

## WHISTLEBLOWING POLICY

*This policy does not form part of any employee's contract of employment and it may be amended at any time.*

The Academy is committed to the highest standards of openness, probity and accountability. To help the Academy fulfil this commitment, staff have a responsibility to raise any matter causing concern.

Whistleblowing happens when a member of staff speaks out against what they perceive to be an ethical failure by the Academy. There are specific headings under which the law recognises such failures. These are set out in the Procedure section of this policy.

The Academy wants to perform in an honest and open way for the advancement of its students' education and positively encourages the identification and correction of failures that hamper this.

Staff who, in the public interest, raise genuine concerns under this policy will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

### Procedure

This policy will apply in cases where staff genuinely believe that one of the following sets of circumstances is occurring, has occurred or may occur within the Academy and that it is in the public interest for the member of staff to disclose it. The matters that may be disclosed in this way are that:

- a criminal offence has been committed, is being committed or 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 or she is subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of any individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged
- poor or unsafe safeguarding/child protection practice and potential failures are endangering the welfare of students
- 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.

There is no need for a member of staff to prove that the breach or failure that they are alleging has occurred or is likely to occur; a reasonable suspicion will suffice, i.e. where the member of staff reasonably believes that the information disclosed is substantially true. Staff should, however, note that they are not entitled to make a disclosure if in so doing they commit a criminal offence.

If staff wish to raise or discuss any issues which might fall into one of the categories listed above they may raise the matter with the Head teacher/Principal/Executive Principal. Alternatively they may contact the Chair of the Trust. The matter will, insofar as is possible, be treated in confidence. It is likely that an investigation will be necessary and the member of staff who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness). The

member of staff may wish to invite their trade union representative or a work colleague to any meeting in connection with the concerns they have raised.

Although the staff member will not be expected to provide proof beyond doubt in relation to an allegation, they will need to demonstrate reasonable grounds for concern. Where possible, notes including dates/times of what has been heard, seen or felt, may be useful.

Appropriate steps will be taken to ensure that working relationships are not prejudiced by the fact of the disclosure.

If staff reasonably believe that the relevant failure (i.e. one of the set of circumstances listed above relates wholly or mainly to the conduct of a person other than the Academy or any other matter for which a person other than the Academy has legal responsibility, then they should make that disclosure to that other person.

Also, staff may make such a disclosure to [Public Concern at Work](#), the leading authority on public interest whistleblowing, if they consider that it has an interest in the matter and, despite the best efforts of the Academy, staff believe that disclosure within the Academy is inappropriate or has been unsuccessful. Disclosures made to staff's legal advisors in the course of obtaining legal advice will be protected.

Staff should be aware that the policy will apply where they reasonably believe that the information disclosed and any allegation contained in it are substantially true. If any disclosure concerns information which staff do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the Academy's disciplinary policy and procedures and may constitute gross misconduct for which summary dismissal is the sanction.

While the Academy hopes that such disclosures will never be necessary, it also recognises that it may find itself in circumstances which are new to it. Each case will be treated on its own facts.

A member of staff who makes a disclosure is protected from detrimental treatment by the Academy, by a co-worker or by an agent of the Academy. An employer is vicariously liable for detrimental treatment. If this occurs, it should be raised immediately with a line manager/Headteacher/Principal so that the matter can be investigated thoroughly without undue delay. Detrimental treatment includes, for example, harassment and bullying or not complying with a person's rights and entitlements under his or her contract of employment.

A member of staff is also protected from dismissal by the Academy for making a protected disclosure.