

<b>Category</b>	Human Resources		
<b>Document Name</b>	Whistle Blowing Policy		
<b>Accountable Body</b>	RADIUS Trust		
<b>Reference</b>	HR.P3	<b>Date Ratified</b>	13 <sup>th</sup> August 2015
<b>Version</b>	2	<b>Last Update</b>	August 2015

### Related Policies

Name	Reference
Grievance Policy	HR.P6
Disciplinary Policy	HR.P2

### Introduction

1. Employees are often the first to realise that there may be something wrong within their area of work and they should be encouraged to speak up and not feel that it would be disloyal to their colleagues or to the School / Charity Office.
2. This policy is intended to make it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the School / Charity Office, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
3. This policy does not form part of any employee's terms and conditions of employment and the trust reserves the right to amend the policy from time to time.

### Policy Statement

4. The Trust is committed to having an open and honest culture, and to the highest possible standards of probity and accountability. In line with that commitment, the Trust encourages employees with serious concerns about any aspects of the Trust's work to come forward and voice those concerns. Confidentiality will be maintained as far as is possible.
5. No one who raises a genuine concern about poor practice will be put at risk of losing their job, or suffering any form of retribution as a result of doing so. The Trust expects all managers to recognise their responsibilities in this matter, and to adopt and implement this policy and adhere to its procedures with regard to whistle blowing by any employee.



## Policy Principles

### Scope

6. All people who work at the School / Charity Office are covered by this policy.
7. Concerns may relate to the past, present or future.
8. The Grievance Policy should be used to raise concerns relating to individual employment matters.

### Entitlement

9. The Public Interest Disclosure Act, commonly called the “Whistleblowers Act”, came into force on 2 July 1999. The Act provides protection for workers who disclose information which might otherwise be regarded as confidential.
10. The Act provides protection from dismissal, or action short of dismissal, and makes void any term in a contract of employment which would prevent the employee from making a protected disclosure, providing that the disclosure is a “qualifying disclosure”, is in the public interest and is a genuinely held belief that the information is true.
11. A qualifying disclosure is defined as “any disclosure of information” which, “in the reasonable belief” of the worker making the disclosure, tends to show:
  - a criminal offence has been, is being, or is about to be committed;
  - the employer is failing to comply with its legal obligations;
  - a miscarriage of justice has happened or is likely to happen;
  - an individual’s health and safety is being jeopardised;
  - the environment is being, or is likely to be damaged;
  - information falling into any of the above categories has been, is being or is likely to be deliberately concealed.
12. The belief does not need to be correct; an investigation may subsequently find that they were wrong; however the employee only needs to show that they held the belief and that it was a reasonable belief in the circumstances at the time of disclosure.
13. The disclosure is protected if it is made to the correct authority. This will be either **internally** to their manager or externally to a ‘**prescribed person**’. These are certain statutory bodies – or people within them – who have the authority to receive disclosures relevant to the role of that particular body. A list of these bodies can be accessed at:  
[www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@employ/documents/digital\\_asset/dg\\_177605.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@employ/documents/digital_asset/dg_177605.pdf)
14. In most cases employees should not find it necessary to alert anyone externally. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline (Helpline: (020) 7404 6609; E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk); website: [www.pcaw.co.uk](http://www.pcaw.co.uk)). They also have a list of prescribed regulators for reporting certain types of concern.

## **Procedures**

### **Raising a concern**

15. Concerns should be reported to the line manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the allegation is about management then concerns should be directed to the Chief Executive. Complaints against the Chief Executive should be passed to the Chair of Trustees.
16. Concerns relating to Safeguarding or Child Protection should be raised directly to the Child Protection Liaison Officer, Headteacher/Principal or CEO. For further details refer to the Safeguarding & Child Protection Policy.
17. Concerns may be raised verbally or in writing. Staff who wish to make a written report should mention the following:
  - the background and history of the concern (giving relevant dates);
  - the reason for the concern
  - any information including evidence available
18. Staff or contracted specialists should report the concern at the earliest opportunity so that action can be taken.
19. The complainant has the right to bypass the line management structure and take their complaint direct to the Chief Executive, Chair of Governors or Chair of Trustees. The Chair has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint or if it viewed as a matter for general management discussion.
20. The manager will reassure the employee that the matter will be treated in confidence, and initiate an investigation. The investigation will be escalated up the School / Charity Office management structure to an appropriate level. In all cases the Headteacher/Principal or senior manager should be kept informed, except where the disclosure may involve them, in which case the CEO, Chair of Governors or a Trustee/Director should be informed.
21. Although those raising a whistle blowing concern are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

### **Anonymous Allegations**

22. This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Trust.
23. In any case, the Trust recognises that individuals have access to the national charity Public Concern at Work at Tel: 0207 4046609, OFSTED Compliance at Tel: 0300 1233155 or E-mail [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk).
24. In exercising discretion around anonymity, the factors to be taken into account will include:
  - The seriousness of the issues raised;
  - The credibility of the concern;
  - The likelihood of confirming the allegation from attributable sources.

## Investigation

25. The manager receiving the complaint will make a judgement based on initial enquiries and decide whether an investigation is appropriate and, if so, what form it should take.
26. If the manager decides that the complaint is not a whistle blowing concern under the scope of the policy, he will inform the complainant in writing (within 10 working days) of this finding and suggest what other action may be taken to resolve the concern.
27. Where the manager receiving the complaint decides that the concern does constitute a whistle blowing claim, he/she will appoint an investigating officer or conduct the investigation him/herself.
28. The investigating officer will take the following steps:
  - Arrange an investigative meeting with the person raising the concern in order to obtain full details and clarifications of the allegation/s.
  - Within 10 days, acknowledge to the complainant that the complaint (whistle blowing content) has been received; indicate how it is proposed to deal with the matter and inform them whether further investigations will take place and if not, why not.
  - Inform the member/s of staff against whom the complaint is made as soon as is practically possible. The member/s of staff will be informed of their right to be accompanied by a trade union representative or work colleague at any future interview or hearing held under the provision of these procedures.
  - If there is evidence of criminal activity then the investigating officer should inform the police. The Trust will ensure that any internal investigation does not hinder a formal police investigation.
  - Consider the involvement of the auditors and the Police at this stage and consult with the Chief Executive or Chair of the Board of Trustees
  - Fully investigate the allegations with the assistance where appropriate, of other individuals / bodies.
  - Make a judgement concerning the complaint and validity of the complaint. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chair of the Board of Trustees as appropriate.
  - The Chief Executive or Chair of the Board of Trustees will decide what action to take.
29. The complainant will be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
30. If appropriate, a copy of the outcomes will be passed to the Trust auditors to enable a review of the procedures.
31. If the whistleblower is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive or Chair of the Board of Trustees.
32. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Trust recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.
33. Should the investigation uncover a criminal offence then the police will be involved as soon as this is known.
34. If the investigation shows that misconduct is likely to have occurred, then the matter may be dealt with through the Trust's disciplinary procedure.

35. Should it be found that any employee has raised a spurious or malicious concern through this procedure, or that an employee 'goes public' with a claim when it was unreasonable to do so, and/or they were pursuing a personal grudge against the School / Charity Office then their actions may be regarded as misconduct which may be dealt with through the disciplinary procedure.

#### **Timescales**

36. Due to the varied nature of these sorts of events, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
37. The investigating officer should as soon as practically possible, send a written acknowledgement of the concern to the whistleblower and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer will keep the whistleblower informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

#### **Training, Communication and Awareness**

38. All managers and staff should be made aware of their responsibilities when a disclosure occurs, and reminded of the need for confidentiality and protecting the employee who has blown the whistle.