



WHISTLEBLOWING POLICY (Public Interest Disclosure)

Policy Devised: March 2013
Adopted on: 12th September 2016
Review date: September 2017

PART A POLICY STATEMENT

1. Introduction

- 1.1 The Governing Body is committed to ensuring that the business of the Board and of the Academy is conducted openly and with accountability, and has a Whistle blowing Governor, currently Mary Anson. Contact details from Sadie Sutcliffe or on the website. Employees are encouraged to raise any concerns with Mary in the first instance. However, the NSPCC Whistleblowing Advice Line is available so you can talk anonymously on 0800 028 0285.
- 1.2 The Academy's policies and procedures set out good practice and guidance for staff in the day-to-day conduct of the Academy and to manage risk. The Academy expects that concerns, complaints and grievances will normally be addressed through these routes.
- 1.3 The Whistleblowing Policy is an essential part of the internal control mechanism and provides an additional safeguard against fraud, corruption or malpractice in the interests of good governance. The Academy takes malpractice seriously and staff are encouraged to make use of this procedure if they feel that it is appropriate to do so.

The Bribery Act 2010 defines bribery as giving or receiving a financial or other advantage in connection with the improper performance of a position of trust or a function that is expected to be performed impartially or in good faith. Fraud is committed when a person dishonestly makes a false representation to make a gain for oneself or another or dishonestly fails to disclose to another person, information which one is under a legal duty to disclose, or commits fraud by abuse of position (Fraud Act 2006).

2. Scope

- 2.1 The policy applies to all employees of the Academy, contractors, agency personnel and governors.

- 2.2 The policy conforms to guidance in the Public Interest Disclosure Act 1998 (PIDA) which is designed to protect employees who report wrongdoings in their organisation provided that they have an honest and reasonable suspicion that the allegation is true. PIDA has its origins in The European Convention on Human Rights which was incorporated into UK law by the Human Rights Act 1998. The PIDA came into force on 2 July 1999 and offers a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing.
- 2.3 The procedure set out in Part B provides guidance for employees who wish to raise concerns about malpractice confidentially and outside the line management structure with protection against victimisation or discrimination.
3. Policy
- 3.1 Concerns should be raised at the earliest opportunity internally in the first instance and further steps taken only when these have not been properly addressed.
- 3.2 Malpractice which might be disclosed through the Whistleblowing procedure includes improper conduct likely to prejudice the good standing of the Academy. Examples are breaches of internal procedures, criminal offences or breaches of civil law, endangering the health and safety of any person, misuse of public money, environmental damage or deliberate concealment of any malpractice.
- 3.3 Confidentiality will be maintained so far as is reasonably possible but there might be circumstances where the identity of a whistleblower would be revealed in order to receive the protection of the PIDA.
- 3.4 Accusations made anonymously are difficult to follow up and substantiate. The Public Interest Disclosure Act 1998 offers protection but employees should understand that to deal properly with whistleblowing, it is unlikely that anonymity can be retained. False allegations made maliciously will be treated as a disciplinary matter. We will give anonymous accusations an appropriate investigation.
- 3.5 Disclosure outside the organisation to an independent body is the final resort but only if the whistleblower honestly and reasonably believes that the allegations are substantially true AND there is good cause and justification for not pursuing matters internally.

PART B WHISTLEBLOWING PROCEDURE

1. Principles of investigation
- 1.1 Every effort will be made during an investigation of a whistleblowing disclosure to protect the individual(s) concerned, to maintain accurate and confidential records and to avoid alerting others who may be involved that a concern has been raised.

2. Written statement

- 2.1 Concerns should be put in writing and addressed to the Whistleblowing Governor, Mary Anson (via Sadie Sutcliffe)..
- 2.2 The written statement from the employee should include a brief summary of the issue causing concern, the steps already taken and any supporting evidence.

3. First stage of investigation

3.1 Fact finding

The Whistleblowing Governor will ask the Principal to appoint an independent senior manager to support the disclosure. If the Whistleblowing Governor, in consultation with HR, deems it necessary to appoint an external professional should the situation and disclosure dictate that requirement, the appointed manager will:

1. clarify any details and establish if internal procedures have been exhausted
2. ensure that the employee is aware of the protection offered by the PIDA and has the contact details for the independent charity Public Concern at Work
3. inform the Chair of Governors, and Principal that the concern has been raised, except when any concern is raised about the Chair of Governors or Principal, in which case they would be informed at an appropriate time in the investigation that the concern had been raised and not at the outset, in line with the principles of investigation.
4. obtain legal or other advice if necessary.

2.2 Resolution

The appointed manager will try to resolve issues to the satisfaction of the employee who will be advised in writing of the outcome of initial enquiries and the next step if the employee feels that the matter has not been dealt with adequately. In the case of serious matters, the Principal / Vice Principal will be involved at the initial stage and will make a decision about the best way to progress. The senior manager will remain in contact with the Whistleblowing Governor throughout this process.

3. Second stage

- 3.1 If the matter cannot be resolved satisfactorily at the initial stage, then the employee should inform the Principal in writing, in response to the written outcome of the first stage, of the reasons that they wish the matter to be pursued further. The senior manager will remain in contact with the Whistleblowing Governor throughout this process.
- 3.2 The Principal may involve members of the senior management team and Governors in investigation at the second stage.
- 3.3 An interview may be arranged to establish facts in which case the person conducting the interview (senior manager) should be accompanied by another senior manager. The employee would also be

entitled to be accompanied by a colleague or trade union representative. A record of the interview will be made.

- 3.4 The Principal and Vice Principal will consider what action should result, in consultation with the whistleblowing governor
- 3.5 The possible outcomes include the following:
 - no further action
 - disciplinary action within the Academy's Disciplinary Procedure or any other Academy procedure which is applicable to the circumstances
 - referral to a regulatory body, other authority or the police.
- 3.6 The employee will be advised in writing of the outcome of the investigation.
- 3.7 A report will be made to the Governing Body on the steps that have been taken and the outcome of the investigation.

4. Third stage

If the employee is still not satisfied that their concern has been adequately addressed, they may raise it with an independent body such as the Academy's internal auditors or one of the organisations listed in section 8.

5. Unfair treatment

The Academy will not tolerate the harassment of an employee who raises a concern through the Whistleblowing procedure. An employee who feels that they been victimised or disadvantaged after making a disclosure in accordance with the Public Interest Disclosure Act 1998 is entitled to make a claim to an Employment Tribunal.

6. Records

The HR Advisor will maintain records of all concerns raised, the conduct of investigations and their outcome.

7. Contact details

HR Advisor

steve@neopeople.net
07767 870438

The HR Advisor can be contacted by telephone for general advice and will provide further

information on the Public Interest Disclosure Act 1998 if requested but will only take action on concerns received in writing.

8. Independent bodies

Public Concern at Work is an independent charity which provides free, confidential advice on whistleblowing. It can be contacted on 020 7404 6609 or www.pcaw.co.uk.

Internal auditors

The Academy's internal auditors are Bishop Fleming Chartered Accounts Newham Road Truro 01872 275651

Skills Funding Agency

Department for Business Innovation and Skills, Castle View house, East Lane, Runcorn WA7 2GJ 0207 2155 5000

Police

Devon and Cornwall Police Headquarters, Middlemoor, Exeter EX2 7HQ 08452 777444 www.askthe.police.uk

Please feel free to contact your Trade union representative