

## Whistleblowing Policy

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## **Whistleblowing Policy**

### **1. Purpose**

1.1 TDA Education Trust is committed to high standards of openness, probity and accountability.

1.2 The Public Interest Act 1998 was introduced to encourage employees to raise their concerns in a reasonable way where there is malpractice (that is, illegal, improper or negligent behaviour) or wrongdoing within an organisation and, where they do so, to protect those employees from reprisal.

1.3 The Trust recognises that from time to time genuine concerns may be raised about serious malpractice. It acknowledges that members of staff have an important role to play and are likely to be the first to know if someone inside or connected with the Trust is acting illegally or improperly. The Trust reassures individuals that it is acceptable and safe for them to raise such concerns without fear of sanction. The Trust will take action in all instances of wrongdoing. All disclosures will be acted upon promptly, sensitively, fairly and properly.

### **2. Aim and Scope**

2.1 This policy aims to encourage the raising of the concerns in a confidential manner and to reassure employees that they will be protected from harassment or victimisation for whistleblowing in good faith.

2.2 The policy applies to all employees and those contractors working for the Trust, for example agency.

2.3 Any concerns reported will be taken seriously and investigated. This may involve interview or an investigation to establish the facts.

2.4 Concerns raised will be treated in a confidential manner and where appropriate feedback will be given on action taken.

2.5 It is expected that employees will put their names to any allegations where possible.

2.6 Any concern will need to demonstrate that there are reasonable grounds for the complaint, and will be expected to co-operate with any investigation that takes place. If any meeting or interview is arranged there is a right to be accompanied by a trade union representative or a workplace colleague.

### **3. Concerns that can be reported**

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

- Child protection issues
- Criminal offence
- Miscarriage of justice
- Endangering of health and safety
- Damage to the environment
- Unauthorised use of public funds
- Financial malpractice, fraud or corruption
- Deliberate concealment of any of the above

#### **4. Matters outside of the policy**

4.1 This policy does not cover concerns that can be progressed under Trust policies and procedures. The Academy has a grievance policy for dealing with employment related complaints.

4.2 Concerns relating to the protection of children, using this policy, will ensure your concerns are addressed.

#### **5. Employee responsibilities**

5.1 All employees have a duty of confidentiality to the Trust and therefore it is important that this policy is used. Any disclosure externally to the press or media will result in disciplinary action. The Public Interest Act 1998 does provide protection to individuals who make certain disclosures of information in the public interest but anyone wishing to make external disclosure is strongly advised to seek legal advice before doing so as they may put their employment at risk.

#### **6. Safeguards**

6.1 Where malpractice is shown to have occurred whistleblowers may fear the reprisal of management. It is important for individuals to understand that there will be no adverse repercussion for raising a concern. Safeguards do exist when following a whistleblowing procedure,

6.2 *Harassment & Victimisation* – If concerns are raised in good faith there will be nothing to fear as whistleblowers are protected from harassment, victimisation and disciplinary action.

6.3 *Confidentiality* – The Trust will try to protect the identity of employees who raise a concern and do not want their identity to be disclosed. However, it should be recognised that in some instances it may not be able to resolve the concern without revealing identity. In these circumstances the employee will be advised on how the investigation will proceed.

6.4 If a whistleblower is required to give evidence in criminal or disciplinary proceedings the Trust will arrange for them to receive advice and support.

#### **7. How to raise a concern**

7.1 The matter has to be kept strictly confidential and therefore only told to someone in authority. As a first step, concerns should be raised with the line manager or supervisor as the issue causing concern could be immediately clarified. This depends on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice.

7.2 If the employee believes that the line manager or supervisor is involved the concern should be raised to the Academy Principal in the first instance.

7.3 Where a staff member has a concern that is related to a child protection issue, and feels unable to raise this with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them. The NSPCC whistleblowing helpline is available for all staff 0800 028 0285. This is for child protection concerns only.

7.4 Employees' concerns are better raised in writing and should set out the background of the concern, giving names, dates, times and places where possible, and the reason why they are concerned about the situation.

7.5 Employees are not expected to provide proof of an allegation but they will need to demonstrate that there are sufficient grounds for the concern.

7.6 Anonymous correspondence – anonymous allegations are taken as seriously however a concern expressed in this way is less powerful and can prove to be difficult to investigate as further information may be required.

## **8. How the Trust will respond**

8.1 The actions taken by the Trust will depend on the nature of the concerns raised. The matters raised will normally be investigated internally by the Trust. In some appropriate cases concerns may be raised to a regulatory body or the police.

8.2 In order to protect the employee, the Academy and those accused, initial enquiries will be made to decide whether an investigation is appropriate, and if so which form of investigation should take place. The overriding principal is that of public interest.

8.3 Some concerns may be resolved with immediate agreed action without the need for a full investigation.

8.4 If urgent action is required, this will be taken before any investigation is conducted.

8.5 Within 10 days of the concern being raised and where the identity of the employee is known, the Trust will write to the employee,

- 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 full response
- Advising whether any initial enquiries have been made and advising whether further investigations will take place and if not why not

8.6 The Trust will take steps to minimise difficulties that employees may experience as a result of raising a concern.

8.7 All information will be kept in strictest confidence, in a secure location and in accordance with the Data Protection Act.

## **9. False allegations**

9.1 If an employee makes an allegation in good faith that cannot be confirmed by an investigation, no action will be taken against the employee. If, however, an employee makes an allegation for an ulterior motive e.g. for malicious reason, disciplinary action will be taken against the employee which could result in dismissal.