



Cheshire Academies Trust  
*Collaboration and Creativity*

# WHISTLEBLOWING POLICY

Next review date: Spring 2021

## **Reviewing**

The purpose of this policy is to make clear that employees can and should voice concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended that this policy will encourage and enable employees to raise serious concerns within their Academy and Cheshire Academies Trust rather than overlooking a problem or 'whistleblowing' outside the organisation.

These procedures are intended to supplement, rather than replace, existing CAT policies and procedures such as Managing Allegations Against Adults procedures, Employee Grievance policy and Equality and Diversity policy whereby employees may already raise complaints or matters of genuine concern within their Academy and Cheshire Academies Trust.

## **Applicability**

This policy applies to all employees within CAT whether on a permanent or fixed term contact or working on a voluntary basis. It also applies to contractors working for CAT or an Academy, governors and Trustees.

## **Roles and Responsibilities**

CAT along with the Local Governing Body and management of the Academy has overall responsibility for ensuring that the Whistleblowing Policy is managed appropriately in accordance with this agreed procedure.

The Principal along with senior leaders are responsible for making employees aware of the existence of this policy. The Principal is responsible for maintaining a record of concerns raised and outcomes (but in a form which does not endanger confidentiality) and will report to the Local Governing Body and CAT Board as necessary.

Employees are responsible for making themselves familiar with and complying with this policy.

## **Policy**

Employees could be the first to realise that there may be something seriously wrong within an individual Academy or CAT. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. They may also fear harassment or victimisation. In these circumstances the employee may feel it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

CAT is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of CAT's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy aims to encourage employees to feel confident about raising serious concerns and to question and act upon concerns about practice and to provide avenues for employees to raise those concerns and receive feedback on any action taken. The policy also aims to reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief and have made any disclosure in good faith.

A Grievance Procedure exists to enable an employee to lodge a grievance relating to his/her own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. This includes:

- conduct which is an offence or breach of the law
- disclosures related to miscarriages of justice
- serious health and safety risks, including risks to the public as well as other employees

- serious damage to the environment
- the unauthorised use of public funds
- unethical conduct
- actions that negatively affect the welfare of children e.g. sexual, physical or emotional abuse
- any attempt to prevent disclosure of any of the issues listed.

Any serious concerns that an employee may have about any aspect of conduct by employees of the Academy or others acting on behalf of the Academy may be reported under this policy. This policy does not replace CAT's complaints procedure.

### **Safeguards against Harassment or Victimisation**

CAT recognises that the decision to report a concern can be a difficult one to make. If what the employee is saying is true, or they have a reasonable believe that it is true, the employee will have nothing to fear because they will be doing their duty to the Academy and pupils of the Academy.

CAT will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect employees when concerns are raised in good faith.

Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect an employee.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of an employee who raises allegations under this policy. At the appropriate time, however, the employee may need to come forward as a witness.

Employees are encouraged to put their name to allegations wherever possible. This is because concerns expressed anonymously are much more difficult to investigate. Therefore anonymous allegations will be considered at the discretion of the Head of School in consultation with the Chair of the Local Governing Body.

### **Untrue Allegations**

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If however, the employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against the employee.

### **How to raise a concern**

In most circumstances the employee should raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if the employee believes that senior leaders are involved, the employee should approach the Head of School, Chair of the Local Governing Body or the CAT Director of Operations.

Concerns may be raised verbally or in writing. **If you write, mark the envelope 'personal, private and confidential' and, if the concern is of a serious nature, hand deliver the envelope to the person you wish to report the matter to.**

It is helpful for the following information to be provided: the background and history of the concern (giving relevant names and dates) and the reason why the employee is particularly concerned about the situation. The earlier the employee expresses the concerns, the easier it will be to take action. Although the employee is not expected to prove beyond reasonable doubt the truth of an allegation, the employee should demonstrate to the person contacted that there are reasonable grounds for the concern.

The employee may wish to consider discussing the concern with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who have the same experience or concerns.

### **How the Trust/Academy will respond**

The Academy may need to test out the concerns. Where appropriate the concerns may be investigated by management, this could be through the disciplinary process where relevant; or form the subject of an independent inquiry. In order to protect individuals and those accused of malpractice, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation.

Within 10 working days of a concern being raised the Head of School or Chair of the Local Governing Body will write to the employee:

- acknowledging that a concern has been raised
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling the employee whether any initial enquiries have been made
- telling the employee whether further investigations will take place and if not, why not.

The amount of contact between the individual considering the issue and the employee who raised the issue will depend on the nature of the matters raised; the potential difficulties involved and the clarity of information provided. If necessary the Academy will seek further information from the employee.

The Academy accepts that the employee will need to be assured that the matter has been properly addressed and therefore the Academy will inform the employee of the steps that have been taken to resolve the matter as appropriate. Where the employee has raised concerns in writing, then the Academy should confirm their course of action in writing also.

### **Safeguarding**

All staff within Cheshire Academies Trust are aware that they have a duty to report any concerns they have about the conduct of another member of staff, volunteer, Governor or Trustee to the Principal. If the concerns are about the Principal the matter is reported to the Chair of Governors.

When an allegation has been made against a member of staff the Principal (or Chair of Governors if the concerns are about the Principal) will consider whether the allegation suggests that the individual has:

- behaved in a way that has harmed, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved in a way that indicates that s/he is unsuitable to work with children

The Principal (or Chair of Governors) will refer to the CAT **Managing Allegations Against Adults** statement to ensure all allegations are investigated fully and in line with agreed procedures.

### **How the matter can be taken further**

The aim of this policy is that employees should be able to raise concerns internally and it is hoped that the employee will be satisfied with any action taken. If this is not the case then they may raise their concerns to the CAT Board of Trustees. If the employee wishes to take the matter outside of the organisation then the following are possible contact points:

- public concern at work
- Audit Commission
- a relevant trade union
- Citizens Advice Bureau
- relevant professional bodies
- regulatory organisations
- local police
- Secretary of State

If the employee chooses to take the matter outside of the Academy and wider Trust then the employee should ensure that they do not disclose confidential information. An employee should not take concerns directly to the media.

## **Appendix 1**

### **Don't think what if I'm wrong – think what if I'm right**

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.