



# SHARING PROFESSIONAL CONCERNS POLICY

Reference this policy is aligned to with LCC	<b>WhistleblowingV2017 – MA2</b>
Agreed with Support Staff Trade Unions	<b>June 2017</b>
Adopted by the Governing Body	<b>Sep 20</b>
Next Review Due	<b>Sep 21</b>
Agreed with Teacher Trade Unions and Professional Associations	<b>June 2017</b>

This policy applies to all employees, including Principals, Teachers and all Support Staff regardless of whether they are permanent, fixed term, casual or agency or volunteers.

## Scope

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The Academy is committed to the highest standards of openness, honesty and accountability. It is very important that all employees feel they are able to talk about any concerns they may have and where they have reasonable cause to believe there has been a detrimental effect on education provided to students and the working environment for staff.

This policy encourages and enables employees to raise promptly (disclose) any serious concerns they may have about the activities of employees, Governors, or external organisations in relation to their dealings with the Academy, without worrying about doing so.

This policy:

- Enables employees to raise any concerns they may have and to receive feedback about the outcome of any resulting investigation. It is important to note that the employee will not receive information regarding the detail of the investigation or any actions taken;
- Allows employees to understand how and where to escalate their concerns if, following the completion of any internal processes, their concerns remain.
- Protects employees from reprisals or victimisation for 'whistleblowing' or 'sharing professional concerns' in good faith.

This policy is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's grievance procedure.

## Purpose

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Where an employee has a concern it may be about something that is either already happening, has taken place, or is likely to happen in the future and is:

- A criminal offence or is potentially unlawful;
- A miscarriage of justice,
- Regarding the application of the Academy's policies or operating procedures;
- An act of fraud or corruption;
- Seems likely to cause damage or harm to a member of the public, the Academy, employees or the pupils;
- an act creating a risk to health and safety,
- an act causing damage to the environment,
- Is a breach of any other legal obligation
- **Or**
- Is a deliberate attempt by an individual or group of people to conceal any of the above.

Where a concern is raised in good faith and falls into one (or more) of the above categories, the employee will be afforded protection under the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career.

A full list of disclosures qualifying for protection can be found in the Public Interest Disclosure Act 1998.

## Confidentiality

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The identity of employees who raise concerns will be protected as far as practicable. However, the investigation may, out of necessity, reveal the source of the information, and statements made by the employee(s) who raised the issue may comprise part of any formal process, for example if a formal process / hearing is required.

Employees are encouraged to put their name to any allegations made. Concerns expressed anonymously will be considered at the discretion of the Academy, taking into account:

- The seriousness of the issues raised;
- The credibility of the concern;
- The likelihood of the allegation being substantiated; and
- Whether it is considered that the allegations are untrue / false.

If an allegation is made in good faith, but is not upheld following a thorough investigation, no action will be taken against the employee who raised the concern. However, employees who make malicious or vexatious allegations may be subject to disciplinary action.

## Raising A Concern

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### Who can raise a concern?

Any individual who currently works for or who has previously worked for the Academy may raise a concern. In addition, a concern may also be raised by an individual who works for an organisation that provides a service to the Academy such as Agency workers, volunteers and Governors.

### How to raise a concern:

Concerns can be raised orally or in writing as specified below. It is important that the employee provides as much detail as possible (including specific names, dates and places where known).

### Who to raise your concern with:

Employees should normally raise concerns with their Line Manager in the first instance. However, this will depend on the nature of the concern, the seriousness and sensitivity of the issue, and who is allegedly involved.

Employees who feel unable to approach their Line Manager may contact the Principal. Where the concerns being raised relate to the Principal, employees may contact a member of the Governing Body. Trade Union members may wish to contact their union representative for assistance or advice on raising an issue.

Where an employee is concerned that the Governing Body is acting or proposing to act unreasonably or has failed to discharge its duties, this can be raised with the Secretary of State for Education.

Alternatively, where concerns are of a serious nature and criminal activity is suspected, employees have the right to raise issues directly with the Police or other relevant agency as they see fit.

Employees who raise an issue in good faith under this policy are protected by the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain. The Academy does not tolerate any form of harassment or victimisation against an individual raising a concern.

## Response

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The action taken will depend on the nature of the concern being raised. For example, the matter may:

- Be investigated internally;
- Be investigated by a third party (such as HR)
- Be referred to the Academy External Auditor;
- Be referred to the Police; or
- Form the subject of an independent inquiry.

To protect individuals and the Academy, initial enquiries will be made to determine whether an investigation is appropriate and what form it should take. Allegations which fall within the scope of specific procedures (e.g. child protection or unlawful discrimination issues) will normally be dealt with under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

The person with whom the issue was raised will write to the employee (within 10 working days of receiving the complaint) to:

- Acknowledge that the concern has been raised;
- Indicate how it is proposed to deal with the matter;
- Advise whether further investigations will take place and, if not, why not; and
- Confirm, where possible, an estimate of how long it will take to provide a final response.

If necessary, further information will be sought from the employee regarding the concern. The employee will have the right to be accompanied at any meetings by a Trade Union representative or work colleague.

## Outcome of the Investigation

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If an investigation is warranted, the employee will be informed about the outcome of any investigation but not the detail of the investigation or any action taken against another employee (e.g. disciplinary action).

The employee who raised the concern has no right of appeal against the outcome of the investigation, however, if the employee is not satisfied with the outcome of the investigation and wishes to take the matter outside the Academy, they may contact:

- For safeguarding issues only, Leicestershire County Council's Allegations Manager (LADO) (Tel: 0116 3057597);
- Their local Councillor (for employees who live in the area of the Academy);
- Relevant professional bodies or regulatory organisations; (Department for Education, ESFA, Ofsted, HM Revenue and Customs).
- The Police;
- The whistleblowing charity, Public Concern at Work (Tel: 020 7404 6609);
- The Audit Commission (Tel: 0845 052 2646).

When taking the matter outside of the Academy, the employee must ensure that they do not disclose any confidential information about the Academy or its employees and pupils which is not relevant to the issue.

## **Chair of Governors**

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The Chair of Governors has overall responsibility for the maintenance and operation of this policy. The Chair of Governors must maintain a record of concerns raised and their outcomes and will report, as necessary, to the Governing Body.