

Whistleblowing Policy

Document Control	
Date Policy Finalised	Version Number
21-06-22	V4
Review Period	Next Review
2 years	21-06-24
People involved in writing/reviewing this policy	Responsible Person
M Dobie	Business Manager
Statutory	Published to Web-site
Yes	Yes
Approved by (position)	Print name
Chair of Governors	W Holton
Signature	Date Approved
W Holton	07-07-22
A paper copy of this document is filed alphabetically under:	An electronic copy of this document can be found at:
01. Management	SharePoint>Information Sharing>Policies & Guidance>01. Management

This policy has been created using a template from:

North Yorkshire HR (NYHR)
 North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AD
 01609 798343
NYHR@northyorks.gov.uk
<http://cyps.northyorks.gov.uk/>



Policy produced for Schools under Local Management of Schools, together with Early Years providers under the HR service provision of North Yorkshire County Council.

This document forms part of our commitment to promoting emotional wellbeing and mental health. It has been reviewed to ensure it:



- is consistent with our vision and strategy
- protects and promotes emotional wellbeing and mental health

Section	Contents
1.0	Introduction
2.0	Aims and Scope of the Policy
3.0	Employee Co-operation and Safeguards
4.0	How to raise a concern
5.0	How the Woodlands Academy will respond
6.0	How matters can be taken further
7.0	Independent Advice

1.0 INTRODUCTION

- 1.1 The Woodlands Academy is committed to the provision of the highest quality services to its pupils, their families & staff and is proud of its track record of probity and high ethical standards. However, it also recognises that irregularities, wrong-doing or serious failures in standards can sometimes occur.
- 1.2 One strong deterrent to malpractice or wrongdoing is the probability that it will be reported and investigated, that those who are responsible for it will be punished and that the matter will be promptly remedied. This Policy is therefore intended as a clear statement that any malpractice by members, employees or third parties (including contractors) reported to The Woodlands Academy will be swiftly and thoroughly investigated. The Woodlands Academy will also look at ways to ensure that such malpractice or wrongdoing can be prevented for the future.

2.0 AIMS AND SCOPE OF THE POLICY

- 2.1 This Policy provides all employees, agency workers, and contractors (including their staff) with:
- avenues to raise concerns and receive feedback on any actions taken;
 - reassurances that they will be protected from victimisation for whistleblowing.
- 2.2 Set out below is a list which is intended to illustrate the types of issues which may be legitimately raised under this Whistleblowing Policy:
- a) any offence, unlawful act, failure to comply with legal obligations or where a miscarriage of justice has occurred, is occurring or is likely to occur;
 - b) maladministration, as defined by the Local Government Ombudsman;
 - c) breach of any statutory Code of Practice;
 - d) breach of, or failure to implement or comply with any County Council policy or procedure rules;
 - e) failure to comply with appropriate professional standards;
 - f) corruption, theft or fraud;
 - g) misuse or damage of The Woodlands Academy assets;
 - h) risks to the health and safety of any individual or the abuse of any vulnerable person;

- i) failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to The Woodlands Academy;
- j) unethical conduct, the abuse of power, or the use of the County Council's powers and authority for any unauthorised or malicious purpose;
- k) unfair discrimination in the County Council's employment or the provision of services;
- l) causing damage to the environment;
- m) the deliberate falsification or destruction of information or data;
- n) the deliberate concealment of information in relation to any of the items on this list.

2.3 This Whistleblowing Policy is primarily intended for people to raise concerns that are in the public interest and where the interests of others or of the organisation itself are at risk. It is intended to supplement, rather than to replace, the existing grievance procedures whereby employees of The Woodlands Academy may already raise complaints or matters of genuine concern relating to their own employment.

3.0 EMPLOYEE CO-OPERATION AND SAFEGUARDS

3.1 In many cases it is employees who are most likely to be in the best position to learn of any malpractice or wrongdoing and to identify something which falls below the standards which The Woodlands Academy and the public are entitled to expect. The Woodlands Academy expects that where an employee becomes aware of, or suspects, malpractice they will report these suspicions. The Woodlands Academy and governing board will treat any failure to report such matters as a serious matter which may, in the case of an employee, result in disciplinary action being taken.

3.2 This Policy has been discussed with the relevant trade unions and professional associations.

3.3 Where the complainant requests anonymity, The Woodlands Academy will respect this (so far as it can legally) but:

- cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistleblower.
- it will be easier to follow up and to verify the facts of a case if the complainant is prepared to give his/her name. Unsupported anonymous complaints and allegations are much less powerful and therefore will have to be treated with caution.
- there will be circumstances where information must be disclosed for legal reasons, (e.g. the Freedom of Information Act or where a crime may have been committed provisions)

3.4 Any reporting system will be of little effect if those who should use it are afraid that, as the result of making their report, they may experience recriminations, victimisation or harassment.

The Woodlands Academy will:

- not tolerate any attempt to take reprisals against any person who has reported a serious and genuine concern.
 - treat any such recriminations, victimisation or harassment as a serious matter which may, in the case of an employee, result in disciplinary action being taken.

Individuals may have statutory protection under the Public Interest Disclosure Act 1998, which aims to protect individuals who make certain disclosures of information in the public interest and who are then victimised in their employment.

If a whistleblower who has made a valid complaint feels that they have been victimised as a result of raising concerns they can raise the matter directly with the Head of Internal Audit, Veritau.

- 3.5 The Woodlands Academy will:
- ensure that the necessary resources are applied to investigating any complaints received.
 - view seriously any knowingly false or malicious allegations which it receives, and will regard the making of any deliberately malicious or vexatious allegations by any employee as a serious disciplinary offence.
- 3.6 The Woodlands Academy is committed to ensuring easy access to the information within this policy to all staff.

This Whistleblowing Policy will be publicised to all staff:

- via the Academy web-site
 - on SharePoint at: **SharePoint>Information Sharing>Policies & Guidance>01. Management>Whistleblowing Policy**
- and:
- brief details prominently displayed in the staffroom on a “Whistleblowers’ Charter” poster (black and white copy of this attached as appendix A)

4.0 HOW TO RAISE A CONCERN

- 4.1 Employees are usually expected to report any concerns to their line manager. If an employee feels unable to do this, their trade union representative or professional association may submit the instance of whistleblowing for them. Line managers will conduct an initial investigation of all matters reported to them promptly in accordance with Whistleblowing Guidance for Managers (created by NYCC) and available at: **SharePoint>Information Sharing>Policies & Guidance>01. Management>Whistleblowing Guidance for Managers**
- 4.2 If the Whistleblower feels that their line manager may be involved in the malpractice or has failed to take appropriate action when the matter has been raised previously they may report concerns directly to the Chair of Governors.

If the Whistleblower feels unable to do this then they should contact the Head of Internal Audit, Veritau, who has been asked to act as the Academy’s Whistleblowing Officer, with the following remit:

- a) to receive and record any complaints made under this Policy;
- b) to ensure, as far as possible, the confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence subject to paragraph 3.3 above;
- c) to investigate promptly any whistleblowing complaint and to respond directly to the complainant, with a right of access to the Chair of Governors, all Academy employees and all documents and records of the Academy.;
- d) to report to the Headteacher (HT) where the investigation identifies a serious cause for concern within the responsibilities of the HT and to recommend the use of any relevant statutory powers or duties. Where the complaint relates to the conduct of the HT, he/she should report to the Chair of Governors. Where the complaint relates to the Chair of Governors, he/she should report to the HT;
- e) to report as appropriate, either jointly with the Headteacher or in his/her own right, to The Academy Trust and or any Committee or Sub-Committee of the Academy.

- f) to recommend, in conjunction with the Chair of Governors or HT, to settle appropriate action to resolve a complaint or recompense a complainant; and
- g) to report annually to the Governing Board the number of concerns raised under this Whistleblowing Policy (nil returns are not required).

4.3 The Head of Internal Audit, Veritau can be contacted by writing a letter in a sealed envelope marked Strictly Private and Confidential, or by telephone:

Max Thomas (Head of Internal Audit)
Veritau Ltd
County Hall
Racecourse Lane
Northallerton
North Yorkshire
DL7 8AL

Tel: (01609) 532143.

Alternatively, there is a direct and confidential whistleblowing hotline number (01609) 760067, which is available 24 hours a day.

5.0 HOW THE WOODLANDS ACADEMY WILL RESPOND

- 5.1 In order to protect both individuals and The Woodlands Academy, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific policies or procedures (for example child protection or discrimination issues) will normally be referred for separate consideration under those procedures.
- 5.2 Some concerns may be resolved by agreed action without the need for detailed investigation.
- 5.3 Within 10 working days of a concern being received, the line manager or the officer who is designated to carry out the whistleblowing investigation (on behalf of the Head of Internal Audit) will write to the whistleblower:
 - acknowledging that the concern has been received;
 - indicating how s/he proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - stating whether any initial enquiries have been made; and
 - stating whether further investigations will take place, and if not, why not.
- 5.4 The amount of contact between the officers considering the issues and the whistleblower, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the whistleblower.
- 5.5 When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.6 The Woodlands Academy will, as far as it is able, take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, The

Woodlands Academy will, where appropriate and as far as it is able to do so, provide advice about the procedure.

- 5.7 The Woodlands Academy accepts the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, information about the outcomes of any investigations will be provided.

6.0 HOW MATTERS CAN BE TAKEN FURTHER

- 6.1 This Policy is intended to provide staff, agency staff and contractors with an appropriate avenue to raise concerns within The Woodlands Academy. If employees have reported a concern in accordance with this Policy but are not satisfied that the issues have been properly addressed then they may contact:

- The External Auditor;
- Chair of the governing body or any member of the Finance Audit & Risk committee
- The NSPCC (for concerns about children at risk of abuse)¹;
- Relevant professional bodies or regulatory organisations², for example, the Information Commissioner's Office.
- The Education & Skills Funding Agency (ESFA)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf

7.0 INDEPENDENT ADVICE

- 7.1 Free, confidential advice on how to raise a concern about malpractice at work can be sought from the independent charity Public Concern at Work on 020 7404 6609.

¹ The NSPCC offers a dedicated national whistleblowing hotline (see www.nspcc.org.uk for further details)

² The Department for Business, Innovations and Skills maintains a list of prescribed persons who may be contacted



Whistleblowers’ Charter

This Whistleblowers’ Charter is designed to help you raise concerns about anyone who appears to be:

- Endangering the health & safety of children, colleagues or visitors to the Academy
- Failing to comply with appropriate professional standards
- Stealing, misusing or mismanaging Academy resources/finance
- Deliberately falsifying data
- Damaging the environment
- Deliberately concealing any of the above

If you have a concern then doing nothing is not an option:

Try: raising the issue with your line-manager or our Chair of Governors (either directly or through your union)

However, if you do not feel able to do this or it does not resolve the issue you may do one or more of the following:

Contact Public Concern at Work on 020 7404 6609.
An independent charity who can offer free, confidential advice.

Telephone NYCC confidential, whistleblowing hotline number (01609) 760067, available 24 hours a day.

Write to:

Max Thomas, Veritau Ltd

County Hall

Racecourse Lane

Northallerton

North Yorkshire DL7 8AL

Marking the envelope Strictly Private and Confidential,

or telephone on (01609) 532143

If you need to take things further, refer to our Whistleblowing Policy which is available at: **SharePoint>Information Sharing>Policies & Guidance>01. Management** for details of how to do this.