

# **CHARLES DARWIN ACADEMY TRUST**

**This policy applies to all schools in CDAT**

## **WHISTLEBLOWING POLICY**

### **1. SCOPE**

- 1.1 This procedure shall apply to all employees employed by the Charles Darwin Academy Trust.
- 1.2 The purpose of the procedure is to give a structure to employees who have serious concerns about an aspect of the Trust/Academy's functioning.
- 1.3 The Trust delegates its authority in the manner set out in this procedure.

### **2. INTRODUCTION**

- 2.1 Employees are often the first to realise that there may be something seriously wrong within the Academy/Trust. Normally, employees would be expected to raise any concerns initially with their Head Teacher. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy/Trust. 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.
- 2.2 The Academy/Trust is committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Academy/Trust's activities or those who work for the Academy/Trust, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis and anyone who raises a concern is protected by the Public Interest Disclosure Act 1998.
- 2.3 This policy document makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Academy/Trust rather than overlooking a problem or "blowing the whistle" outside.
- 2.4 The policy also applies to contractors working for the Academy/Trust or on Academy/Trust premises. It also covers suppliers and those providing services under a contract with the Academy/Trust.
- 2.5 If you would like to speak to someone informally about a concern, prior to raising an issue under the Whistleblowing Policy you may contact the CEO on 01959 574043.

### **3. AIMS AND SCOPE OF THIS POLICY**

3.1 This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for you to raise those concerns and receive feedback on any action taken;
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- Reassure you that you will be protected by the Academy/Trust from possible reprisals or victimisation.

3.2 The Whistleblowing Policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within, the scope of other procedures. These include:

- Conduct, which is an offence or a breach of the law. Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of public funds;
- Possible fraud and corruption;
- Child Protection concerns;
- Other unethical conduct;
- Deliberate covering up of information relating to the above.

It should be noted that this Policy is intended to assist employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or management decisions taken by the Academy/Trust, nor should it be used to consider any matters, which have already been, or are currently being addressed under other procedures such as Complaints Procedure, Disciplinary and Grievance and Equality Policies.

3.3 Thus, any serious concerns that you have about any aspect of the Academy/Trust's provision or the conduct of colleagues/employees of the Academy/Trust or members of the Board or others acting on behalf of the Academy/Trust can be reported under the Whistleblowing Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Academy/Trust subscribes to; or
- Is against the Academy/Trust's policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

3.4 This policy does not replace the Academy/Trust's Complaints Procedure.

#### **4. SAFEGUARDS - HARASSMENT OR VICTIMISATION**

- 4.1 The Academy/Trust is committed to good practice and high standards and wants to be supportive of employees.
- 4.2 The Academy/Trust recognises that the decision to report a concern can be a difficult one to make especially for staff who are new to the Academy/Trust. If what you are saying is true, or your suspicions are reasonable, you will have nothing to fear because you will be doing your duty to your employer and to those for whom you are providing a service. In fact, you may be making yourself vulnerable if you do not raise the alarm.
- 4.3 The Academy/Trust will not tolerate or allow any form of harassment, victimisation or discrimination (including informal pressures) and will take appropriate action to protect you when you raise a concern. If there are any intimidatory threats or instances of harassment/victimisation/discrimination against a 'whistleblower' the Academy/Trust will take appropriate disciplinary action against the individual(s) concerned.
- 4.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

#### **5. CONFIDENTIALITY**

- 5.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal your identity if you so wish. However, if your concerns require any further action, you may at some future date have to act as a witness and/or provide evidence.

#### **6. ANONYMOUS ALLEGATIONS**

- 6.1 This policy encourages you to put your name to your allegation whenever possible.
- 6.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Academy/Trust.
- 6.3 In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;
  - The credibility of the concern; and
  - The likelihood of confirming the allegation from attributable sources.

#### **7. UNTRUE ALLEGATIONS**

- 7.1 If you make an allegation but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **8. HOW TO RAISE A CONCERN**

- 8.1 As a first step, you can raise concerns with either the Headteacher, CEO or the Chair of the CDAT Board. The choice may depend however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that the Headteacher is involved, you should approach the CEO of the Trust. If you believe the CEO is involved, you should approach the Chair of the CDAT Board.
- 8.2 Concerns should be raised in writing and identify:
- The background and history of the concern (giving relevant dates);
  - The reason why you are particularly concerned about the situation.
- 8.3 The earlier you express the concern the easier it is to take action.
- 8.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 8.5 Advice/guidance on how to pursue matters of concern may be obtained from the Headteacher or the CEO of the Trust.
- 8.6 You may wish to consider discussing your concern with a colleague or your Trade Union Representative, if appropriate first as you may find it easier to raise the matter through someone you trust.
- 8.7 You may invite your trade union, or a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

## **9. HOW THE ACADEMY/TRUST WILL RESPOND**

- 9.1 The Academy/Trust will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 9.2 Where the allegation is sent to the Headteacher, he/she will immediately inform the CEO that a concern has been raised and its nature prior to proceeding.
- 9.3 Where appropriate, the matters raised may:
- Be investigated by appropriate representatives, internal audit, or through the disciplinary process;
  - Be investigated under another procedure i.e. Child Protection/Safeguarding
  - Be referred to the Police;
  - Be referred to the external auditor;
  - Form the subject of an independent inquiry.
  - Or a combination of these

- 9.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Academy/Trust will have in mind, is the public interest.
- 9.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 9.6 Within ten working days of a concern being raised, the Headteacher/CEO/Chair of the CDAT Board will write to you in confidence:
- Acknowledging that the concern has been received;
  - Indicating how we propose to deal with the matter;
  - Giving an estimate of how long it will take to provide a final response;
  - Telling you whether any initial enquiries have been made;
  - Supplying you with information on staff support mechanisms, and
  - Telling you whether further investigation will take place and if not, why not.

Every effort will be made to ensure that your concerns are dealt with as speedily as possible and you are kept informed of progress made.

- 9.7 The amount of contact between the person considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Academy/Trust will seek further information from you.
- 9.8 Where any meeting is arranged, off-site if you so wish, a trade union representative or a colleague can accompany you.
- 9.9 The Academy/Trust will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Academy/Trust will arrange for you to receive advice about the procedure.
- 9.10 The Academy/Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **10. THE RESPONSIBLE OFFICER**

- 10.1 The CEO has overall responsibility for the maintenance and operation of this Policy. He will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Trust Board.

## **11. HOW THE MATTER CAN BE TAKEN FURTHER**

11.1 This Policy is intended to provide you with an avenue within the Academy/Trust to raise concerns. The Academy/Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Academy/Trust, the following are possible contact points, (this list is not exhaustive):

- The Health and Safety Executive
- The Trust's Auditors
- The Education and Skills Funding Agency
- H M Customs and Excise
- The Inland Revenue
- The Police

11.2 If you do take the matter outside the Academy/Trust, you should ensure that you do not disclose confidential information.

*Reviewed and approved by the Finance Committee on 14<sup>th</sup> June 2021*