



CASTLEMAN ACADEMY TRUST

POLICY :

Whistleblowing Policy and Reporting Procedure

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CASTLEMAN ACADEMY TRUST

Whistleblowing Policy and Reporting Procedure

Our policies refer to Senior Leaders. This can mean Executive Head Teacher, Head Teacher or Head of School.

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1. What is the aim of this Policy?

The Castleman Academy Trust (“the Trust”) is committed to high standards of conduct and to compliance with legal obligations and good practice. It wants malpractice to be pointed out and dealt with and expects its employees, and others who help to deliver its services, to help with that.

This policy encourages employees to raise genuine, serious concerns as “whistle-blowers” to the Trust or ‘regulators’ (the Local Government Ombudsman, Audit Commission, Standards Board for England, or Police), and provides a procedure for doing so. The Trust will take any action necessary in proportion to the nature of the complaint. The Policy explains how those who make whistle-blowing disclosures reasonably and in the public interest will be protected from detriment such as victimisation or discipline.

The policy has the support of the relevant trade unions.

2. Who is protected / covered by the Policy?

You are protected if you work for the Trust as:

- an employee
- an agency employee
- a trainee
- a worker who provides services on behalf of the Trust
- a trustee or school governor

The policy does **NOT** apply to raising grievances about an employee’s personal situation and thus, does not replace existing procedures for personal differences or conflicts. If you have concerns in this area you should consult the Trust’s Grievance Policy or your immediate manager, or the Chair of the Trust’s Human Resources Committee who can advise you about the Grievance and other more appropriate procedures. You cannot raise the same issue under both the Whistleblowing Policy and another procedure.

3. What kinds of disclosures are covered?

The Public Interest Disclosure Act 1998 specifies ‘Qualifying Disclosures’ as follows:

- a criminal offence
- a breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- deliberate covering up of information tending to show any of the above five matters

4. What is expected of the whistle-blower?

If you make a disclosure to someone within the Trust, you are expected to:

- believe that your disclosure is in the public interest
- have a reasonable grounds for suspicion about the malpractice

- not make the disclosure for personal gain

This Policy also covers disclosures outside of the Trust where one or more of the following conditions apply:

- You reasonably believe you would suffer detriment if you made the disclosure to the Trust
- You have already made the disclosure to the Trust

Failure to comply with the expectations of section 4, including making a frivolous or malicious disclosure may result in disciplinary action being taken.

5. How is the whistle-blower protected?

If you believe that your disclosure is in the public interest and you comply with the expectations of section 4, you will be protected from any detriment as a result of making a disclosure. In particular, you will be protected from bullying, harassment or victimisation. This may include agreement to alternative working arrangements during any consequential investigation into the allegations.

Should it not be possible to resolve a concern without revealing your identity, we will discuss with you what steps we will take to protect you from unfair treatment or detriment. However, if you want your identity to remain confidential we will where appropriate, respect your decision and not reveal your identity without your consent unless this is unavoidable/deemed necessary. It should be recognised that if there are reasonable grounds for believing the allegations to be true the public interest will rarely be served by taking no action.

Anonymous disclosures will be considered to the extent that it is reasonable and practicable to do so. It is often difficult to attach equal weight to anonymous allegations due to the investigator's difficulty in confirming or following up evidence. If you are unsure whether an incident should be reported under this policy you may wish to discuss the matter initially with the Trust Chair, Senior staff in a Trust School, your trade union representative, manager or HR.

6. Procedure for dealing with a disclosure

Disclosures will be dealt with under the following stages. Not all disclosures will follow the full sequence of Stages, subject to the particular circumstances of each case. The action taken by the Trust will be reasonable and proportionate, depending on the nature of the concern.

Stage 1 – Informal Resolution

If an individual is aware or concerned about misconduct taking place inside the organisation that he or she thinks may damage or undermine the interests of the wider public they are advised in the first instance to share the details with their line manager to see if it can be resolved without a formal procedure. This may be done orally or in writing.

When making a disclosure, give as much information as possible about:

- the nature of the problem
- the background (with dates if possible)
- who is involved

- the reasons you are concerned

The line Manager should decide on the basis of the information so provided, how the matter can be resolved. This may include informal resolution or formal consideration. The outcome will be explained to the whistle-blower.

If the individual is unable to raise the matter with his or her line manager they are advised to speak to the (Executive) Headteacher, CEO or Chair of the Trust's Human Resources Committee who should consider whether the matter can be resolved informally as set out above or referred for formal consideration as detailed below.

Stage 2 – Formal Disclosure

If the individual feels unable to discuss their concerns with any of the above, or does not accept that the response at the informal stage is sufficient, or it is believed that senior management is involved in the matter of concern, a formal disclosure may be made to one of the statutory officers, who may include the (Executive) Headteacher, CEO or Chair of the Trust's Human Resources Committee .

At this stage, the person making the disclosure (the 'whistle-blower'), will be asked whether he or she wishes their identity to be disclosed and will be reassured with regard to protection from possible reprisals or victimisation.

He or she may also be asked to consider making a written or verbal statement. In the latter case, a brief summary of the interview will be made which will be agreed by both parties.

Details of the disclosure will be considered by the Statutory Officer or his representative, including any recommendations for further action.

Stage 3 – Initial Response to a Formal Disclosure

The Statutory Officer or representative who has received the disclosure will take any necessary urgent action and then decide how to respond to the disclosure, having regard to all the circumstances, including the evidence available. Preliminary inquiries may be made to help decide how best to respond in the public interest. Depending on the nature of the issue raised, the response, in the judgement of the Statutory Officer, may be one or more of the following:

- A management investigation
- A disciplinary investigation in accordance with Council Policies
- A referral for consideration under another Council procedure
- Referral to the Police
- Referral to the District Auditor
- An independent investigation
- Amend procedures
- Take no action due to lack of sufficient evidence or ;
- non-relevance/ significance to this Policy

The whistle-blower will be notified of the intended response to the disclosure and the reasons for it.

Stage 4 – Management Investigation

Where the decision has been made to carry out a Management Investigation, a senior manager or other person will be appointed as an investigating officer. He or she will agree terms of reference with the Statutory Officer or representative and identify a date by when the investigation will be completed.

The investigation will be carried out under the strictest confidentiality. The investigation is essentially a 'fact finding' exercise, to establish what further action may be necessary and make recommendations accordingly.

The Investigating Officer will have regard to the human rights of any individuals affected by the investigation. The investigation may serve as the information gathering part of the Trust's disciplinary procedure. In such cases this will be made clear to any people who may be subject to such investigation and the usual right to be represented will be made clear.

Normal support arrangements e.g. Counselling/Chaplaincy will be available as required, to the whistleblower, accused and any others affected.

Stage 5 – Responding to Management Investigation

The Statutory Officer or representative will decide whether any further action is necessary as a result of the investigation report and recommendations. If the result of the investigation is that there is a case to be answered by any individual, the recognised procedure will be followed.

The amount of contact between the officers considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.

Where there is no case to answer, but the Whistleblower held a genuine belief and acted in accordance with section 4 of this policy, the Trust will ensure that they suffer no reprisals or victimisation, as far as is reasonably practicable. Considerations will include the Trust's duty to provide a healthy and safe working environment for all.

Where it is established that false allegations have been made and the Whistleblower has not acted in accordance with section 4 of this policy, disciplinary actions may be taken against the Whistleblower.

Stage 6 – Confirmation of the Outcome

So far as legally possible and subject to rights of confidentiality, the Whistleblower will be informed of the outcome of the investigation and how the matter has been resolved. If he or she is dissatisfied with this response the Whistleblower may take the matter further with the prescribed persons or organisations where justified under this procedure.

7. Responsibility for implementing this Policy

The responsibility for ensuring that the Trust adheres to this Policy rests with all line managers.

8. How will the Policy be monitored?

The Trust has a responsibility for registering the nature of all concerns raised and to record the outcome. Any concerns raised will be reported to the Trust Board.

9. Review

This procedure will be kept under review and any amendments will be subject to consultation with staff representatives.

10. Equality Impact Assessment

This policy has been reviewed with the equality impact considerations as laid down in the trust's Equality Policy.