



# Whistleblowing Policy

## September 2018

Office use

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<b>Associated documents:</b>			
DALP Policies <ul style="list-style-type: none"> <li>▪ Grievance</li> <li>▪ Anti-Corruption and Bribery</li> <li>▪ Financial Regulations</li> <li>▪ Health and Safety</li> <li>▪ Safeguarding</li> </ul>			
<b>Links to:</b>			
<ul style="list-style-type: none"> <li>• The Public Interest Disclosure Act, which came into effect in 1998.</li> </ul>			

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## 1. Introduction

Diverse Academies Learning Partnership (DALP) is committed to the highest Standards of openness, probity and accountability.

- 1.1. An important aspect of accountability and transparency is a mechanism to enable staff members and other members of DALP to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).
- 1.2. The Public Interest Disclosure Act, which came into effect in 1998, gives legal protection to members of staff against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. DALP has endorsed the provisions set out below so as to ensure that no member of staff should feel at a disadvantage in raising legitimate concerns.
- 1.3. Staff members, casual workers, agency workers and contractors are protected from disciplinary or other action by the employer, specifically in relation to the act of whistleblowing, if they reasonably believe the disclosure is in the public interest. 'Whistle-blowers' will be supported and protected on the basis that the below procedure is followed.
- 1.4. DALP welcomes and encourage members of staff to raise concerns in relation to all issues; ordinarily issues should be raised directly with line managers or appropriate Senior leadership. If staff members are unsure about raising concerns initially with line management then these can be raised with your trade union representatives and/or the human resource department.
- 1.5. It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the 'Whistleblowing' procedures are in place, it is reasonable to expect staff members to use them rather than air their complaints outside of DALP and their respective academy.

## 2. Scope and Purpose of the Policy

This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- A breach, or potential breach, of health and safety legislation
- Financial irregularities
- Harassment of a colleague, customer or other individual
- Damage to the environment
- The committing of a criminal offence
- An act of bribery
- Deliberate concealment of any of the above

## 3. Safeguards

### 3.1 Protection

This policy is designed to offer protection to those members of staff who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### 3.2 Confidentiality

DALP will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### 3.3 Anonymous Allegations

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 DALP.

In exercising this discretion, 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

### 3.4 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by a subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly they persist with making them, disciplinary action may be taken against that individual.

**Allegations not deemed to be covered by the whistleblowing – linked to grievance but still within the commitment to transparency etc.**

## 4. Formal Procedure

Procedure – Action to be taken by the individual

- 4.1** If an individual knows or suspects that some wrongdoing is occurring within the organisation, he or she should raise the matter immediately with the relevant manager, as outlined below. If the individual is unsure who to raise the concern with then they should contact the HR department.

## 5. Stage 1

- 5.1 As the first step, you should raise the matter with an appropriate level of line management which would normally be your own line manager. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of wrongdoing. If you believe that your immediate manager(s) is involved, the Principal/Executive/Operational Lead should be approached. In the case of individuals working at a Primary academy then the issue should be raised immediately with the Principal/Executive Lead or Vice Principal.
- 5.2 If the complaint is such that you do not feel able to raise it with someone connected to the academy, then you would need to raise it with the Chief Executive Officer, Chief Operating Officer or Chair of the Board (DAT/NCEAT).
- 5.3 Concerns may be raised verbally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the whistle blowing policy and why you feel this is in the public interest.
- 5.4 You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.
- 5.5 If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.
- 5.6 If the allegation is made verbally, you can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.
- 5.7 If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.
- 5.8 If you have raised the issue verbally then you may be asked to put your concerns into writing at a later stage.
- 5.9 You will be told what steps the line manager intends to take to address the concern. They may be able to take the appropriate steps to investigate the matter raised. Alternatively, they may refer the matter to a member of the senior leadership team, the Chief Executive Officer, Chief Operating Officer or to the Chair of the Board (DAT/NCEAT).
- 5.10 Once the issue has been raised, you will be contacted by an appropriate manager, within an agreed timescale to attend a meeting to discuss the matter. Again, a friend or trade union/professional association representative may accompany you for the purposes of giving support.
- 5.11 Notes will be taken of the details of the concern and you will be asked to sign a copy of these notes.
- 5.12 When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.
- 5.13 The line manager/Chief Operating Officer/Chief Executive Officer will also notify the person who is the subject of the disclosure within five working days of the meeting. Upon receipt of the information, this individual will be able to appeal against any decisions by writing to the Chief Executive Officer, Chief Operating Officer or Chair of the Board (DAT/NCEAT).

## **6 Stage 2**

- 6.1** If you are dissatisfied with the academy's response, you can raise the matter within 10 working days of the date of the Trust's response by writing to the Chief Executive Officer, Chief Operating Officer or Chair of the Board (DAT/NCEAT). If the Chief Executive Officer responded in stage 1 then direct your concern to the Chief Operating Officer and/or Chair of the Board (DAT/NCEAT).
- 6.2** The Chief Executive Officer, Chief Operating Officer or Chair of the Board (DAT/NCEAT) will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend or representative of your trade union/professional association.
- 6.3** The Chief Executive Officer, Chief Operating Officer or Chair of the Board (DAT/NCEAT) may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.

## **7. Procedure – Action to be taken by the Manager**

- 7.1** Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the investigation lead will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.
- 7.2** There are, however, circumstances under which complete confidentiality may be difficult for the investigation lead to maintain. For example:
- If the matter leads to a legal procedure and evidence is required by the court.
  - If the issue raised comes within the remit of another procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.
- 7.3** Anonymous allegations will only be considered if the issues raised are:
- Very serious.
  - The credibility of the allegation is considered to be high.
  - The likelihood of confirming the allegation is high.

## **8. Procedure – Alerting outside bodies**

- 8.1** An individual should always, in this first instance, talk to a manager in the organisation about potential "wrongdoing", as outlined above. If the individual is not satisfied with the response given following "stage 2", they are entitled to contact a relevant external body to express the concerns.

In doing this the individual should;

- Have a reasonable belief that the allegation is based on correct facts
- Make the disclosure to a relevant body
- Have a reasonable belief it is in the public interest to make the disclosure
- A "relevant body" is likely to be a regulatory body (e.g. Health and Safety Executive, Financial Services Authority)

- 8.2** 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.

## **9. Protection against Detriment**

- 9.1** Any individual who takes action will be protected from suffering any detriment in relation to the allegations that are made, including victimisation and harassment by the organisation or by colleagues.
- 9.2** If the individual does not follow the procedure set out above, which encompasses the requirements in relation to “public interest”, the protection will not apply. The media is not a relevant external body; individuals should not contact the media with allegations about the organisation. Disclosing information in an inappropriate way could result in disciplinary action being taken against the individual, which could include dismissal.

## **10. Timescales**

- 10.1** Due to the varied nature of these sorts of complaints, 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.
- 10.2** The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant 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 should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- 10.3** All responses to the complainant should be in writing and sent to their home address.

## **11. Monitoring and review**

- 11.1** The Chief Executive Officer, Trustees and Chief Operating Officer will be responsible for monitoring the implementation and effectiveness of this policy.