

ALBANY LEARNING TRUST

WHISTLEBLOWING POLICY

DATE OF LATEST UPDATE:	November 2021
REVIEW DATE:	November 2024
POLICY APPROVED BY GOVERNORS ON:	TBC
POLICY AVAILABLE FOR STAFF AT:	Staff Handbook
POLICY AVAILABLE FOR PARENTS AT:	NA

~Everyone sets themselves the highest expectations and maintains a *hunger for improvement*. ~

PURPOSE

1.1 We are committed to conducting our work with honesty, transparency and integrity, and we expect all staff to maintain high standards. This is in line with the Nolan principles, especially those of integrity and accountability.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them if they do occur.

1.2 The aims of this policy are:

- 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;
- to provide staff with guidance as to how to raise those concerns; and
- to reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

1.3 This policy has been formally adopted by the Trust Board.

- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

WHO IS COVERED BY THIS POLICY?

This policy applies to all individuals working at all levels of the Academy Trust, including governors, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as **staff** in this policy).

WHAT IS WHISTLEBLOWING?

- 1.5 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are 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;
- conduct likely to damage our reputation or financial wellbeing;
- unauthorised disclosure of confidential information;
- unethical behavior; and
- the deliberate concealment of any of the above matters.

- 1.6 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

- 1.7 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 Grievance Procedure.

- 1.8 If you are uncertain whether something is within the scope of this policy you should seek advice from the Headteacher.

SAFEGUARDING

- 1.9 **Concerns about the harm or risk of harm to children may be better dealt with under the appendix of allegations of abuse within our child protection policy** although the principles set out in this policy may still apply.
- 1.10 In any event, if a member of staff suspects that there is a serious safeguarding issue that they feel that the DSL or Headteacher is not taking seriously they should in the first instance contact the Safeguarding Trustee.

RAISING A WHISTLEBLOWING CONCERN

- 1.11 As a first step you will be able to raise any concerns with the Headteacher. You should tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.
- 1.12 If the matter relates to the Headteacher you should contact the Chief Executive Officer.
- 1.13 If the matter relates to the Chief Executive Officer you should contact the Chair of Trustees.
- 1.14 We will arrange a meeting with you as soon as possible to discuss your concern, usually within 10 working days. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 1.15 We will take down a written summary of your concern (appendix 2) and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

A concern should include:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation;
- the name(s) of any colleagues/ employees who you consider are directly involved; and
- the name(s) of any colleagues/ employees who you believe may be able to help provide further information.

- 1.16 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

CONFIDENTIALITY

- 1.17 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.

1.18 By having various options in terms of who to disclose and the resulting protection, we hope that you feel comfortable about keeping your concerns confidential.

1.19 We would not usually consider disclosures made 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. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Headteacher (or [Chair of Governors](#)) and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline.

1.20 Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:

the seriousness of the issue raised

the credibility of the concern; and

the likelihood of confirming the allegation from other sources

1.21 As part of the application of this policy, the Academy Trust 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) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) 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) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Workforce Privacy Notice, our Data Protection Information Management and Retention Policy and in line with the requirements of Data Protection Legislation.

EXTERNAL DISCLOSURES

1.22 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

1.23 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern.

1.24 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first.

INVESTIGATION AND OUTCOME

1.25 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

1.26 In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

1.27 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the academy leadership will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

1.28 Where appropriate, the matters raised may:-

- be investigated by the academy internally, or through the disciplinary process;
- be referred to the external auditor;
- referral to the police;
- form the subject of an independent inquiry.

1.29 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

1.30 If an individual misuses the policy and procedure e.g. by making false, malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the Disciplinary Procedure.

IF YOU ARE NOT SATISFIED

1.31 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

1.32 If you are not happy with the way in which your concern has been handled, you can

raise it with the Chair of Governors, via the academy main office.

PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

1.33 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

1.34 Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. 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 Headteacher immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

1.35 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

1.36 A confidential support hotline is available to Whistleblowers through the Trusts Employee Assistance Programme.

EXTERNAL ADVICE

Chief Executive Officer	Mr Peter Mayland
Head Teacher - Albany Academy	01257 244020 head@albanyacademy.co.uk
Head Teacher - Chorley New Road Primary Academy	Miss Linda Burrows 01204 337046 burrowsl@cnr.bolton.sch.uk
Chair of Trustees and Safeguarding Trustee	Mrs Helen Brown chair@albanylearningtrust.com
Health Assured Employee Assistance Programme	0800 028 0199
Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 Website: www.protect-advice.org.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk

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.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach the Headteacher.
- If your concern is about your Headteacher, or you feel you need to take it to someone outside the academy, contact the Chair of Governors, via the academy main office.
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, or your professional trade union.

1 Steps in making a disclosure

