

# Upton Court

EDUCATIONAL TRUST



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## Whistle Blowing Policy and Procedures



Policy Approved by Board of Trustees 28<sup>th</sup> January 2016

## Whistle Blowing Policy & Procedures

### 1. Introduction

1.1 Upton Court Educational Trust (the Trust) is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment the Trust is keen that activity, which falls below these standards, is reported to the Trust in order that it can be dealt with promptly. The Trust acknowledges that employees are often the first to realise that there may be something seriously wrong within their organisation and that the Trust needs to encourage employees and others with concerns about any aspect of the Trust's work to come forward and voice those concerns. Officially this is called 'making a disclosure in the public interest' under the Public Interest Disclosure Act 1998 (PIDA).

Qualifying disclosures under the act are disclosures of information where the employee reasonably believes **(and it is in the public interest)** that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence (e.g. fraud, corruption etc.)
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

In addition to the 6 criteria above which are specified in the PIDA the Trust encourages employees to disclose any concerns they have regarding

- Public funds being misused
- The Trust's procedures (e.g. Code of Conduct, Financial Regulations) has been or is being breached by members/and/or employees
- Abuse (e.g. physical, sexual)
- Discrimination to any employee or service recipient e.g. disability, race etc.

1.2 You, as a Trust employee, may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may also fear harassment or victimisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.3 The Trust has introduced this revised Whistle Blowing Policy to enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof. The Whistle Blowing Policy is intended to encourage and enable you, as an employee, to raise serious concerns within the Trust rather than overlooking a problem or simply reporting it outside. It should be read in conjunction with the Code of Conduct already issued to employees.

1.4 If something is troubling you, which you think we should know about, or look into, please use this policy. Don't ignore the concern. If, however, you have a grievance about your own personal position or employment, please use the Trust's Grievance Procedure - which you can get from your manager, or from the staff drive. This Whistle Blowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

## 2. Aims

2.1 This policy aims to:

- encourage employees to feel confident in raising serious concerns;
- reassure employees that, when they raise any concerns and reasonably believe them to be true, i.e. “whistle blow”, they will be protected from reprisals or victimisation;
- provide avenues for an employee to raise concerns and receive feedback on any action taken;
- ensure that employees get a response to the concerns they have raised from the Trust and, if not satisfied, show how they may take the matter further if they are dissatisfied with the response;

## 3. Scope

3.1 This policy may be used by all employees in the Trust. This includes permanent and temporary employees of the Trust, agency employees and Trust employees seconded to a third party.

3.2 It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other Trust procedures where more appropriate procedures are available, for example:

- grievances (see Grievance Policy);
- child protection issues (see Child Protection Policy)

## 4. Safeguards

### *Harassment or Victimisation*

4.1 The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern. If you raise a genuine concern under this policy, you will not suffer any detriment in connection with your employment.

4.2 Employees who 'blow the whistle' on wrongdoing in the workplace can claim unfair dismissal if they are dismissed or victimised for doing so. An employee's dismissal (or selection for redundancy) is automatically considered 'unfair' if it is wholly or mainly for making a protected disclosure.

### **Confidentiality**

4.3 The Trust will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent or unless instructed by a Tribunal or Court. If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence) we will discuss with you whether and how we can proceed.

### **Anonymous Allegations**

4.4 This policy strongly encourages you to put your name to your allegation. Concerns expressed anonymously will be much more difficult for us to look into or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Trust

4.5 In exercising discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;

- the credibility and plausibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### **Untrue or Malicious Allegations**

4.6 If you make an allegation, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

### **5. How to Raise a Concern within the Academy Trust**

5.1 As a first step, you should normally raise concerns with your immediate manager or their superior. 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 management is involved, you should approach either the Executive Principal, the Head of School or Chair of Governors/Trustees in the first instance.

If you have concerns regarding the Executive Principal you should contact the Chair of Trustees at [Chair@uptoncourtgrammar.org.uk](mailto:Chair@uptoncourtgrammar.org.uk)

Please say if you want to raise the matter in confidence so the person you contact can make appropriate arrangements.

5.2 Concerns are better raised in writing. You are 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. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

5.3 The earlier you express the concern, the easier it is to take action. You may also wish to involve your Trade Union representative at this stage.

5.4 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.

5.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Director of Finance.

5.6 You may also invite your trade union or professional association to raise a matter on your behalf.

### **6. How the Trust will respond**

6.1 The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to the Education Funding Agency

6.2 In order to protect individuals and the Trust, 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) will normally be referred for consideration under those procedures.

6.3 Some concerns may be resolved by agreed action without the need for investigation.

6.4 Within ten working days of a concern being received, the Academy will write to you:

- acknowledging that the concern has been received;
- indicating, in overall terms, how it proposes to deal with the matter;
- giving, where possible, an estimate of how long it will take to provide a final response;

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- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not, why not.

6.5 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.

6.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union colleague, a work colleague, a professional association representative or a friend who is not involved in the area of work to which the concern relates.

6.7 The 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 will advise you about the procedure.

6.8 The Trust accepts that you need to be assured that the matter has been properly addressed and as such, where possible, the Trust will provide information in this regard.

## 7 Independent Advice

7.1 If you are unsure whether to use this Policy or you want independent advice at any stage, you may contact:

- if applicable, your union;
- the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

## 8 How the matter can be taken further

8.1 This policy is intended to provide you with an avenue to raise concerns within the Trust and to give you the reassurance you need to raise such matters internally. The Trust hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Trust you should contact a prescribed person or body (guidance is available from **GOV.UK - Blowing the whistle: list of prescribed people and bodies**). This includes a list of public bodies which can deal with particular areas of concern e.g. Education, Finance etc. You can also make a disclosure to a solicitor.

You should tell the prescribed person or body if they think that the Academy:

- will cover the issue up
- treat you unfairly if you complained
- hasn't sorted the issue out and you've already reported it

## 9 The Responsible Officer

9.1 The Director of Finance has overall responsibility for the maintenance and operation of the Whistle Blowing Policy. The Director of Finance will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Board of Trustees, where appropriate.

9.2 The Policy will be reviewed on an annual basis to ensure the Policy remains up to date and to ensure it remains effective.