



# Whistle Blowing Policy

The Nicholas Hamond Academy

Policy reviewed by Academy Transformation Trust on

Nov 2013

This policy links to:

- Disciplinary Procedure
- Dignity at Work (Harassment and Bullying at Work) Policy
- Grievance Procedure

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# The Nicholas Hamond Academy

## Information relating to the Whistle Blowing Policy

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## 1 Introduction

1.1 We are committed to the highest possible standards of honesty and integrity and we expect all staff to reflect these standards. A culture of openness and accountability is essential in order to achieve these standards. There may be, however, times when there is unethical, negligent or illegal conduct taking place, without the knowledge of The Trust. This in turn can lead to poor moral and performance and ultimately can damage the reputation of The Trust. This policy provides the basis on which this type of unacceptable conduct can be reported and be addressed.

## 2 Scope

2.1 The aims of this policy are to:

- Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
- Provide staff with guidance as to how to raise those concerns
- Reassure staff that they should be able to raise genuine concerns in the public interest without fear of victimisation, subsequent discrimination or disadvantage, even if they turn out to be mistaken.

2.2 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

2.3 This policy applies to all individuals working at all levels of the organisation, governors directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, volunteers, casual and agency staff (collectively referred to as staff in this policy).

## 3 Definition

3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include but is not limited to:

- Criminal activity
- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal or professional obligation or regulatory requirements
- Bribery
- Financial fraud or mismanagement
- Negligence
- Breach of our internal policies and procedures
- Conduct likely to damage our reputation
- Unauthorised disclosure of confidential information
- The deliberate concealment of any of the above matters.

- 3.2 A whistle-blower is a person who raises a genuine concern in the public interest relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.
- 3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure or Dignity at Work Policy as appropriate.
- 3.4 If you are uncertain whether something is within the scope of this policy you should seek advice from Human Resources.

## **4 Raising a whistleblowing concern**

- 4.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Principal, Chair of Governors or Managing Director.
- 4.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
  - The Principal
  - The Vice Principal
  - The Chair of Governors
  - The Managing Director
  - The Chief Executive
- 4.3 A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. A written summary of your concern will be made at the meeting and you will be provided with a copy after the meeting. An indication of how it is proposed to deal with the matter will also be provided.

## **5 Confidentiality**

- 5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible and have been made in the public interest. Anonymous complaints will however be investigated as far as possible when the complainant's identity is known. Whistle blowers who are concerned about possible reprisals, be it victimisation, discrimination or disadvantage, if their identity is revealed should come forward to the Principal, Managing Director or one of the other contact points, and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline.

## **6 External disclosures**

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will rarely, if ever, be appropriate to alert the media.
- 6.2 We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.
- 6.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider or contractor. The law allows you to raise a concern in the public interest with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or Human Resources or one of the other named individuals.

## **7 Investigation and outcome**

- 7.1 Once you have raised a concern, an initial assessment will be carried out to determine the scope of any investigation. You will be informed of the outcome of the assessment. You may be required to attend additional meetings in order to provide further information. In some cases an investigator or team of investigators may be appointed including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 7.2 The person you raised your concern with will aim to keep informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent them giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.3 If it is concluded that a whistle-blower has made false allegations maliciously or with a view to personal gain, the whistle-blower will be subject to disciplinary action. While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 7.4 If you are not happy with the way in which your concern has been handled, you may contact, the Chief Executive Officer, the Chairman of the Academy Transformation Trust Board or our external auditors.

## **8 Protection and support for whistle-blowers**

- 8.1 It is understandable that whistle-blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns in the public interest under this policy, even if they turn out to be mistaken.
- 8.2 Staff must not suffer any detrimental treatment as a result of raising a concern in the public interest. Detrimental treatment includes dismissal, disciplinary action, threats or other

unfavourable treatment from the employer or co-workers connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Principal or Managing Director immediately.

- 8.3 If the matter is not remedied you should raise it formally using our Grievance Procedure. Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 8.4 Covering up someone else's wrongdoing is a disciplinary offence. You should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority such as a Manager. You should report the matter to a more senior member of staff.

## **9 Responsibility for the success of this policy**

- 9.1 The Academy Transformation Trust Board has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. The Principal (Managing Director for Head Office) has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 9.2 The Managing Director, in conjunction with the Academy Transformation Trust Board will review this policy from a legal and operational perspective. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Governance Department or the Academy Transformation Trust Board.