



Whistleblowing Policy

July 2014

GOVERNORS' WHISTLEBLOWING POLICY

Existing good practice within the academy in terms of its systems of internal control, both financial and non-financial and the external regulatory environment in which the academy operates will ensure that cases of malpractice rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally, and if necessary outside the management structure of the academy. This document is a public commitment that concerns are taken seriously and will be acted upon.

Governors' Statement

The Robus Trust Board and Governors of all school's (Kingston Primary School, Montgomerie Primary School, Thundersley Primary School and Woodham Ley Primary School) are committed to tackling all forms of malpractice, fraud etc. and treat these issues seriously. They recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the academy environment but also has recourse to an external party outside the management structure of the academy.

The Governors are committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved. The provisions of the policy apply to matters of suspected malpractice and fraud and not matters of more general grievance which would be dealt with under the academy's grievance procedures.

Background and Context

This policy on 'whistleblowing' has the following background and context:

- a. Any version of the Code of Conduct Policy adopted by the Governing Bodies will form part of the Conditions of Employment. The code currently states:

"There is an expectation that all employees will provide the highest possible standard of service and care to all those in the school community through the performance of their duties.

All employees will be expected to bring to the attention of their Line Manager, any deficiency in the provision of service or care. Employees must report to the appropriate Manager/Governing Body any impropriety or breach of policy."

- b. The legal background relating to "whistleblowing" is covered by the Public Interest Disclosure Act 1998 which affords protection against dismissal penalty where an employee discloses in good faith, with reasonable grounds for belief in the disclosure, certain information relating to the following examples:-

Malpractice	Fraud
Failure to comply with legal obligations	Manipulation of accounting records / finances
Child protection issues	Inappropriate use of academy assets / funds
Miscarriages of justice	Decision making for personal gain
Criminal offences	Abuse of position to influence decisions
Danger to Health & Safety	Fraud and deceit

Damage to the environment	
Concealment of evidence relating to the above	

c. This policy sets out the agreed procedures that should be followed where employees have concerns about what they regard as such impropriety or neglect of duty. Such breaches of acceptable standards may be in relation to ethical or professional standards, as well as the academy's expectations on money, gifts, hospitality, health and safety and welfare, equal opportunities, relationships and outside interests. The Code of Conduct gives greater details.

d. These procedures should be used where concern is about the consequences for other employees or the public. If the concern is about the individual being disadvantaged, by the action or failure to take action, then that should be pursued through the Trust's Grievance Procedure.

What Should an Individual Do if "Whistleblowing"?

Judgement will need to be exercised here if the inaction or lapse of standards seems to be minor, then it may well be sufficient just to bring the matter to the attention of the employee who appears to be at fault.

If the matter is more significant, particularly if it involves breaches of the Trust's Code of Conduct or where a previous informal response has been apparently disregarded, then the matter should be raised formally with the line manager and as a matter of urgency if it appears serious. If given verbally, confirmation of the complaint should be made in writing as soon as possible.

Where the complaint concerns the line manager, or having made the report it is believed that appropriate action has not been taken then the complaint should be brought to the attention of a more senior manager.

If it is believed that fraud, theft or other potential gross misconduct is involved; the matter should be raised quickly as mentioned above. It must not be mentioned to the subject of the complaint or other colleagues as this could prejudice subsequent investigation.

The Trust must notify the Secretary of State via the Education Funding Agency of any instances of fraud or theft where the value exceeds the sum set out in the funding agreement.

Where there are genuine and justified suspicions of wrong doing, even though at the time of "whistleblowing" there is no concrete evidence of serious wrong doing, this should not deter anyone from going ahead and reporting the matter, particularly where it may involve potential risk to vulnerable people.

The individual Governing Bodies encourage the "whistleblower" to raise the matter internally in the first instance to allow those academy staff and governors in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

The Local Governing Bodies has designated a number of individuals to specifically deal with whistleblowing and if the "whistleblower" feels that appropriate action has not been undertaken after following the actions in paragraphs (b) and (c) above then the matter should be referred to one of the individuals shown below:-

Headteacher
Chair of Governors
Responsible Officer

Trust Board

The “whistleblower” may prefer to raise the matter in person, by telephone or in written form marked “private and confidential” and addressed to one of the above named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible. Alternatively if the “whistleblower” considers the matter too serious or sensitive to raise within the internal environment of the academy, the matter should be directed to the Education Funding Agency.

In addition, information and advice can be obtained from the charity – ‘Public Concern at Work’. This charity offers free legal advice in certain circumstances about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work
Suite 306
16 Baldwin Gardens
LONDON
EC1N 7RJ

Telephone number – 0207 404 6609

What Should a Line Manager Do When a Complaint is Received?

It is essential that problems raised are tackled effectively and quickly and with the aim of righting wrongs, this may well be best achieved in many less serious cases by discussion with the “offending” employee and securing a commitment as to future standards and corrective action. In other more serious cases, the matter may well have to be referred to a senior manager. It may be necessary to instigate disciplinary proceedings.

Complaints received from outside of the academy environment must be dealt with by following the procedures as outlined in the academy’s own Code of Conduct / Customer Care Code of Practice.

Any written complaint / allegation should be given a written acknowledgement and confirmation that the matter will be looked into. Unless clearly made in a very low key way about minor matters, verbal complaints/allegations should receive a written acknowledgement in the same way.

In the event of the allegation being of a serious nature e.g. relating to a fraud or other gross misconduct offence, there may well be a need to involve other organisations immediately. This should normally be agreed initially by the local Chair of Governors and / or the Headteacher who, in turn, should keep the School Business Manager informed. Further referrals will then be made to Trust Board where appropriate.

When any complaint or allegation has been looked into and resolved or dealt with, the person who raised the matter in the first instance should be notified – normally in writing unless common-sense indicates that it can be done more appropriately verbally. How much detail to provide in such cases is a matter of judgement.

Protecting “Whistleblowers” and Complainants

“Whistleblowers” have an expectation that their identity can be kept concealed. In the majority of cases this may be possible, but in more serious cases where disciplinary action may have to be taken against an individual, it may well be judged that they have a right to know the source as well as the nature of such complaints. In any case the Trust is committed to doing as much as possible to ensure that the wellbeing of the “whistleblower” at work does not suffer as a result of the tensions that may result from the making of or investigation of complaints.

Individuals are encouraged to bring to the attention of their managers any harassment or victimisation they may suffer as a result of whistleblowing. All necessary action will be taken to ensure that such harassment or victimisation is stopped.

It may be that “whistleblowers” will find the process of reporting wrong-doing and making statements etc. stressful, particularly where there may be feelings of divided loyalties. In such cases the opportunity should be given for the “whistleblower” to talk through these anxieties and feelings, either with their manager or possibly, someone from an external counselling service. The Trust encourages this action.

Individuals Receiving a Complaint about Themselves

If the complaint or allegation is at all significant or made in a formal way, particularly by a member of the public or other external users, then the line manager, or Chair of Governors locally in the case of a Headteacher, should be informed even if it is believed that the complaint is groundless or unjustified.

Where a complaint or “grumble” clearly does not justify the issue being pursued in this way, then a brief file note or diary entry will often be appropriate and in the best interests of the individual.

A Sense of Perspective

As stated in the Code of Conduct, all staff have an obligation under the code to raise concerns where it is seen that proper standards have clearly been breached or ignored. Nevertheless it is important that where deficiencies in service provision standards are involved rather than in areas of malpractice, staff should satisfy themselves that the failing is serious and that the potential disadvantage to the academy or public is significant. Any unnecessary over-zealous reporting might be inappropriate and counter-productive. However, Governors re-iterate that individual staff members are encouraged to raise genuine concerns with the knowledge that they will be taken seriously.

Malicious Accusations

If on investigation, it is considered that an individual has made malicious allegations without any real substance, then these too will be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.