

Whistleblowing Policy

Approved by Governor committee:
N/A

Date to be reviewed:
Autumn 2023

Responsibility of:
Director of Finance and Operations

Date ratified by Governing Board:
18th October 2022

1. Purpose

To set out the Governing Board's policy and procedure for dealing with concerns raised by staff except allegations of child abuse against teachers and other staff and volunteers which will be dealt with under the Code of Conduct and Disciplinary policy.

This policy applies to all employees of Chelsea Academy, governors, consultants, casual and agency staff and volunteers (collectively referred to as staff in this policy).

2. Background

As staff are often the first to realise that there may be something wrong within the Academy, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect staff, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Governing Board is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, staff and others with serious concerns about any aspect of the Academy's work are encouraged to come forward and voice those concerns. This policy document makes it clear that staff can do so without fear of reprisals; it is intended to encourage and enable staff to raise serious concerns within the Academy rather than overlooking a problem or alerting anyone external to the Academy. It is recognised that cases may have to proceed on a confidential basis.

This policy does not form part of any staff member's contract of employment or other contract to provide services and it may be amended at any time.

3. Aims and Scope of the Policy

This policy aims to:

- provide avenues for staff to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure staff that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
- allow staff to take the matter further if they are dissatisfied with the Governing Board's response.

This policy describes how any Academy staff member can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

4. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998 *
- Employment Rights Act 1996
- ESFA (2021) 'Academy trust handbook 2021'
- DfE (2022) 'Keeping children safe in education 2022'

- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'
- This policy operates in conjunction with the following school policies:
- Disciplinary Policy and Procedure
- Complaints Policy
- Data Protection Policy

* The Public Interest Disclosure Act - The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle" where an employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential. Any member of the school community or the general public is able to "blow the whistle"; however, the PIDA only protects employees.

A **whistleblower** is a person who raises a genuine concern relating to any of the matters below. If a staff member has any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) s/he should report it under this policy.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures including the Academy's Code of Conduct
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- examination fraud
- the deliberate concealment of any of the above matters.

Before initiating the procedure staff should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff;
- staff should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, staff must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All staff have the right to raise concerns, which could be about the actions of other staff, private contractors, governors, volunteers or the Local Authority.

Concerns raised by staff about their own conditions of service, should be addressed via the Academy's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the Academy's pay policy.

If a staff member is uncertain whether something is within the scope of this policy s/he should seek advice from a member of the Academy's Leadership Team.

5. Safeguards

Harassment or Victimisation

The Governing Board 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 Governing Board 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 staff member is already the subject of internal procedures, such as disciplinary or redundancy, that those procedures will be halted as a result of that a staff member raising a concern under the whistleblowing policy.

Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Governing Board will make every effort to protect a staff member's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the staff member may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Board to address the concern and in some circumstances, the Governing Board may have to disclose the identity of the staff member without their consent, although this will be discussed with the staff member first.

Anonymous Allegations

Staff are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Governing Board. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Data

As part of the application of this policy, the Academy may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Privacy Notice for Staff, the Information and Records Management Society (IRMS) Retention Guidelines for Academies and in line with the requirements of Data Protection Legislation.

Untrue Allegations

If a staff member makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that staff member. If, however, we conclude that a staff member has made malicious or vexatious allegations, or with a view to personal gain disciplinary action may be

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the staff member who raised the concern, who will be informed that the Governing Board deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Support for Staff

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the staff member(s) raising the concerns and the staff member(s) subject to investigation.

6. How to raise a Concern

As a first step, a staff member should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if a staff member believes that their immediate manager or their manager's superior is involved, s/he should approach the Principal or Chair of Governors. A staff member (including the Principal and members of the leadership team) can bypass the direct management line and the Governing Board if s/he feels the overall management and Governing Board of the Academy is engaged in an improper course of action. In this case please refer to section 8 below.

Concerns are better raised in writing. The staff member should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If a staff member does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the staff member makes it clear that s/he is raising the issue via the whistle-blowing procedure.

The earlier a staff member expresses the concern, the easier it is to take action.

Although a staff member is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances it may be appropriate for a staff member to ask the trade union to raise a matter on the staff member's behalf.

At each meeting under this policy the staff member may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

7. The Role of Senior Leaders

A senior leader may be informed by a staff member about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone.

The senior leader should respond immediately by arranging to meet with the staff member to discuss the concern(s) as soon as possible.

Stage One:

At the initial meeting the senior leader should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-blowing Policy, if appropriate.

The senior leader should ask the staff member to put their concern(s) in writing, if s/he has not already done so. If the staff member is unable to do this the senior leader will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The senior leader should make notes of the discussions with the staff member. The staff member's letter and/or senior leader's notes should make it clear that the staff member is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the staff member is particularly concerned about the situation.

The staff member should be asked to date and sign their letter and/or the notes of any discussion. The senior leader should positively encourage the staff member to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The senior leader should follow the policy as set out above and in particular explain to the staff member:

- what steps s/he intends to take to address the concern;
- how s/he will communicate with the staff member during and at the end of the process; and
- that a written response will be sent out within ten working days.
- that their identity will be protected as far as possible, but should the investigation into the concern require the staff member to be named as the source of the information, that this will be discussed with the staff member before their name is disclosed;
- that the complainant's identity will be kept confidential from the alleged wrongdoer;
- that the Governing Board will do all that it can to protect the staff member from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately; and
- that if the staff member's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

The senior leader should explain to the staff member, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Governing Board will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

Stage Two:

Following the initial meeting with the staff member, the senior leader should consult with the Principal or chair of governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

Senior leaders should have a working knowledge and understanding of other Academy policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by staff are addressed via the appropriate procedure/process. Advice is available from the Academy's personnel advisers.

Stage Three

Within ten working days of a concern being received, the manager receiving the concern must write to the staff member:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the staff member whether any initial enquiries have been made; and
- telling the staff member whether further investigations will take place, and if not why not; and/or
- letting the staff member know when s/he will receive further details if the situation is not yet resolved; and
- .

Should the staff member be dissatisfied with the way that their concern has been handled s/he can raise it with the Principal, Governing Body or the Academy's external auditors. See also section 11. Contact details are set out at the end of this policy.

8. Raising Concerns outside the Academy

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the staff member should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the staff member to report his/her concerns to an external Board such as a regulator. It will very rarely if ever be appropriate to alert the media. Staff are strongly encouraged to seek advice before reporting a concern to anyone external.

Protect (and independent whistleblowing charity) holds a list of prescribed regulators for reporting certain types of concern. Protect's contact details are set out at the end of this policy.

External bodies with whom a staff member may wish to raise a concern include:

- a recognised trade union;

- a senior LA officer ;
- the external LA Auditor;
- relevant professional bodies or regulatory organisations;
- a solicitor;
- If a member of staff feels they should report a concern to the ESFA, they should use the online contact form.
- If a member of staff feels like they are unable to raise a safeguarding-related concern with the Academy, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Staff members should be aware that if they choose to take a concern outside the Academy, it is the staff member's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

10. What the Academy asks of Whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- *Do not talk about the concern outside the Academy unless it is to report the concern through the proper external channels, e.g. the LA..*
- *Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.*

11. Appeal Process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Academy's Complaints Procedure policy.

12. Monitoring and Review

The Principal will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Governing Board as necessary.

Contact Details

Principal	Mrs Mariella Ardron mariella.ardron@chelsea-academy.org 0207 376 3019
Chair of Governors	

Chelsea Academy's external auditors: Buzzacott	Hugh Swainson swainsonh@buzzacott.co.uk 020 7556 1389
Protect	https://protect-advice.org.uk 020 3117 2520