



Currently being reviewed

WHISTLEBLOWING POLICY

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1. INTRODUCTION

Hasmonean High School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff, governors and others that we deal with, who have serious concerns about any aspect of the Academy are encouraged to voice those concerns.

Staff and governors at the Academy are often the first to realise that there may be something seriously wrong within the Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This document makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage.

This Whistleblowing Procedure is intended to encourage and enable staff and governors to raise serious concerns within the Academy rather than overlooking a problem or raising the matter externally.

The procedure applies to all staff, governors and those contractors working for the Academy. It also covers suppliers and those providing services to the Academy. References to staff or workers should therefore be taken to include all of these. The procedure supplements the Academy's Complaints procedures, Grievance Procedure and Child Protection Policies.

There are existing procedures within the Academy to enable individuals to lodge a grievance or a complaint. The Whistleblowing Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:

- possible fraud and corruption
- the unauthorised use of Academy funds
- failure to comply with Financial Regulations
- failure to comply with Codes of Practice
- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to students, the public as well as other colleagues
- damage to the environment
- other unethical conduct.

2. DEFINITION

Whistleblowing inside the work place is the reporting by workers or ex-workers of wrong doing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Academy Trust or by fellow employees. Workers may include, for example, contractors and agency workers.

3. LEGISLATION

The Public Interest Disclosure Act 1998 is designed to protect whistleblowers from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers.

Students may also have information which should be raised in the public interest and there should be proper procedures in place for them to air their concerns; e.g. a students' complaints procedure.

4. OBJECTIVES/PRINCIPLES SUPPORTING THE PROCEDURE

4.1 Create an ethical, open culture:

- Write, publish and communicate a code of conduct and ethics.

4.2 Establish safe routes for communications of concerns:

- Appoint individuals or a group outside the normal line management to receive complaints of irregularities or other concerns.

4.3 Protect the whistleblower:

- Make it clear that the Academy will support and not discriminate against concerned employees provided any claim is made in good faith.

4.4 Establish a fair and impartial investigative procedure:

- Make sure that the Academy responds to the concern by focusing on the problem, rather than denigrating the messenger.

4.5 Remind staff of the duty of confidentiality:

- The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Academy fails to properly consider or deal with the issue.

4.6 Uphold the right to disclose a concern:

- The individual member of staff has the right to disclose a concern/issue if the Academy does not deal with the matter.

4.7 Involve governors and staff in developing the procedure:

- To be effective there should be a sense of organisational ownership of a whistle blowing procedure.

4.8 Review:

- Ensure there is a review mechanism using the comments and experience of those who may have had reason to invoke the whistle blowing procedure.

5. THE PROCEDURE

All parties need to agree that the issue raised will be kept confidential while the procedure is being used.

The Representor (the person raising the concern) should:

- Raise their concern with either of the Headteachers or the Executive Headteacher. This may be done orally or in writing. The Representor has the right to have the matter treated confidentially.
- If the Headteacher believes it is appropriate to use the Whistleblowing procedure, the Headteacher should contact the Clerk to the Governing Body who will act as the Assessor. If the Headteacher believes it is not appropriate to use the whistleblowing procedure then the Headteacher should tell the Representor how they should raise their concern and how it will be dealt with. The concern should not just be dismissed.
- Should it be alleged that the Clerk is involved in the alleged malpractice, another senior manager should be appointed to act as Assessor.
- If the Representor feels unable to raise their concern with their line manager, either Headteacher or the Executive Headteacher, they may contact the Clerk to the Governing Body directly. If the Representor feels they cannot contact any staff member including the Clerk, then they should contact one of the governors. By discussing the issue with the Representor, one or more governor will assess whether an Assessor can be appointed from among the staff of the school or whether an external Assessor is required.

The Assessor should:

- interview the Representor within seven working days (unless there are compelling reasons for it to be longer such as the Representor being unavailable), in confidence, or earlier if there is an immediate danger to loss of life or serious injury;
- Obtain as much information as possible from the Representor about the grounds for the belief of malpractice;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under the Academy's Whistle blowing Procedure;
- Report all matters raised under this procedure to the Academy Trust's Responsible Officer.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy staff to take notes.

Unless there are compelling reasons for it taking longer and these have been communicated to the Representor, within ten working days of the interview, the Assessor will recommend to the Executive Headteacher one or more of the following:

- The matter be investigated internally by the Academy;
- The matter be investigated by the external auditors appointed by the Academy;
- The matter be reported to the Department for Education
- The matter be reported to the Police;
- The route for the member of staff to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by the Academy.

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other public authority.

Should it be alleged that the Executive Headteacher is involved in the alleged malpractice; the Assessor's recommendation will be made to the Responsible Officer of the Academy Trust or the Chairman of Governors.

The recipient of the recommendation (Executive Headteacher or Responsible Officer or Chairman of Governors) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Academy Trust.

The Academy will use all reasonable efforts to ensure that the Representor's identity is kept confidential unless the Representor otherwise consents. In the absence of such consent, the Assessor will not reveal the identity of the Representor except as necessary to seek confidential legal, accounting, HR or other professional advice.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty eight days unless there are reasonable grounds for it taking longer and these have been communicated to the Representor.

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limits, they may appeal to the Academy's external auditors, but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

The Academy will ensure the Representor is protected from any form of victimisation or discrimination.

Reviewed by Stone King:

Checked by Maxine Zeltser – Foundation Governor

Ratified by Governors Finance and Premises Committee:

Next Review: