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Whistleblowing Policy

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Introduction

Westfield Academy is committed to the highest possible standards of openness, probity and accountability in all its activities. It also expects a high standard of conduct and integrity from employees including those working on a temporary or casual basis and Governors.

There is a balance to be struck between the right of the individual member of staff to speak freely on a range of matters and the right of Westfield Academy and/or colleagues to be protected against false and malicious accusations.

Definition

Whistle blowing inside the workplace is the reporting by workers or ex-workers, of wrongdoing such as fraud, mismanagement, breach of health and safety law or any other illegal or unethical act on the part of the management, Governing Body or fellow employees. Workers may include for example contractors and agency worker.

Purpose

The Purpose of the policy is to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken
- Encourage employees to feel confident in raising concerns and to question and act upon their concerns
- Reassure employees that they will be protected from reprisals or fear of harassment or victimisation for whistle blowing in good faith in accordance with the procedure

Employees who do not follow the steps identified in this procedure or other agreed internal procedures and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.

Legislation

The Public Interest Disclosure Act 1998 is designed to protect 'whistle blowers' from detrimental treatment and unfair dismissal. The people protected by the Act included workers, employees, third party contractor staff, agency workers and work experience providers.

Background

The Policy is intended to cover reasonably serious concerns that fall outside the scope of the Westfield Academy procedures and policies. The concern may be about any of the following:

- A criminal offence that has been, is being or is likely to be committed
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- Fraud and Corruption
- Allowing private interests to override the interests of the school
- Any actions or concerns regarding practice that could result in a financial loss
- A breach of any legal obligation; or
- Deliberate concealment of any of the above

This list is not exhaustive.

Procedure

Making a disclosure – initial action

- As soon as an employee becomes reasonably concerned about a matter, they should first raise the issue with their line manager (the recipient manager), unless the disclosure concerns them, in which case the employee should write to the Headteacher
- Disclosures involving the Headteacher should be raised with the Chair of Governors. In this case, the Chair of Governors may appoint an independent investigator to consider the case and if there are grounds for proceeding.
- Disclosures concerning a member of the Senior Leadership Team (SLT) should be raised with the Headteacher.
- All managers have a responsibility to act on the concerns raised, in accordance with this procedure. Failure to do so in accordance with the policy and procedure may lead to disciplinary action.
- Concerns may be raised verbally or in writing and should give the background, the nature of the malpractice that is alleged; relevant dates where possible; the reasons for the concern and the names of individuals against whom the allegations are made.
- If the concern is raised verbally, then the person receiving the information should put in writing, an outline of the matters raised, and this should be confirmed in writing to the employee. This should be done within ten working days.
- Once a concern is raised the recipient manager, should report the matter to the Headteacher who will appoint an appropriate manager to investigate (the investigating manager). This could be the recipient manager.
- The Headteacher will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure (the employee will be informed of this). Due to the nature of the disclosure the Headteacher may appoint an independent external investigator to investigate the matter
- If the matter is dealt with under the Whistleblowing policy, then the employee will then be informed of the name of the investigating manager.
- If the matter relates to the Headteacher, the Chair of Governors will appoint the investigating manager. If the matter relates to the Headteacher then decisions for proceeding will be made by the Chair of Governors.
- The receiving manager will then inform the employee in writing of the process to be followed.
- The receiving manager will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within seven working days. However, this may be delayed if it is likely to jeopardise the investigation.

Handling a disclosure

- The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy.

Where appropriate, the matters raised may:

- be investigated by the investigating manager
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry by an outside body

This will be determined by the investigating manager in conjunction with the Headteacher/Chair of Governors (where relevant) and the HR Manager.

Within **four weeks** of a concern being raised, the investigating manager will write to both parties:

- indicating how the Academy proposes to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response
- indicating whether further investigations will take place and if not, why not

Any internal investigation should take no longer than **three months** to complete from the date of receipt of original disclosure. As part of the investigation, the investigation manager will decide:

- whether disciplinary action be taken against any employee
- whether changes should be recommended to any Academy procedure
- whether any other action should be recommended
- These will be detailed in a final report
- The investigating manager will send a copy of the final report, including recommendations, to the Headteacher / Chair of Governors (where relevant) who will consider the recommendations and determine what action, if any, to take.
- The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.
- The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

Appeal

- An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision to a more senior manager within Westfield Academy.
- An appeal should be made to the HR Manager within **five days** of receipt of the outcome letter.
- The Headteacher/ Chair of Governors (where relevant) will determine who should hear the appeal. The appeal should be completed within one month.
- After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied, they may raise the matter further by contacting an outside agency.
- An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, **within five working days**, to the Headteacher/Chair of Governors (where relevant) about the outcome of the report. The Headteacher/Chair of Governors (where relevant) will consider these representations and may direct further investigation or review as appropriate.

The Role of the Investigating Manager

The investigating manager will have the following responsibilities to the Academy:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague
- Establish the facts/obtain statements/collect documentary evidence
- Maintain detailed records of the investigation process
- Make any recommendations for action to be submitted to a more senior manager

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague
- Keep the employee up to date with progress on the matter and agree timescales for action
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview
- Give details of employee support mechanisms available

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence
- Advise in writing of the procedure to be followed
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague
- Give details of employee support mechanisms available

The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required

Where necessary Westfield Academy will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible

The role of the Manager appointed to hear an Appeal

The manager appointed to hear an appeal will have the following responsibilities:

- Hold appeal meeting with employee who made the disclosure
- Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague
- Review the investigation report/procedure followed and findings
- Decide whether to uphold appeal or not
- Initiate a new investigation if necessary
- Report the appeal findings in writing to the Headteacher/ Chair of Governors, if applicable
- Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made

Timescales Action	Timescale	By Who
Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed	Within 7 working days	Person who receives the disclosure – the recipient manager
Confirm in writing to the person complained of that a disclosure has been received and that it is being considered. Outline the process to be followed	Within 7 working days	Person who receives the disclosure – the recipient manager
Confirmation of whether the matter is to be investigated, and if so, how it will be investigated. Letters sent to employee and person complained of	Within four weeks of receipt of disclosure	Person appointed to investigate – the investigating manager
Written confirmation of outcome of investigation and action to be taken. Report sent to Headteacher/ Chair of Governors (where relevant) recommendations and determines what action to take. Letters sent to employee and person complained of	Within three months of receipt of disclosure	Person appointed to investigate – the investigating manager
Appeal against outcome of investigation	Within five working days from receipt of outcome	Employee who makes the disclosure
Appeal carried out	Within one month of appeal	Manager appointed to hear the appeal
Appeal to Headteacher / Chair of Governors (where relevant)	Within five working days from receipt of outcome	Employee subject to the disclosure