

Greig City Academy



Whistle Blowing Policy

This policy was approved by the Finance, Personnel and Premises Committee of the Governing Body on 10 May, 2022.

It will be reviewed in May 2025 or earlier if there are changes in legislation or school requirements that need to be incorporated.

This document is available on request to the Principal's PA, V. Oxley, in the following formats: e-mail, enlarged print version, others by arrangement.

Whistle Blowing Policy

1 Introduction

- 1.1 Greig City Academy is committed to the highest standards of openness, probity and accountability. We expect employees who have serious concerns about any aspect of the Academy's work to voice them. This policy and its procedures are only for the purpose of raising concerns about wrongdoing, as defined in 2.1 and 2.2, and are not a substitute or alternative for existing procedures such as the grievance and disciplinary procedures for staff or the complaints procedure.
- 1.2 This policy covers situations where employees become concerned about wrongdoing at work by other Academy employees, governors, suppliers, contractors or others acting on behalf of Greig City Academy. The concerns could be about acts or omissions, which have led, or could lead to future wrongdoing within the Academy. The disclosure of the wrongdoing must be made in the public interest¹ and in good faith (see also 4.8 below).
- 1.3 To note: employees have a duty of fidelity implied by the law in every contract of employment. One aspect of this duty is a duty of confidentiality, which prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the employer fails to properly consider or deal with the issue.
- 1.4 Safeguards for employees who raise genuine concerns about malpractice are balanced against the need to protect employees, the Academy and the Governing Body against uninformed or vexatious allegations that can cause serious difficulty for innocent individuals. The malicious raising of unfounded allegations will be treated as a disciplinary offence.
- 1.5 If an employee believes that Academy has not dealt with a matter raised to his/her satisfaction, s/he has the right to disclose his/her concern to a prescribed person or body or to a legal advisor. (Please refer to Section 4: Procedures and Section 5: External Agencies for an outline of when/which/and under what circumstances an external agency should be contacted.)

2 Definitions

- 2.1 Whistle blowing is the reporting by employees, workers or ex-workers, of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act on the part of fellow employees, governors, contractors/suppliers and agency workers.

¹ 'Public interest' is defined here as anything affecting the well-being, rights, health or finances of the public at large, as distinct from the interests of an individual, group of individuals or company/organisation. It should be noted, however, that there is no definition of 'public interest' in the relevant legislation on whistleblowing.

- 2.2 Whistleblowers are protected by law² if they report any of the following:
- a criminal offence, for example, fraud, corruption or improper use of public funds
 - someone's health and safety to be in danger – including sexual, racial, physical, or other abuse of pupils or colleagues
 - risk or actual damage to the environment
 - a miscarriage of justice
 - that one's employer is breaking the law, for example by not having necessary insurance
 - that someone is covering up wrongdoing
- 2.3 Personal grievances such as bullying, harassment or discrimination are not covered by this policy or by whistleblowing law, unless a particular case is in the public interest.

3 Safeguards

- 3.1 The Academy recognises that employees may sometimes be reluctant to raise concerns, and therefore stresses the following safeguards:

Protecting the whistleblower

- 3.2 The Academy will protect employees who raise a concern from harassment or victimisation, including informal pressures. Any alleged harassment/victimisation of a whistleblower will be investigated and, depending on the outcome, disciplinary action may be taken.
- 3.3 Employees should make allegations in good faith and where there is a reasonable suspicion that wrongdoing has occurred, is occurring or will occur. If it is established that an employee has made allegations maliciously or for personal advantage disciplinary action may be taken against that employee.

Confidentiality

- 3.4 All reported wrongdoing will be treated in confidence, with every effort made by the Academy not to reveal an employee's identity if they so wish. At the appropriate time, however, an employee may need to come forward as a witness.
- 3.5 Employees raising concerns and any person to whom allegations are disclosed must ensure that they maintain necessary confidentiality towards service users.

² 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.

Anonymous allegations

- 3.6 Employees are encouraged to put their name to an allegation whenever possible. All allegations will be investigated, although employees need to be aware that anonymous allegations are much less powerful and are more difficult to act upon. In considering an anonymous allegation, the following factors will be taken into account:

- i the seriousness of the matter raised;
- ii the credibility of the allegation made;
- iii the likelihood of obtaining information from other sources which can confirm the allegation.

4 Procedures

- 4.1 All parties need to agree that the issue raised will be kept confidential while the procedure is being used.
- 4.2 An employee (the discloser), who has grounds to believe that wrongdoing has occurred, is occurring or is likely to occur in connection with the Academy, should raise their concerns first with the Principal. This may be done orally or in writing.
- 4.3 If the matter being raised concerns the Principal or if the employee feels unable, for whatever reason, to raise the matter with the Principal then the issue should be raised with the Chair of Governors.
- 4.4 On receipt of the disclosure, the Principal or Chair of Governors (the assessor) will offer to interview the discloser in confidence. The interview should take place as soon as practicable after the initial disclosure but at least within 5 working days or earlier if there is an immediate danger to loss of life or serious injury. The discloser may be accompanied by a local trade union representative or work colleague at the interview. The assessor must also be accompanied by a note taker.
- 4.5 The purpose of the interview is for the assessor to gain as much information as possible from the discloser about the grounds of the belief of wrongdoing and to consult with the discloser about further steps that could be taken.
- 4.6 If the matter does not fall within the whistle blowing procedure, the assessor will advise the discloser of appropriate routes.

- 4.7 Within ten working days of the interview, the assessor will recommend one or more of the following:
- i the matter be investigated internally by Greig City Academy;
 - ii the matter be investigated by the external auditors appointed by Greig City Academy;
 - iii the matter be investigated by the Safeguarding Team within Haringey Children and Young People's Services;
 - iv the matter be reported to the Department for Education;
 - v the matter be reported to the Police;
 - vi the matter be reported to one or more of the prescribed external bodies (see Section 5 below);
 - vii the route for the member of staff to pursue the matter if it does not fall within this procedure; or
 - viii that no further action be taken by Greig City Academy.
- 4.8 The grounds on which no further action would be taken include:
- i the assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing has occurred, is occurring or is likely to occur;
 - ii the assessor is satisfied that the discloser is not acting in good faith;
 - ii the matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies; or
 - iii 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, the local authority's Safeguarding Team, or a prescribed external body.
- 4.9 The assessor will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part.
- 4.10 The assessor will not reveal the identity of the discloser except in the following circumstances:
- i the discloser consents to his/her identity being known;
 - ii there are clear grounds to believe that the discloser has acted maliciously;
 - iii where the assessor is under a legal obligation to do so;

- iv where the information is already in the public domain;
 - v on a strictly confidential basis to a solicitor for the purpose of obtaining legal advice;
 - vi where it is essential that the discloser provides evidence at a disciplinary hearing or other proceedings.
- 4.11 The conclusion of any agreed investigation will be reported by the assessor to the discloser within twenty working days.
- 4.12 All responses to the discloser will be made in writing and sent to the discloser's home address.
- 4.13 If the discloser has not had a response within the above time limits, he or she may appeal to the Chair of Governors where the Principal is the assessor but will inform the assessor before doing so. If the Chair of Governors is the assessor and has not provided a response, the discloser is entitled to contact one or more of the relevant external bodies listed in the link at 5.2.
- 4.14 The discloser may at any time disclose the matter on a confidential basis to a solicitor for the purpose of taking legal advice.

5 External bodies

- 5.1 Whistleblowing to a legal advisor, a member of parliament or a prescribed external body without first going through the internal procedure is inadvisable without compelling reasons. Compelling reasons could be the involvement of senior managers, serious health and safety issues or possible discrimination. The prescribed external bodies that could be contacted include:

- Department for Education
- Ofsted
- Ofqual
- National Audit Office
- Health and Safety Executive
- Police
- Children and Young People's/Social Care Services of a local authority
- NSPCC

- 5.2 A full list of prescribed persons and bodies can be found at

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- 5.3 The list also includes a brief description of matters that may be reported to each body/person.

6 Informing staff

- 6.1 New staff are taken through this policy and its procedures as part of the induction process. This includes being told whom they should contact if they have concerns about wrongdoing in the school.
- 6.2 The policy is included in the school's safeguarding pack, which all staff receive at the beginning of each academic year. Staff sign to say they have read and understood all the policies in the pack.

7 Monitoring, Evaluation and Review

- 7.1 The Principal will be the responsible for the maintenance and operation of the Whistle Blowing Policy and will ensure that the policy is kept under review.
- 7.2 The Governing Body will review the policy at least every three years and assess its implementation and effectiveness.