



The Elliot Foundation Academies Trust

Whistleblowing Policy

November 2014

Approved September 2014

INTRODUCTION

TEFAT is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, volunteers, and anyone associated with TEFAT Academies who has serious concerns about any aspect of practices encountered within an Academy to come forward and voice those concerns without fear of reprisals. This Policy is to support staff wanting to raise such issues. It is recognised that certain cases will have to proceed on a confidential basis.

Confidentiality is guaranteed at the point of making a protected disclosure and will be maintained during investigations and hearings other than where there is a need for disclosure of identity due to cross examination of the staff member as a witness in any subsequent procedure.

Whilst this policy is intended to encourage employees to raise serious concerns within the Trust, it does not override workers' legal rights to make a protected disclosure to certain third parties under the Public Disclosures Act 1988 (PIDA). Employees must reasonably believe that their disclosures are made in the public interest.

A purpose of the policy is to give all members of staff the confidence to come forward through agreed procedures and without fear of recrimination, to bring to the attention of the Principal (or Chair of LGB in the case of Principals) any serious impropriety, breach of procedure or raise issues of concern. The issues covered by the policy include things that may be:

- Unlawful or a criminal offence
- Fraudulent or improper use of the academy's money or assets
- Abuse of students or of other employees
- Lapses in child protection
- Health and Safety risks including dangerous practices at work
- Corruptly receiving any gift or advantage
- Allowing private interest and those of the academy to conflict
- A miscarriage of justice
- Maladministration, misconduct or malpractice
- Endangering of an individual's health and safety or welfare
- Damage to the environment
- Concealment of any of the above

AIMS

The aim of this policy is to provide safe and confidential avenues for all staff, volunteers and those associated with the Academy to notify the Principal of any reasonable suspicion of illegal or improper conduct. The procedure requires all employees to act responsibly to uphold the reputation of the academy and to help maintain public confidence. It is a procedure in which

the Principal will be expected to act swiftly and constructively in the investigation on any concerns in accordance with the academy's disciplinary procedure. However, concern about a colleague's professional capability should not be dealt with using this procedure.

It will result in:

- Staff and other stakeholders being aware of how to express concerns in regards to suspicion of bad practice
- A recognition that systems are in place to prevent victimisation and / or intimidation of staff who raise concerns
- An atmosphere that enables and encourages staff to raise serious concerns
- A clear and understandable process regarding taking issues of concern further if they are not satisfied with the response and provide feedback at all stages regarding progress being made

WHEN SHOULD IT BE USED

- TEFAT recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice.. TEFAT will not tolerate harassment and/or victimisation of any employee raising concerns. Employees must reasonably believe that their disclosures are made in the public interest.
- The procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees who are worried about wrong doing do not necessarily have a personal grievance.
- An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact their trade union representative or HR representative.
- Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the TEFAT Director of Finance for possible investigation. Normally you must first report any suspicion of such an irregularity to the Principal, who will in turn report it to the Director of Finance. In most cases this will be done through your line management structure.

MECHANISM FOR RAISING CONCERNS

- Where the issue concerns the Principal, or having made a report it is believed that he/she has failed to take appropriate action, it should be brought to the attention of the Chair of Governors.
- *Where the issue concerns the Chair of Governors it should be brought to the attention of the Director of HR and Governance (TEFAT)*

- Employees who feel unable to follow this route, for whatever reason, should contact their trade union representative or HR representative.
- Depending on the nature of the concern the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It would, therefore, be helpful to note down any facts and dates as they happen.
- Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a friend or trade union representative along to any discussions, so long as the third party is independent of the issue.
- Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.
- Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.
- If a senior member of staff, other than the Principal, is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Principal.
- If the concern is related to the Principal the matter should be taken to the Chair of Governors

CONFIDENTIALITY/ANONYMITY

- It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.
- This policy encourages the person raising the concern to put their name to any allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Principal. In exercising this discretion, the factors to be taken into account would include:
 - o The seriousness of the issued raised;
 - o The credibility of the concern; and
 - o The likelihood of confirming the allegation from attributable sources.
- If an allegation is made but subsequently, following an investigation, not up held then no action will be taken against the instigator providing they:
 - Reasonably believe that their disclosures are made in the public interest.

- Believe that the information disclosed, and any allegation contained in it, is substantially true and have not acted for personal gain.

It should be noted that if a malicious or false allegation is made, disciplinary action may be considered.

GUIDELINES

- Whenever possible, concerns should be raised in writing and should set out the background and history of the concern, giving names, dates and places if known, as well as the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing can meet their line manager.
- The earlier the concern is expressed, the easier it is to take action.
- Although those raising a concern will not be expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.
- Individuals may seek advice and support, and also invite their trade union or professional association to raise a matter on their behalf. This would be welcomed and encouraged by the Academy.

HOW THE DISCLOSURE WILL BE DEALT WITH

The action taken by the Academy will depend on the nature of the concern.

The Principal/Line Manager will ensure that the concern is:

- Taken seriously
- Investigated internally and an objective assessment of the concern made. Any investigation will be undertaken paying due regard to confidentiality.
- Reported back to the employee as to the progress made
- The subject of a written report compiled and shared with the Principal and/or Chair of Governors
- If appropriate, resolved by agreed action without the need for investigation.

If the concern is about the Principal this action will be taken by the Chair of Governors. If the concern is about the Chair of Governors the action will be taken by the Director of HR and Governance (TEFAT).

Depending on the nature of the concern, the matters raised may also be referred to an external auditor or Ombudsman or form the subject of an independent enquiry.