

# Whistle-Blowing Policy

## The Bishop of Winchester Academy



Sapere Aude

Approved by:	Full Governing Body	Date: 5 <sup>th</sup> July 2022
Last reviewed on:	June 22	
Next review due by:	June 23	

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## 1. Sponsors' Statement

- 1.1 All The Bishop of Winchester Academy policies exist to support the Sponsors' vision, Christian ethos and values that are embedded in the day-to-day and long term running of the Academy. Each policy evidences the commitment of the Sponsors to the principles and values of honesty, respect, hospitality, compassion, love, forgiveness, self-discipline, creativity and hope. This policy contributes to the development of young people and the community through all Academy activities.

## 2. Introduction

- 2.1 There is a balance to be struck between the right of the individual member of staff to speak freely on a range of matters and the right of The Bishop of Winchester Academy or colleagues to protect themselves against false and malicious accusations.
- 2.2 This whistle blowing procedure is concerned with how malpractice may be raised properly within The Bishop of Winchester Academy, and if necessary, outside the Academy.
- 2.3 This policy has been implemented following consultation with the recognised trade unions. It has been formally adopted by the governing body.
- 2.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## 3. Who does this policy apply to?

- 3.1 This policy applies to all staff at The Bishop of Winchester Academy, including governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

## 4. Who is responsible for carrying out this policy?

- 4.1 The implementation of this policy will be monitored by the Governing Body of The Bishop of Winchester Academy and remain under constant review by a designated member of the Academy Leadership Team.

## 5. What are the principles behind this policy?

The aims of this policy are:

- 5.1 To provide staff with guidance on how to raise concerns.
- 5.2 To create an ethical, open culture:  
Write, publish and communicate a code of conduct and ethics.
- 5.3 To Establish safe routes for communications of concerns:  
Appoint individuals or a group outside the normal line management to receive complaints of irregularities or other concerns. To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- 5.4 To protect the whistle blower:  
Make it clear that the Academy will support and not discriminate against concerned employees provided any claim is made in good faith.

- 5.5 To establish a fair and impartial investigative procedure:  
Make sure that the Academy responds to the concern by focusing on the problem, rather than denigrating the messenger.
- 5.5 Remind staff of the duty of confidentiality:  
The duty of fidelity is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Academy fails to properly consider or deal with the issue.
- 5.6 Safeguard against abuse of the procedure:  
Ensure that the malicious raising of unfounded allegations is recognised as a disciplinary offence.
- 5.7 Uphold the right to disclose a concern:  
The individual member of staff has the right to disclose a concern/issue if the Academy does not deal with the matter.
- 5.8 Involve governors and staff in developing the procedure:  
To be effective there should be a sense of organisational ownership of a whistle blowing procedure.
- 5.9 Review:  
Ensure there is a review mechanism using the comments and experience of those who may have had reason to invoke the whistle blowing procedure.

## 6. What is Whistleblowing?

### *Definition*

- 6.1 Whistle blowing inside the work place is the reporting by workers or ex-workers, of wrong doing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees. Workers may include, for example, contractors and agency workers.

### *Legislation*

- 6.2 The Public Interest Disclosure Act 1998 is designed to protect 'whistle blowers' from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers.
- 6.3 Students may also have information which should be raised in the public interest and there should be proper procedures in place for them to air their concerns; e.g. a students' complaints procedure.
- 6.4 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Anti-harassment and Bullying Policy.

- 6.4 If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the academy's leadership team.
- 3.5 If your concern is in relation to safeguarding and the welfare of students at the academy, you should consider whether the matter is better raised under the academy's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the is policy may still apply.

## 7. Procedure

- 7.1 All parties need to agree that the issue raised will be kept confidential while the procedure is being used.
- 7.2 The Representor (the person raising the concern) should:
- 7.2.1 Raise their concern with their line manager or the Principal. This may be done orally or in writing. The Representor has the right to have the matter treated confidentially.
  - 7.2.2 If the line manager believes the concern to be genuine and that it is appropriate to use the Whistle Blowing procedure, the manager should contact the Clerk to the Governing Body (the Assessor).
  - 7.2.3 Should it be alleged that the Clerk to the Governing Body is involved in the alleged malpractice, a senior manager should be contacted to act as Assessor.
  - 7.2.4 If the Representor feels unable to raise their concern with their line manager or the Principal in the first instance, they may contact the Assessor direct. If this occurs the Representor will be asked to justify why they feel unable to raise the concern with their line manager or the Principal.
- 7.3 The Assessor should:
- 7.3.1 interview the Representor within seven working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury;
  - 7.3.2 obtain as much information as possible from the Representor about the grounds for the belief of malpractice;
  - 7.3.3 consult with the Representor about further steps which could be taken;
  - 7.3.4 advise the Representor of the appropriate route if the matter does not fall under the Academy's Whistle blowing Procedure;
  - 7.3.5 report all matters raised under this procedure to the Governing Body's Responsible Officer.
- 7.4 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy staff to take notes.
- 7.5 Within ten working days of the interview, the Assessor will recommend to the Principal one or more of the following:
- 7.5.1 the matter be investigated internally by the Academy;
  - 7.5.2 the matter be investigated by the external auditors appointed by the Academy;
  - 7.5.3 the matter be reported to the Department for Children, Schools and Families (DCSF);
  - 7.5.4 the matter be reported to the Police;
  - 7.5.6 the route for the member of staff to pursue the matter if it does not fall within this procedure; or
  - 7.5.7 that no further action is taken by the Academy.

- 7.6 The grounds on which no further action is taken include:
- 7.7 the Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- 7.8 the Assessor is satisfied that the Representor is not acting in good faith;
- 7.9 the matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
- 7.10 the matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education and Skills or other public authority.
- 7.11 Should it be alleged that the Principal is involved in the alleged malpractice, the Assessor's recommendation will be made to the Responsible Officer of the Governing Body.
- 7.12 The recipient of the recommendation (Principal or Responsible Officer) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.
- 7.13 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
- 7.13.1 where the Assessor is under a legal obligation to do so;
  - 7.13.2 where the information is already in the public domain;
  - 7.13.3 on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice
  - 7.13.4 where it is essential that the Representor provides evidence at a disciplinary hearing or other proceedings.
- 7.14 The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty eight days.
- 7.15 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 7.16 If the Representor has not had a response within the above time limits, they may appeal to the Academy's external auditors, but will inform the Assessor before doing so.
- 7.17 The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.
- 7.18 The Academy will ensure the Representor is protected from any form of victimisation or discrimination.

## **8. Malicious Accusations**

- 7.1 Deliberately false or malicious accusations made by a Representor will be dealt with under the Academy's disciplinary procedure.

## 9. Confidentiality and Data Protection

- 9.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 9.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.
- 9.3 Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:
- 9.3.1 the seriousness of the issue raised
  - 9.3.2 the credibility of the concern; and
  - 9.3.3 the likelihood of confirming the allegation from other sources
- 9.4 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 (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with the requirements of Data Protection Legislation.

## 10 . External Sources

- 10.1 Whistle blowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representor is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues or possible discrimination. The external sources which could be used are:
- 10.1.1 Department for Children, Schools and Families
  - 10.1.2 Member of Parliament
  - 10.1.3 National Audit Office
  - 10.1.5 Health and Safety Executive
  - 10.1.6 Police
- 10.2 The Academy will ensure the Representor is protected from any form of victimisation or discrimination.

## 11. Protection and Support for Whistleblowers

- 11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 11.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Principal immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

- 11.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 11.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are available at <https://www.educationsupportpartnership.org.uk/helping-you/telephone-support-counselling>

## **12. Policy review**

- 12.1 This policy will be reviewed annually by the Academy Leadership team as part of the Academy annual review process.
- 12.2 This policy will be reviewed and submitted to the Governing Body for review every 3 years. This will allow Governors to assess its implementation and effectiveness.
- 12.3 This policy will be actively promoted and implemented throughout the Academy.