



CHIPSTEAD VALLEY  
**ACADEMY TRUST**

# Whistle Blowing Policy

2016

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## INTRODUCTION

Chipstead Valley Academy Trust (CVAT) are committed to the provision of high quality services and promoting the highest standards of openness, probity and accountability. Members of staff and others who have serious concerns about any aspect of the Trust's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage and in the knowledge that any issue raised will be investigated promptly. All disclosures made will be dealt with appropriately, consistently, fairly and professionally.

## AIMS

This policy aims to:

- Encourage all members of staff to feel confident and supported in raising **serious concerns** of wrongdoing and to question and act upon concerns about practice;
- Set out the procedure for staff to follow if they want to make a disclosure;
- Undertake to protect the identity of an employee making a disclosure, unless required by law to reveal it and to offer support throughout the process with access to mentoring, advice and counselling;
- Ensure that feedback is provided to the employee who made the disclosure where possible and is appropriate subject to other legal requirements. Feedback should include an indication of timings for any actions or next steps;
- Reassure employees that they are safe to make a disclosure in good faith and based on a reasonable belief in the knowledge that they will not face any detriment from the Trust as a result of speaking up.

## SCOPE

This policy covers major concerns of wrongdoing / malpractice where the employee reasonably believes that they are acting in the public interest and that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Fraud or financial irregularity;
- Corruption, bribery or blackmail;
- Other criminal offences;
- Failure to comply with legal or regulatory duty or obligation;
- Miscarriage of justice;
- Endangering the health and safety of any individual;
- Improper use of authority or powers;
- Unauthorised use of public funds;
- Damage to the environment;
- Unethical or improper conduct or conduct that breaches Trust policies or falls below the standards which the Trust subscribes to;
- Concealment of any of the above

Complaints that don't count as whistleblowing and aren't covered by this policy are personal grievances (e.g. bullying, harassment, discrimination), unless your particular case is in the public interest. You should report these items under our grievance policy.

Normal Health and Safety incidents and accidents should be reported in accordance with Health and Safety procedures.

## **SAFEGUARDS – FOR WHISTLEBLOWERS**

We will not tolerate any discrimination or reprisal against anyone who raises genuine concerns in good faith.

Whistleblowers are protected in law (Public Interest Disclosure Act 1998). To be protected you must:

- Be a worker (e.g. and employee, trainee or agency worker)
- Make a qualifying disclosure in good faith about something that is in the public interest

A qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following—

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

We are committed to good practice and high standards and want to be supportive of employees; we recognise that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the school and colleagues. The Directors will not tolerate any detrimental treatment, harassment or victimisation (including informal pressures) and will take appropriate action to protect staff members when they raise a concern in good faith.

## **CONFIDENTIALITY**

All reasonable steps will be taken to maintain the confidentiality of the whistleblower where this is requested. All disclosures will be treated in confidence, subject to the involvement of appropriate investigating personnel and any external professional advisers (e.g. lawyers and auditors) in the investigation of the disclosure. Whistleblowers should be aware that, regardless of the steps taken to preserve confidentiality, there is always the risk that colleagues may speculate about who has raised the concern.

## **ANONYMOUS DISCLOSURES**

We encourage whistleblowers to put their name to their disclosures whenever possible. Disclosures made anonymously are much less powerful but they may be considered at the discretion of either the Executive Headteacher or the Chair of Local Governing Body, depending on the nature of the allegations. In exercising this discretion the factors to be taken into account include;

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

Anonymous whistleblowers will not ordinarily be able to receive feedback and any investigation into an anonymous disclosure may necessarily be limited by the inability to seek further information from the person making the disclosure.

## **FALSE AND MALICIOUS ALLEGATIONS**

Some concerns raised may, when investigated, prove to be groundless. If a disclosure is made in good faith by someone reasonably believing it to be true and their concerns are not confirmed by investigation they should have nothing to fear as the school will recognise their genuine motives. However, should someone make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## **HOW TO RAISE A CONCERN**

- Members of staff should normally raise concerns with their immediate Line Manager. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. If that is not appropriate because the first point of contact is involved or because of the seriousness of the issue or no action has been taken, concerns can then be raised, orally or in writing, to the Head of School or Executive Headteacher or if that is not appropriate with the Chair of the Governing Body. If none of the above are available or the concern involves these individuals, staff may contact the Chair of the Strategic Board at [edenley.306@lgflmail.org](mailto:edenley.306@lgflmail.org) .
- Members of staff should feel able to make any disclosure within the Trust however if this is not possible an employee can, without losing their rights under whistleblowing law, make a disclosure to a prescribed person. The relevant prescribed person depends on the subject matter of the disclosure and a complete list can be found here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)
- Disclosures can be made verbally or in writing. The earlier a disclosure is made, the easier it is to take action. The notification will need to provide the background and history of the concern (giving relevant dates and as much detail as possible). The whistleblower will need to state clearly whether they wish to be identified or not (this must be in writing).
- Although the employee is not expected to prove beyond doubt the truth of the suspicion or provide evidence for the issue to be investigated further, they will need to demonstrate to the person contacted that there are reasonable grounds for serious concern.

- It is recognised that making a disclosure can be a difficult or anxious time for a member of staff and if desired access to mentoring, advice and support can be provided.
- If they wish the whistleblower may be accompanied by a trade union representative or colleague at any meeting or interview in connection with the disclosure.
- A summary of any meeting held will be produced for record keeping purposes and a copy will be provided for the whistleblower.

### **HOW THE TRUST WILL RESPOND**

The Trust will take all disclosures seriously and will investigate them. Investigating disclosures is not the same as accepting or rejecting them.

In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form the investigation should take.

Our aim is to act promptly on the information provided and put right whatever wrongdoing is found

Disclosures 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 policies.

Where appropriate the matters raised may:

- Be investigated by management, the Local Governing Body or through the discipline/grievance/harassment process, this will be reported back to the Strategic Board (with names removed if requested);
- Be referred to external auditors or other professional advisers;
- Be referred and dealt with under established child protection procedures;
- Form the subject of an independent inquiry.

Within 20 school days of a disclosure being made, a written response will be given:

- Acknowledging that the disclosure has been received;
- Indicating how the school propose to deal with the issue;
- Telling them whether any further investigations will take place (and if not explaining why this is the case;
- Supplying information on staff support mechanisms.

The amount of contact between the person making the disclosure and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the person making the disclosure will be interviewed to ensure the disclosure is fully understood.

We will take all reasonable steps to support whistleblowers. For example, if they are asked to give evidence in criminal or disciplinary proceedings, the Trust will arrange appropriate support and advice.

We accept that a whistleblower needs to be assured that the matter has been properly addressed. Unless there are legal reasons why this cannot be done, and provided the disclosure is not made anonymously the whistleblower will be informed of the outcome of any investigation.

### **HOW MATTERS CAN BE TAKEN FURTHER**

This policy is intended to provide members of staff with an avenue within the school to make disclosures. If an employee would like further information and advice about whistleblowing the following are possible contact points:

- Government (<https://www.gov.uk/whistleblowing/what-is-a-whistleblower>)
- Public Concern at Work (0207 404 6609) <http://www.pcaw.co.uk/>
- Your trade union
- Acas (0300 123 1100) <http://www.acas.org.uk/>

If a member of staff does take the matter outside the school they must not disclose confidential information and may wish to take legal advice before doing so.

If a whistleblower believes that they have been unfairly treated because they have blown the whistle they may decide to take their case to an employment tribunal. The preferred process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (Acas) early conciliation service.

## **Appendix 1**

### **Guidance for those responding to a disclosure**

1. Ensure that the member of staff, agency or self employed staff and contractors employed on school work are aware of the Whistleblowing Policy and where it can be located.
2. If you receive a disclosure in respect of any of the matters set out in the aims of this policy you must take the following action:
  - a. Take the matter seriously and do not dismiss or belittle the information;
  - b. Respect as far as possible the confidentiality of the employee and ensure procedures are adhered to (page 3);
  - c. Ensure the employee understands the Whistleblowing procedure;
  - d. Offer to interview the discloser in confidence;
  - e. Discuss ways that the employee could be supported;
  - f. Investigate the concern objectively, dealing with all parties with sensitivity and tact;
  - g. Seek advice from Executive Headteacher or appropriate organisation;
  - h. Set out clearly how the concern will be taken forward, ensure dated notes are made and kept of the process followed and discussions etc;
  - i. Keep the Discloser informed about the progress made and the outcome of the investigation;
  - j. Report the Disclosure (names removed if necessary) to Executive Headteacher and Chair of Strategic Board;
  - k. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from HR.