St. Clement's C. of E. Academy

ST. CLEMENT'S
C. OF E. ACADEMY

Whistleblowing Policy

Reviewed December 2017

Approved by the Governing Body on

14th December 2017

A INTRODUCTION

The Code is intended to help employees of, or working with, the Academy who have major concerns over any wrong-doing relating to unlawful conduct, financial malpractice or dangers to the public or the environment. Specific examples could include: -

- A breach of a legal obligation;
- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- A miscarriage of justice has been/is likely to occur;
- The health or safety of any individual has been/is likely to be endangered;
- The environment has been/is likely to be damaged;
- Abuse of power or authority;
- Public funds are being used in an unauthorised manner;
- The Academy's Governance arrangements have or are not being observed or are being breached by students, staff employed in or those working with or assisting the Academy;
- Failure to comply with professional standards, Academy policies or codes of practice/conduct;
- Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children)
- Discrimination is occurring to any member of staff or service recipient on grounds of sex, race or disability
- Any other form of improper action or conduct is taking place
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

The Academy's Governing Body has issued this Code so as to enable you to raise your concerns about such malpractice(s) at an early stage and in the right way. The Academy's Governing Body would rather that you raised the matter when it is just a concern rather than wait for concrete proof.

If something is troubling you, which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please use any appropriate Staff Grievance Policy – which you can get from your Head Teacher. This Whistle Blowing Code is primarily for concerns where the interests of others or of the organisation itself are at risk.

If in doubt – raise it!

B AIMS OF THE ACADEMYS WHISTLE BLOWING CODE

The Code aims to:

Encourage employees in or working with or assisting the Academy to feel confident in raising serious concerns and to question and act upon their concerns;

- Provide ways for employees in or working with or assisting the Academy to raise those concerns and get feedback on any action taken as a result;
- Ensure that employees in or working with or assisting the Academy get a response to their concerns;
- Ensure that employees in or working with or assisting the Academy are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure employees in or working with or assisting the Academy that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate procedures are available, for example

- Grievances – (see Grievance Procedure)
- Harassment – (see Anti-Harassment Policy and Procedure)
- Complaints of misconduct against Governors (for further information, please contact Birmingham City Council's Support Section of the School Effectiveness Division)
- Complaints of misconduct against City Councillors (For further information, please contact Birmingham City Council's Chief Legal Officer)
- Child protection (see Child Protection procedures)

C WHO IS COVERED BY THE ACADEMY'S WHISTLE BLOWING CODE?

All employees in or working with or assisting the Academy may use this Code. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employees secondment, can also be raised under this Code.

This Academy's Whistle Blowing Code has been drafted to help employees in or working with or assisting the Academy. It is based upon Birmingham City Council's Whistle Blowing Code and has been the subject of consultation with the relevant teacher and other professional associations and trade unions.

This Academy's Whistle Blowing Code will be operative from December 2016 and will be kept under review, on an annual basis, by the Head Teacher and the Academy's Governing Body.

D WHAT ASSURANCE DO YOU GET?

If you do raise a genuine concern under this Code, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Governing Body will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this Code. If you ask us to protect your identify by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

E WHAT IS THE LEGAL BACKGROUND?

The Public Interest Disclosure Act 1998 (hereinafter referred to as 'the Whistleblowers Act') is designed to encourage and enable employees (which includes Agency Staff and any other individual working for the Academy) to raise any concerns about any suspected serious wrongdoing, an illegal act or a dangerous situation within the organisation. This is called making a 'Protected ~Disclosure' under the Act and when it is made in the public interest and in accordance with this policy an employee is legally protected from harassment or victimisation as a result of the disclosure. The person making the disclosure does not have to be directly or personally affected by the serious wrongdoing, but the disclosure must be made in the public interest. To be protected, the disclosure must be in the public interest and raise a concern that:

- *A criminal offence (fraud corruption or theft) has been/is likely to be committed.*
- *A person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject;*
- *A miscarriage of justice has been/is likely to occur; the health and safety of any individual has been/is likely to be endangered;*
- *The environment has been/is likely to be damaged;*
- *Public funds are being used in an unauthorised manner;*
- *Sexual or physical abuse is occurring to any member of staff in relation to the legally protected characteristics of age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation (see guidance on Equality Act at http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads.*
- *Any other form of improper action or conduct is taking place. This could include breaches of the regulation requiring school governors to "act with integrity, objectivity and honesty and in the best interests of the school" (The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013) and breaches of the 'Nolan Principles of Conduct Underpinning Public Life' (Schedule 1);*

- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

The PIDA will protect any employee or worker making a Protected Disclosure, irrespective of whether or not the disclosure relates to information gained in the course of their employment (e.g. a protected disclosure made by anyone working through an agency or providing a service would still fall under the PIDA protection).

To obtain protection, employees must first disclose the information to the employer.

Therefore this Code has been adopted to provide an avenue within the Academy to raise concerns. If an employee takes the matter outside the Academy, s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees in or working with or assisting the Academy vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

If you are unsure whether to use this Academy's Whistle Blowing Code or you want independent advice at any stage, you are advised to contact

- If applicable, your relevant trade union; or
- The independent charity Public concern at Work. http://www.pcaw.org.uk/ Their lawyers can give you real confidential advice at any stage about how to raise a concern about serous malpractice at work.

F HOW SHOULD A CONCERN BE RAISED?

As soon as you become reasonably concerned you should firstly raise the issue with your Head Teacher and/or Chairman of Governors (unless s/he is the potential transgressor, in which case you should refer your concerns to the Education Funding Agency (EFA): https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure

Concerns may be raised orally or in writing. Employees who wish to make a written report should use the following format.

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

G HOW WILL THE GOVERNING BODY RESPOND?

The relevant person and/or the Academy's Human Resources Officer will also ensure that, in the most serious of concerns, the EFA receives adequate details of the employees using this code for the purpose of corporate recording and monitoring purposes.

Once you have told the Governing Body of your concern, the Governing Body will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. You will be told who may be handling the matter, how you can contact him/her whether your further assistance may be needed. If you request it, the Governing Body or Head Teacher will write to you summarising your concern(s) and setting out how it will be handled.

When you raise the concern you may be asked how you think the concern(s) might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. Should your concern fall within another policy of the Academy, for example, the Grievance Policy, we will tell you.

While the purpose of this Code is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owned by us to someone else.

Concerns or allegations which fall within the scope of specific procedures (for example Child Protection or Safeguarding) will normally be referred for consideration under that relevant procedure. 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.

Where appropriate, the matters raised may:

- Be investigated by management, internal audit, the EFA or through the Disciplinary process.
- Be referred to the police.
- Be referred to the external auditor
- Form the subject of an independent inquiry.

Usually, within two weeks of a concern being raised, the person looking into the concern will write to the person raising the concern:

- Acknowledging that the concern has been received.
- Indicating how the Academy proposes to deal with the matter

- Giving an estimate of how long it will take to provide a full response
- Saying whether any initial enquiries have been made
- Supplying information on support available to you; and
- Saying whether further investigations will take place and if not, why not.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

H WHAT SAFEGUARDS ARE THERE FOR THE PERSON RAISING THE CONCERN?

- The Governing Body will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who 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 already taking place concerning the employee.
- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- Every effort will be made to ensure confidentiality as far as this is reasonably practical.
- Help will be provided to you in order to minimise any difficulties, which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and for you being represented, if you so wish.

I HOW CAN A CONCERN BE TAKEN FURTHER?

If you are unsure whether to use this Academy's Whistle Blowing Code or you want independent advice at any stage, you may contact

- If applicable, your relevant trade union; or
- The independent charity Public Concern at Work. http://www.pcaw.org.uk/ Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

Employees in or working with or assisting the Academy who are not satisfied with the action taken by the Governing Body and feels it right to question the matter further, may consider the following possible contact points:

- Birmingham City Council's Chief Education Officer and/or Chief Legal Officer
- Birmingham City Council's Internal Audit and/or the District Auditor
- The Education Funding Agency
- The employee's Trade Union
- The Citizens Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Local Government Ombudsman

- The Information Commissioner
- A relevant voluntary organisation
- The Police and/or Health and Safety Executive

J RECORDING & MONITORING

The Governing Body will ensure it has sufficient internal arrangements to address the requirements of the Code, including appropriate support for the Head Teacher in implementing the Code including ensuring that there is support from the Academy's Human Resources provider.

The Governing Body will record details of all complaints made under this policy, anonymising the identity of the whistleblower and use this information for the purposes of identifying areas of concern, which may indicate further action is required, and where appropriate, share this information with other appropriate regulatory bodies. This information will be maintained in accordance with the Data Protection Act 1998.

(Schedule 1)

The Nolan Principles of Conduct Underpinning Public Life

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organizations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

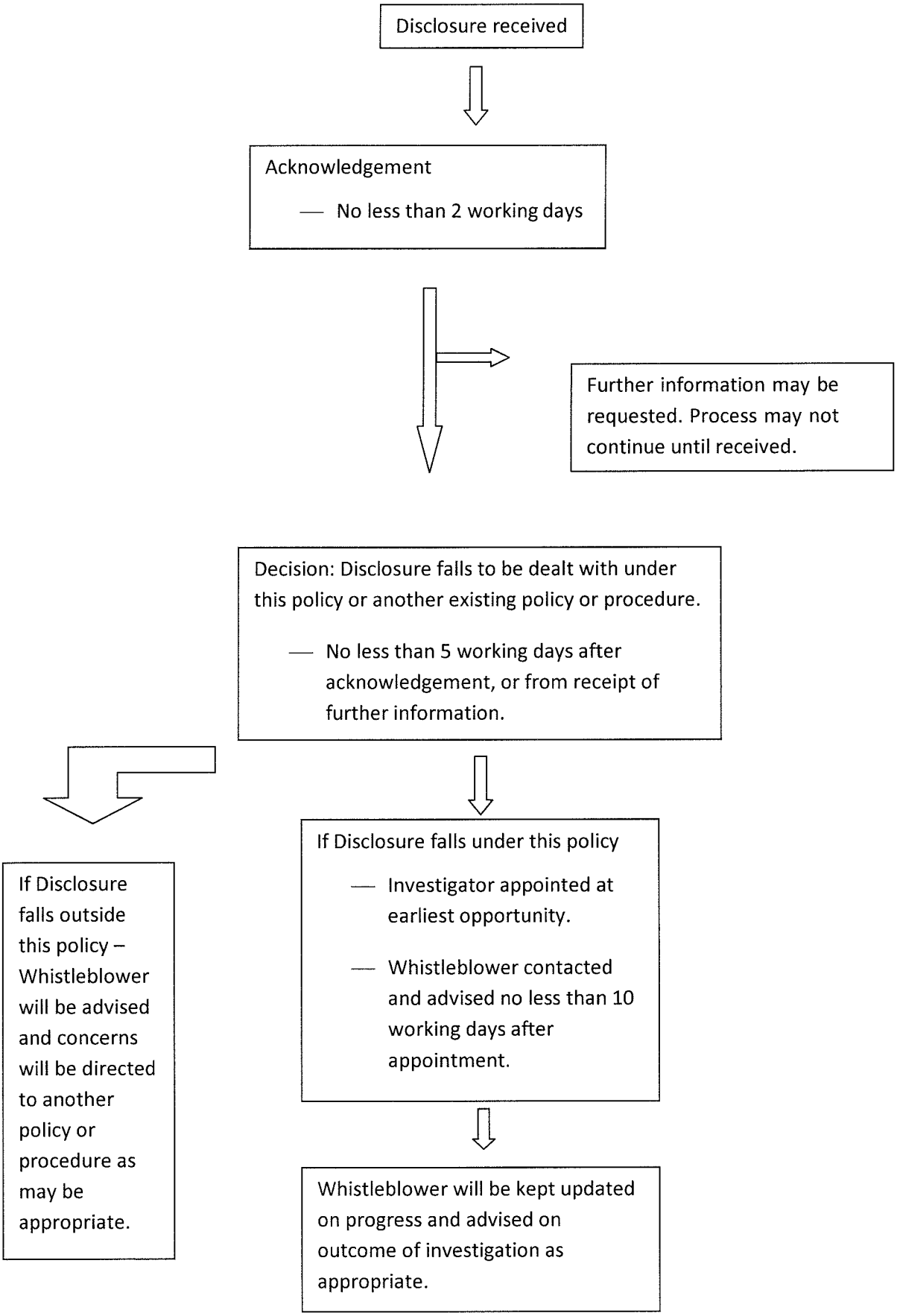
Holders of public office should exhibit these principles in their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior wherever it occurs.

(Schedule 2)

List of other bodies a whistleblowing disclosure can be made to.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf

(Schedule 3) Complaint Flowchart



Review and consultation

The Governing Body will review its pay policy at least annually in order to ensure that the policy continues to comply with the law and promotes good personnel practice and in particular to take account of pay awards, changes in national and local agreements governing pay, the school development plan and the school's budget.

It will undertake such reviews in consultation with staff, including school representatives of all the recognised unions and teachers' associations.

This policy was adopted by Governing Body of St Clement's C. of E. Academy
On 14/12/2017.

Signed:	
Position:	Chair
Date:	14.12.17