention it to the subject of the complainant or other colleagues as that could prejudice any investigatory process.

It may be the case that employees/workers will have very genuine and justified suspicions of wrong-doing even though at the time of reporting they cannot point to concrete evidence. That should not deter

employees/workers from going ahead and reporting the matter, particularly where it may involve potential risk to vulnerable people.

4.2 Who to report to

Staff should report their concern to the Mrs E. Lane – CEO or Miss S Gould, Mrs K John, Mrs T. Smith or Mrs T Gravely in individual schools. If the concern is about the CEO or any other member of staff, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Mr C. Mumford - Trustee

If the concern/complaint relates to the safeguarding of children (including concerns about other colleagues/works) and the employee/worker considers the informal process is inappropriate and/or wishes to raise the matter formally, they may report their concern to the Chair of Governors or they should contact their Local Authority Designated Officer (LADO) using the Duty Line – 03330 139 797.

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

5. Trust procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received by the Mrs E. Lane, Miss S Gould, Mrs K John, Mrs T. Smith or Mrs T Gravely in individual schools or Mr C Mumford - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative. Requests to be accompanied must be clearly communicated to the school allowing adequate time for the school to deal with the companion's attendance at the meeting. The request should be made in advance of the meeting providing the name of the companion and whether they are a fellow worker or trade union official or representative.
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Where complaints are received from members of the public, the school's formal complaints procedure must be followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker in which case the Disciplinary Procedure may need to be instigated.
- All disclosures will be handled by the school in a timely manner. The timescales for handling disclosures will differ depending on the nature of the disclosure made but all disclosures (whether formal or informal) will be acknowledged by the school within 2 working days. The timescales for any further steps in the process will be notified to the whistle-blower when the disclosure is acknowledged.

- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the necessary members of the Senior leadership team, Line manager or other staff members, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police. This should normally be agreed initially by the Chair of Governors who should, in turn, and where appropriate, keep the Local Authority informed in view of any possible implications concerning public monies. Advice may be sought from the school's legal advisers before involving the police in any such internal complaint or allegation.
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

➤ 5.2 Protecting 'whistle-blowers' and complainants.

- Whistle-blowers are protected by the Act from suffering a detriment or dismissal as a result of making a protected disclosure which they reasonably believe is in the public interest.
- A 'whistleblower' may ask for their identity to be kept concealed. Frequently the answer will be yes, but in more serious cases where disciplinary action may have to be taken against others they may well have a right to know the source as well as the nature of such complaints. In any case the school is committed to doing as much as possible to ensure that well-being at work does not suffer as a result of the tensions that may result from the making or investigation of complaints.
- Where a whistleblower remains anonymous the school will not ordinarily be able to provide feedback to the whistleblower and any action taken as a result of an anonymous disclosure may be limited. The school will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistleblower wishes to seek feedback from the school an appropriate anonymised email address should be provided.
- If an individual believes they are experiencing harassment or victimisation at work as a consequence of 'whistleblowing' they are strongly encouraged to bring this to an appropriate senior manager's attention at an early stage so that it can be addressed. The school will take all reasonable steps to prevent/address such harassment or victimisation.
- Whether or not work relationships suffer in this way it may well be that 'whistle-blowers' will find the process of reporting wrong-doing and making statements etc. stressful, particularly where there may be feelings of divided loyalties. In such circumstances the 'whistleblower' may welcome the opportunity to talk through these anxieties and feelings either with their manager, or possibly, with someone from a counselling service. This is to be encouraged.

5.3 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the head teacher, trustees and other staff will, if necessary, review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Escalating concerns beyond the trust

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies#education>

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

8. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Child protection policy