

# Whistle Blowing Policy

2019-2020



TBAP AP AND SPECIAL ACADEMIES

 WEST	 COURTYARD	 LATIMER	 BEACHCROFT	 BRIDGE	 16-19	 OCTAGON	 CAMBRIDGE	 UNITY	 OCTAVIA	 ASPIRE	 EAST
 NORTH WEST	 NEW HORIZONS							 SUPPORT			

The staff Code of Conduct makes clear that employees should report any impropriety or breach of procedure that they encounter while at work. However, the Code of Conduct does not give a detailed framework for what is now commonly termed “whistle blowing” by employees, which is officially defined as “making a disclosure that is in the public interest.

This procedure takes into account the requirements of the law, specifically the Public Interest Disclosure Act. The Act gives employees two safeguards in respect of disclosures of information. Firstly, an employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure. Secondly, if an employee is dismissed because of having made such a disclosure, the dismissal will automatically be unfair, and further, there will be no need for the employee to have the required continuous employment before bringing a claim for unfair dismissal.

## **Trade Union consultation**

Staff support the principle of introducing a whistle blowing code.

### **1. Introduction**

Employees are often the first to realise that there may be something seriously wrong within the workplace. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The TBAP Board is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees who have serious concerns about any aspect of the school’s work to come forward and voice those concerns.

This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or ‘blowing the whistle’ outside.

The policy applies to all employees within the TBAP Trust.

### **2. Aims and scope of this policy**

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The confidential reporting policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct, which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- fraud and corruption
- sexual or physical abuse, or
- other unethical conduct

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees or governors or others acting on behalf of the school can be reported under the confidential reporting policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the school subscribes to;
- is against the school's standing orders, financial regulations, contracts code, or other policies;
- falls below established standards of practice;
- amounts to improper conduct

### **3. Safeguards - Harassment or victimisation**

The Board is committed to good practice and high standards and is supportive of all employees.

The Board recognise that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Board will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **4. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness in for example criminal proceedings.

## **5. Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Chair of Board.

In exercising this discretion the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **6. Untrue allegations**

If you make an allegation in good faith, but is unconfirmed by the investigation, no action will be taken against you. If however, you make an allegation, which can be shown to have been made frivolously, maliciously, or for personal gain, disciplinary action may be taken against you.

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

As a first step, you should normally raise concerns with your immediate manager or the CEO. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chair of Board. As the responsible officer, the Chair of Board will be informed of each concern that is raised under the procedure. If the Chair of the Board is suspected of the malpractice, then the EFA (Education Funding Agency) should be approached. The EFA acts on behalf of the Secretary of State.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## 8. How your concerns will be dealt with

Your concerns will receive a response from the Chair of Board. Please note that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, the internal audit section of the Board, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Chair of Board will have in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within **ten working days** of a concern being raised, the Chair of Board will write to you:

- acknowledging that the concern has been received
- indicating how the matter will be dealt with
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not

The amount of contact between the individuals considering the issues 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.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

The governing body will take steps to minimise any difficulties that you may experience as a result of raising a concern. If you are required to give evidence in criminal or disciplinary proceedings, the board will arrange for you to receive advice about the procedure. The governing body accepts that you need to be assured that

the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

## **9. The responsible officer**

The Chair of Board has overall responsibility for the maintenance and operation of this policy. The Chair maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality).

## **10. How the matter can be taken further**

This policy is intended to provide you with an avenue within the school to raise concerns. If you are not satisfied with any action taken and if you feel it is right to take the matter outside the TBAP Trust, the following are possible contact points:

- Public Concern at Work (020 7404 6609)
- The Trusts Auditors
- Your Trade Union
- Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- The Police

If you do take the matter outside the Trust, you should ensure that you do not disclose confidential information relating to learners and families.

This policy was agreed June 2019 and will be reviewed annually by the TBAP Trust Board

***Date of next review: March 2020***