



# **The Macclesfield Academy**

## **Whistle Blowing Policy**

## **1. Introduction**

- 1.1 The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment they encourage staff and others with serious concerns about any aspect of the Academy's work to come forward and voice these concerns. It is recognised that in certain cases the person raising the concern will wish to proceed on a confidential basis. This document makes it clear that wherever possible, confidentiality will be respected and the staff member raising the concern will be kept informed at all times as to progress of the issue. This policy is intended to encourage and enable staff to raise concerns within the Academy in order that they can be properly and quickly investigated.
- 1.2 Members of staff are often the first to realise that there may be something seriously wrong within the Academy. However they may not express their concern because they feel that speaking up would be disloyal to their colleagues or the Academy. They may also fear harassment or victimisation or some other impact on their future careers. In these circumstances it may seem easier to ignore the concern rather than report what may just be a suspicion of malpractice. Although this procedure is written for employees the Academy recognises that it may have other individuals or groups working on its site at any given time. These procedures will apply equally and with equal confidentiality to staff from support services, the local authority or volunteers.
- 1.3 This procedure will be fully discussed with the relevant trade unions and is intended to encourage their support in relation to the principles and offer support to individuals should they require this.

## **2. Aims and Scope of the Procedure**

- 2.1 This procedure aims to:
- provide an opportunity for you to raise concerns and receive feedback on any action taken
  - indicates how you can take the matter further if you are dissatisfied with the Academy's response
  - reassures you that you will be protected from reprisals or victimisation for confidential reporting in good faith
- 2.2 There are already procedures in place to enable you to lodge a grievance relating to your own employment through the school's Grievance procedure or to make a complaint under the Anti-bullying and Harassment procedures. Equally, there is a school complaints procedure and a disciplinary procedure. Staff should be aware that if they decide to raise a concern related to their own employment at an Employment Tribunal they will be required to raise this as a grievance with their employer in the first instance.
- 2.3 This confidential reporting procedure is intended primarily to cover concerns that fall outside the scope of other procedures and in some instances to provide a clear and speedy route for investigation of issues that may inform the disciplinary procedure.

Concerns may be that a particular act or issue:

- is unlawful; or

- is against the Academy's policies or financial regulations; or
- falls below established standards or practice; or
- amounts to improper conduct or misconduct.

Particular instances may relate to:

- criminal offences
- breach of contract
- negligence
- miscarriage of justice
- a danger to health, safety or welfare of employees, the public or the environment
- the abuse of public funds
- sexual or physical abuse of pupils or members of the community
- any act of discrimination
- inappropriate use of power or authority
- an attempt to cover up any of the above

The above list is not exhaustive, and further advice can be taken from the Academy's H.R service provider if you are unclear as to whether this policy is appropriate to your particular circumstances.

### **3. Safeguards**

#### **3.1 Harassment or victimisation**

The school recognises that the decision to report a concern can be a difficult one to make not least because of fear of reprisal from those responsible for the malpractice. The Academy will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect you when you raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation. It is accepted by the Governors that staff may feel concerned that by raising areas of concern their future careers may be detrimentally affected. This is **not** the case and those raising concerns in good faith may be assured that concerns will be treated with the utmost respect and play no further part in future decisions related to progress or promotion.

- 3.2 If you are personally already the subject of disciplinary, redundancy or similar procedures, confidential reporting will not halt these procedures but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

#### **3.3 Confidentiality**

The Academy will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

#### **3.4 Anonymous Allegations**

The Governors accept that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind you are encouraged to put your name to your allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the Governors.

3.5 In exercising the 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 other sources in the face of a flat denial from the accused person.

### 3.6 **Untrue Allegations**

If you make an allegation in good faith, without personal gain, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against you and you will be fully supported after the event. If, however, you make malicious or vexatious allegations disciplinary action may be taken against you. Equally, if malicious allegations are made against you, the Governors will ensure that you are fully supported and that appropriate disciplinary action is taken against the person making such malicious allegations.

## 4. **How to Raise a Concern**

4.1 As a first step, you should normally raise concerns with your immediate manager or the Headteacher if you feel uncomfortable in discussing the issue with someone working in close proximity to you. You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example if you believe that senior management is involved, you should approach the school Chair or Vice Chair of Governors direct.

4.2 Once initial concerns have been raised, it will be important to translate these into writing. You will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

4.3 The earlier you express the concern the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from your line manager or the Headteacher.

4.6 You may invite your trade union or professional association to raise a matter on your behalf and they can be invited to participate in any future discussions between yourself and the investigating officer.

## 5. **How the Academy will Respond**

5.1 The action taken by the Academy will depend upon the nature of the concern. The matters raised may,

- be investigated internally in the first instance
- be referred to the Academy's internal auditor (in cases of alleged financial impropriety)
- be referred to the Police immediately where allegations of fraud or child abuse are apparent
- be referred to the external auditors or

- form the subject of an independent enquiry by the LA or a nominated body outside the Academy.
- 5.2 In order to protect individuals and the 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 procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 Within ten working days of a concern being received the Headteacher, or where appropriate the Chair or Vice Chair of Governors will write to you:
- acknowledging that the concern has been received
  - indicating how it is proposed to deal with the matter and where possible who the investigating officer(s) will be
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made and
  - telling you whether further investigations will take place, and, if not, why not.

Where the matter is being handled by the Headteacher a copy of this letter will be sent to the Chair of Governors who will ensure that the issue is being appropriately handled.

- 5.5 The amount of contact between the officers 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 further information will be sought from you.
- 5.6 When any meeting is arranged with you, you have the right if you so wish to be accompanied by a representative from your trade union or professional association or a workplace colleague.
- 5.7 The Academy 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 will advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.
- 5.8 The Academy accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive feedback and information about the progress and outcomes of any investigations. Where such correspondence is with the Headteacher a copy will be sent to the Chair of Governors who will ensure that the issue is being appropriately handled.

## **6. How the Matter can be Taken Further**

- 6.1 The procedure is intended to provide you with an opportunity to raise concerns within the Academy and hopefully you will be satisfied with the outcome. If you are not and you feel it is right to take the matter outside the Academy, the following are possible contact points:
- DfE Department for Education
  - the external auditor
  - relevant professional bodies or regulatory organisations
  - your solicitor
  - the Police
  - You member of Parliament or MP representing the Academy

If you do take the matter outside the Academy, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. This means that you must not disclose confidential documents or confidential information that relates to clients and customers. If you are not sure whether information is considered confidential you should check with one of the contact points in 4.5 above.