

BRADFIELDS ACADEMY

WHISTLEBLOWING POLICY

Signed..... Principal

Date.....

Signed Chair of Trustees

Date.....

This policy will be reviewed on at least an annual basis and whenever significant changes to the systems and arrangements take place.

Where any changes, amendments or additions are made, the revision number will change.

Reviews that result in no changes at all will maintain the same revision number.

REVIEW DATE	REVISION NUMBER	SIGNATURE
January 2017	3	
June 2020	4	

1. Introduction

The Academy is committed to tackling unlawful acts including fraud, corruption, unethical conduct and malpractice regardless of who commits them, or where in the Academy they are committed. In this way the Academy ensures that its services are used in the best interests of the local community.

The Academy aims to ensure that anyone wishing to raise a concern feels confident in the process under this Policy. This policy is designed to allow you to raise a concern without fear of reprisals or victimisation, if your disclosure is made in good faith.

To encourage and enable you to do this the Academy will ensure that anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment or victimisation regardless of:

- a) The content of the concern you raise
- b) With whom you raise the concern and
- c) Whatever the outcome of raising the concern.

The Whistleblowing Policy provides an opportunity for your concern to be dealt with internally, after all that is where the solutions will be found, or through an agreed external body.

There is always a temptation to take a concern directly to the media, but this does not necessarily mean that the issues raised are appropriately addressed and often fails to protect innocent parties. You should remember that you have a duty of confidence to your employer and that unauthorised disclosure of information maybe a disciplinary offence. Please refer to paragraph 15 below.

The best advice before you decide on what action to take is to seek the advice of one of the specialist Whistleblowing teams listed in section 10.

2. What is covered by Whistleblowing?

A concern can relate to any unethical or unprofessional conduct within the Academy, including malpractice, and abuse. The policy not only covers acts that have actually occurred but also potentially unethical or unprofessional conduct.

The person making the disclosure must do so in the reasonable belief that it shows one or more of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed;

- A person has failed, is failing, or is likely to fail to comply with any legal obligation to which she/he is subject;
- A miscarriage of justice has occurred, is occurring, or is likely to occur;
- Acts or potential acts of fraud and corruption or the misuse of public funds
- The health & safety of any individual (employee or member of the public) has been, is being, or is likely to be endangered;
- The environment has been, is being or is likely to be damaged
- Actual or potential acts of all forms of discrimination;
- The actual or possible abuse (sexual or physical) of persons in the Academy's care
- Actual or potential acts of harassment or bullying of, or by, someone working for the Academy,
- Any unethical conduct that causes concern or brings the reputation of the Academy into disrepute or,
- The deliberate concealment of information that would indicate any of the above.
- Information tending to show any matter falling within any one of these points has been, is being, or is likely to be concealed;

If you are in any doubt as to whether or not to raise a concern then confidential advice can be sought from KAPE HR Services or your trade union representative.

Note: If, when disclosing a concern you commit a criminal offence, for example accepting a bribe and or acts of corruption, you may lose your rights to protection from detriment. Further advice can be sought from the Principal.

3. Who Is Covered By the Whistleblowing Procedure?

The Public Interest Disclosure Act 1998 will protect workers who disclose information in the correct manner from dismissal or penalisation. 'Workers' include individuals who are:

- Employees employed under a contract of employment;
- Employed under any other contract, under which they perform personally any work or services;
- Agency workers; or
- Undertaking work experience as part of a training course.
- Undertaking supported internsh

4. How am I Protected?

Under the Public Interest Disclosure Act, to qualify for protection for disclosure the Worker must:

- Be acting in good faith and have reasonable grounds for believing that the information disclosed indicates the existence of one of the problems itemised in section 2 above.

5. Confidentiality

The Academy accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might however be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the police.

If there is any possibility that your confidentiality cannot be protected you will be told of the reasons and offered appropriate advice and support.

6. Raising a concern

You are encouraged to raise a concern provided that:

- You have reasonable belief that the information you hold, or the allegation is accurate; and, you make the disclosure in good faith.

Under no circumstances should you investigate your concern yourself.

7. Anonymously raised concerns

Concerns expressed anonymously will be investigated on the basis of their merits. However, an investigation may be hampered by the inability to gain further information and the Academy would encourage you to provide some method of contacting you to assist in the investigation.

8. Misuse of the whistleblowing policy

Raising a concern with malicious intent or for personal gain or the gain of others is not acceptable and may lead to disciplinary action under the Academy's Disciplinary Policy. If in any doubt employees should contact the relevant whistleblowing officer.

9. Who can concerns be raised about?

You can raise a concern about the practice of anyone who undertakes work for, or on behalf of, the Academy, including:

- Employees of the Academy;
- Contractors;
- Trustees;
- Volunteers; and, Academy based staff.

You would normally raise a concern with your direct line manager. If this was inappropriate then the Principal or Chair of Trustees should be contacted, who may involve the nominated whistleblowing officer. Bradfields Academy has a legal responsibility to deal with any issues raised under the Whistleblowing Policy.

10. How to raise a concern

No matter with whom you raise your concern it will be dealt with under this procedure. If the person with whom you raise the concern feels it necessary they may want to refer your concern on to either a specialist team or a more senior colleague, whichever is appropriate. If this is the case you will be contacted first and have the opportunity to discuss any issues this may raise.

As a First Point of Contact

A concern would normally be raised initially with your line manager or the Principal. However this may not always be possible, dependent on the nature of the concern and who is involved.

Alternatively

If you feel unable to raise the matter with your line manager or the Principal you may wish to contact KAPE HR Services or the Chair of Trustees

Or

You may wish to refer your concern directly to one of the Local Authority specialist teams as listed below

Specialist Team

Area of speciality

Financial / Audit team Concerns regarding fraud, corruption or misappropriation of Academy assets or resources.

Children

Issues relating to the care and welfare of children e.g. the use of school funds (may overlap with the Financial / Audit team)

If you suspect a child is being neglected or abused by a member of staff, please contact the local authority designated Officer
Who can be contacted on Tel 01634 331229

KAPE HR	Concerns relating to the conduct of employees in general and specific issues of discrimination, harassment, etc.
Information Technology	Concerns relating to the misuse of information technology such as e-mail and the internet.
Regeneration	Concerns relating to environmental issues, e.g. building control, planning, etc
Trades Unions	Concerns relating to all matters affecting the Academy
Equalities Forums	Concerns relating to all matters affecting the Academy (Black Workers Forum (BWF), Disabled Workers Forum (DWF) and Lesbian, Gay, Bisexual and Trans staff (LGBT) Forum).

All the units and service directors have received specialist training in dealing with concerns and will follow the procedure as laid out in this policy.

11. What to consider when expressing a concern

To enable your concerns to be dealt with in a proper and effective manner here are some guidelines for you to consider:

- Be as clear as possible about what the concern is and to whom and what it relates. You may also want to discuss the concern with others to see if it is shared;
- Be as clear as possible about who maybe involved, when and where actions may have taken place. Please ensure the facts are recorded i.e. record the dates and times in a diary. This way you can be clear about what has actually been heard or seen and when, rather than rely on memory or hearsay; and,
- Ensure you ask for your concerns to be dealt with under this procedure.

12. The procedure to be followed

To ensure that all concerns raised are taken seriously and are fully investigated the Academy has agreed a procedure to be followed in all cases.

If, at any stage of the procedure, you are asked or wish to meet with someone addressing the concerns you have raised you have the option to be accompanied by a work place colleague, trade union representative or representative from a professional body.

When you first raise a concern:

However you wish to express your concern, by telephone or in person, you will:

- Receive an acknowledgement of your concerns within five working days of notifying the investigating person whom you have expressed the concern (this can be sent to your home address); and,
- The investigating person will then decide how to progress your concern. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue, but will help to assess the gravity of the complaint and establish the facts. It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

Within ten working days of making your concerns known you will either:-

- i) Have a confidential meeting with the investigating person to further discuss your concerns or
- ii) Have received, in writing, an outline of how the investigating person intends to deal with the concerns raised.

Dependent on the nature of the concerns you may have subsequent meetings with the relevant investigating persons. These can be held “off-site” if preferred.

13. The outcome of your concern

Having raised the concern, the Academy recognises that you will need to be assured that the issues have been dealt with correctly. You will be kept informed on a regular basis of what actions are being taken and the final results of any investigations.

In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However the reasons for this will be explained at that time.

14. Taking your concern further

If you have exhausted all these channels and you still have concerns, or feel that the issues have not been fully or appropriately addressed, you can contact the Chief Executive, or have him contacted on your behalf,

to discuss your concern in confidence. At this point, you may also raise your concerns with elected members.

However you should not refer the matter outside the organisation without first ensuring that all other possible avenues have been exhausted.

Details of regulatory bodies can be found in Appendix one.

15. Contacting the media

If a Worker is considering contacting the Press, they are strongly advised to seek guidance from professional or other representative bodies and to discuss the matter where possible with line and professional managers. If you decide to proceed with contacting the media, you must inform the Principal of the action you have taken or are proposing to take and the Principal will brief The Chair of Trustees on the matter.

Disclosures to the media can be made under the law, and will be protected if the following circumstances are met:

- The disclosure is made in good faith
- The employee reasonably believes the information and any allegations are substantially true
- The employee does not act for personal gain

Additionally, one or more of the following conditions must be met:

- The Worker reasonably believes they would be subjected to a detriment if disclosure were made to the employer or prescribed person
- In the absence of an appropriate prescribed person, the Worker reasonably believes a disclosure to their employer would result in the destruction or concealment of information about the wrongdoing
- The Worker has previously disclosed substantially the same information to their employer or prescribed person
- It must be reasonable to make the disclosure

Please be aware that premature contact with the media, where none of the conditions above are met, may result in disciplinary action under the Academy's Disciplinary Policy.

16. Responsible Officer

The Accounting Officer needs to be informed of all fraudulent matters and will decide on the appropriate action. A report of instances of all uses of this Policy shall be provided to the Board of Trustees. This report will not identify any parties using this Policy, but is intended to monitor Whistleblowing procedures.

Regulatory and professional bodies

Health & Safety Executive www.hse.gov.uk
Tel. 0845 345 0055

Care Quality Commission www.cqc.org.uk
Tel. 03000 616161

Health Professions Council (HPC) www.hpc-uk.org
Tel 0800 328 4218

General Social Care Council www.gsccl.org.uk/
Tel 01788 532405

Nursing and Midwifery Council (NMC) www.nmc-uk.org
Tel 0207 333 9333

General Medical Council (GMC) www.gmc-uk.org
Tel 0161 923 6602

Audit Commission www.audit-commission.gov.uk
Tel. 0844 7983131

Local Government Ombudsman www.lgo.org.uk
Tel. 0300 061 0614

Information Commissioner's Office www.ico.gov.uk
Tel. 0303 123 1113

Equality and Human Rights Commission www.equalityhumanrights.com
Tel. 0845 604 6610

Ofsted www.ofsted.gov.uk
Tel. 0300 123 4666

Institution of Civil Engineers <http://www.ice.org.uk/homepage/index.asp>
Tel. 020 7222 7722