



# Winterton Community Academy

## Whistleblowers' Charter

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### **Introduction**

Employees are often the first to realise that there may be something wrong within the academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the academy. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. The Public Interest Disclosure Act 1998 provides statutory protection to employees making disclosures and the academy extends the principles of the Act into this charter give councillors, governors, partners, service users and citizens the same route to raise concerns.

The academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees, members of the public and other interested parties are encouraged to voice those concerns. The charter encourages and enables concerns to be raised within the academy on a confidential basis and without fear of reprisals.

This whistleblowing charter is intended to encourage and enable staff to raise concerns within the academy rather than overlooking a problem or reporting it outside the academy. This policy has been discussed with the relevant professional organisations and has their support.

### **Aims**

- To ensure staff that they are afforded protection from reprisals and victimisation for raising a concern
- To set out an approach for raising concerns in a confidential manner with line managers in the first instance or to the Headteacher and/or governors directly or via the email facility
- To inform staff on how to take the matter further if they are dissatisfied with the response

### **Safeguards**

The Whistleblowers' Charter contains a number of safeguards, based on the Public Interest Disclosure Act 1998, which gives statutory protection, within defined parameters, to employees who make disclosures, which they believe to be happening within the business employing them. The Enterprise and Regulatory Reform Act, given Royal assent in April 2013, provided some minor change to the defined parameters,

Protections are afforded the employee when they report a concern, provided they believe their claim is in the public interest and the concern is made in good faith which means that the

employee believes it to be substantially true, is not making a false or malicious allegation and is not seeking to gain personally from raising the concern.

Specifically, the following protections are afforded

- **Harassment or victimisation.** The management of the academy, recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The academy will not tolerate harassment or victimisation and will take-action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.
- **Confidentiality.** The academy will do its best to protect your identity if you raise a concern and do not want your name disclosed.
- **Anonymous concerns.** Concerns can be made anonymously however it should be noted that such cases can be more difficult to investigate, and the various safeguards in this policy ensure repercussions of raising a report will not be met by harassment or victimisation
- **Untrue Allegations.** No action will be taken against whistleblowers if allegations are made in good faith. However, malicious or unfounded allegations may result in disciplinary action taken against the whistleblower.

### **What to report**

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment, these can be found in the academy's policies and procedures. This whistleblowing policy is intended to cover concerns which may be about activities that are -

- fraudulent
- unlawful
- against the academy's procedures or policies
- below established standards or practices
- result in waste or loss to the academy
- demonstrate improper conduct

Examples include;

- theft of assets
- inappropriately claiming benefits or allowances
- avoiding payment for services
- not following procedures and codes, these include the Financial procedures, Human Resources policies such as flexi time and sickness policy, and governance procedures.

## **Raising a concern**

This depends primarily on the nature of the concern, this policy relates to all concerns but there are certain issues, which should be brought to the attention of specialist officers. Specifically, if the concern is regarding the safety of a child or a vulnerable adult then immediate contact should be made with the child protection lead and/or Inclusion Team within the academy. If the concern relates to suspected terrorism immediate contact should be made with the police by telephone on 101

In all other cases employees should bring the matter to their line manager, and be able to speak in confidence to this person. If that person is involved, they should approach the next level of management, again confidence should be ensured. Either manager should be able to deal with the issue directly and make the appropriate referral if the concern is of a fraudulent nature.

If the employee does not feel able to raise the concern with management they can contact the Headteacher in a number of ways.

- In writing by email (head@wintertonca.com) or letter
- Directly by phone (01724 732777), which is manned throughout the day; an answer phone facility is available outside office hours

The academy has appropriate procedures to receive and to investigate all concerns / allegations which should be followed. However, if you feel unable to talk to anyone within the academy under the terms of the Public Interest Disclosure Act 1998, you may contact the Personal Assistant to the Headteacher on (01724 732777) to arrange a suitable contact. Independent discussion can be held by contacting the Public Concern at Work, (Tel 020 3117 2520) or via the on-line form at [www.protect-advice.org.uk](http://www.protect-advice.org.uk)). Public Concern at Work is an independent charity providing free advice for persons who wish to express concern about fraud and other serious malpractice in the workplace.

The earlier a concern is raised, the easier it is to take action.

## **How managers will deal with a concern**

As a manager you should become familiar with this charter so that the appropriate support can be offered to employees raising a concern.

Managers should;

- be responsive to concerns and encourage staff to voice any reasonably held concerns as part of supporting the academy's zero tolerance of fraud culture. Concerns should be taken seriously and treated with confidence.
- note all relevant details obtain as much detail as possible from the reporting employee, note any evidence or documents that may support the concern. However, you must not try and investigate the matter yourself, approach or accuse any individuals directly or contact the police
- evaluate the concern objectively and determine whether further action is required, in cases of suspected fraud contact the Headteacher as soon as possible before proceeding any further.

- support the employee and reiterate the safeguards that are included in this policy.

If in doubt speak to the Headteacher's Personal Assistant who can advise how best to manage a concern raised in accordance with this charter.

### **How the concern will be dealt with**

All Information received is considered. The resulting action taken by the academy will depend on the nature of the concern. The matters raised may:

- be investigated internally or by the academy's human resource services partner
- be referred to the police

Prior to an investigation initial enquires will be conducted to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of other existing procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Unless the complainant has not provided a name or contact, within ten working days of a concern being received, the academy will write to the complainant:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling them whether any initial enquiries have been made
- telling them whether further investigations will take place, and if not, why not

### **Outcome of Investigations**

Once the investigation has been concluded, the employee may receive information on the outcome subject to legal constraints.

### **The Responsible Officer**

The governing body has overall responsibility for the maintenance and operation of this policy within the school. The Headteacher's Personal Assistant maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report, in summary form, as necessary to the governing body. Any proven allegations will be brought to the appropriate committee of the governing body and support will be provided for the chair of governors by the Academy's Human Resources provider where appropriate.