



# Vale of Evesham School

'a specialist school for cognition and learning - enabling inclusion in the community'

## Whistleblowing Policy

**June 2017**

**Review June 2019**

**Staff responsible: Stephen Garside**

## **Introduction**

People working within organisations are often the first to realise that there may be something seriously wrong in the place where they work. They may be wary of expressing concerns because they feel that it would be disloyal to their colleagues or to their Academy Trust. They may fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report a suspicion of malpractice.

This Academy Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others working at or for the Academy Trust who have serious concerns about any aspect of the work of the academy (described as ‘the organisation’ hereafter) to come forward and voice those concerns.

Anyone working for or on behalf of the organisation may raise a concern about malpractice.

## **Aims of the Policy**

This Policy is designed to encourage and enable you to be able to raise concerns you might have about the way the organisation conducts its business. It provides you with an opportunity to raise concerns which you reasonably believe point to serious malpractice in a confidential way, without fear of victimisation, subsequent discrimination or disadvantage. Your concerns may relate to the improper, unethical or illegal conduct of employees, governors or representatives of the organisation or others acting on their behalf. **Some examples** of serious malpractice include conduct which:

- is an offence or a failure to comply with a legal obligation;
- allows miscarriages of justice;
- endangers the health and safety of pupils, members of the public or other employees;
- damages the environment;
- involves the unauthorised use of public funds;
- could be possible fraud and corruption;
- involves sexual or physical abuse or harassment of students or other workers;
- raises any concern over the welfare of pupils or other workers;
- is deliberate concealment of malpractice.

Victimisation or harassment of anyone using this policy or discouraging others from coming forward will be deemed to be a disciplinary matter.

This Policy complements complaints and statutory reporting procedures already in place and reflects the legal protection afforded by the Public Interest Disclosure Act 1998. It is not a substitute for the academy’s grievance, disciplinary or harassment policies. If you have a personal concern unrelated to malpractice, please use the Academy Grievance Procedure Policy, copies of which are available from the Headteacher.

## **Who is responsible for the Policy?**

The Governing Body is responsible for the operation of this policy in matters relating to this academy.

### **Step 1 – Raising a concern within the Academy Trust**

If you have a concern about malpractice, the Governing Body hopes that you will be able to raise the matter with the Headteacher. If your concern is connected to a child protection issue, you must follow the academy's Child Protection Policy.

However, if you feel unable to raise the concern with your Headteacher, you should speak to the Chair of Governors or another governor.

Concerns may be raised verbally and/or in writing. If you wish to make a written report, include in your letter the background and history (giving relevant dates) and give the reason why you are particularly concerned about the matter. You may also wish to seek advice from your trade union at this stage.

If you are personally involved in the matter you raise, please tell us at the outset.

You may invite your trade union or a work colleague to be present during any meetings or interviews (which may be arranged away from your normal workplace if you so wish) in connection with the concerns you have raised.

### **What will happen?**

Where appropriate the Headteacher or governor will refer the matter to the Academy Trust Board regarding actions required.

### **Step 2- Raising a Concern Externally**

We hope this policy gives you the confidence to raise your concern within the organisation. However, we would prefer you to raise your concern with the proper external regulator rather than remain silent.

If you act in good faith reasonably believing that both the malpractice falls within the remit of a regulator and that the information disclosed is substantially true, you may also contact the following:

- the Health and Safety Executive for health and safety dangers;
- the Environment Agency for environmental dangers;
- the EFA, the Audit Commission or External Auditor for concerns about conduct of business value for money, fraud and corruption;
- the Data Protection Registrar.

Finally, if you genuinely believe that the matter cannot or will not be dealt with internally because you believe your complaints have been ignored, or that information will be concealed or destroyed or you will be subjected to victimisation and have evidence to back up your belief, you may consider contacting a non-regulatory external body for example the police, OFSTED, or the DfE. You are strongly advised to seek independent advice before raising any issue outside the academy. Possible contacts are given below.

### **Confidentiality**

The organisation undertakes to protect your identity and will not disclose it without your consent. If it is not possible to pursue your concern without revealing your identity (e.g. the need to give evidence in court or at a disciplinary hearing), we will discuss with you how and if we can proceed.

### **Untrue Allegations**

If you make an allegation in good faith, but the evidence produced during the investigation does not substantiate it, no action will be taken against you. If, however, you make an allegation maliciously or for personal gain, this may result in disciplinary action being taken against you.

### **The Role of the Trade Unions and Further Advice**

The trade unions recognised by the academy are committed to the effective use of this policy. If you are considering raising concerns using this procedure you may wish to seek advice from your trade union representative before doing so, particularly if you believe that the only course of action open to you is to raise your concern with an external body.

If you want other independent advice at any time you may contact the independent charity, Public Concern at Work on 0207 404 6609 or email them on [whistle@pcaw.demon.co.uk](mailto:whistle@pcaw.demon.co.uk). Their lawyers will give you free confidential advice on how to raise a concern about serious malpractice at work.