

December 2012

## 1 Introduction

- 1.1 This policy is intended to help employees of the Focus-Trust who have major concerns over any wrong doing relating to unlawful conduct, financial malpractice or dangers to the public or the environment.
- 1.2 Employees are often the first to realise that there may be something seriously wrong with the organisation they work for. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to the Focus-Trust. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrongdoing at work.
- 1.3 The Focus-Trust Board and local governing bodies are committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with genuine concerns about any of Focus-Trust or governing body's work to come forward and voice those concerns. This policy document makes it that employees can do so without fear of reprisals. The whistle blowing policy is intended to encourage and enable employees to raise such concerns within their academy or where appropriate the Focus-Trust rather than overlooking a problem.
- 1.4 This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act.
- 1.5 The procedure allows academy based employees to raise concerns about the management of the academy with the local academy board and to raise concerns about the governance of the academy with Focus-Trust officers. The procedure also allows academy based employees who have concerns about the Focus-Trust to raise these concerns with named Focus-Trust officers.

## 2 Aims and scope of this policy

- 2.1 This policy aims to:
  - Provide avenues for you to raise genuine concerns and receive feedback on any action taken
  - Allow you to take the matter further if you are dissatisfied with the governing body or the Focus-Trust's response
  - Reassure you that steps will be taken to protect you from reprisals or victimisation for whistle blowing in good faith
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistle blowing policy is intended to cover genuine concerns that fall outside the scope of other procedures. That concern may be about something that:
  - is unlawful;
  - is against the agreed scheme of delegation or policies;
  - is against the Trust's remit or policies;
  - falls below established standards of practice;
  - amounts to improper conduct; or

- contradicts the Board's or local academy board's codes of conduct.

Further examples are provided in Appendix 1.

- 2.3 The procedure will be communicated to all academy employees as well as agency workers and supply teachers working on a temporary basis.

### **3 Safeguards**

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

The Focus-Trust recognises that the decision to report a concern can be a difficult one to make, because of the fear of reprisal. The Focus-Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

#### **3.2 Confidentiality**

The Focus-Trust will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process is likely to reveal the source of the information and a statement by you is likely to be required as part of the evidence.

#### **3.3 Anonymous allegations**

You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Focus-Trust.

#### **3.4 Discretion**

In exercising discretion, the following factors will be taken into account when considering how to deal with any allegations:

- the seriousness of the issues raised;
- the credibility of the allegation; and
- the likelihood of confirming the allegation from attributable sources.

#### **3.5 Malicious or vexatious allegations**

If you make an allegation in good faith, 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 in accordance with the Trust's disciplinary procedure.

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

- 4.1 As a first step, you should normally raise concerns with your immediate line manager or Principal. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice. For example, if you believe that your line manager is involved, you should approach your Principal. If you feel the Principal may be involved, the Chair of the local governing body or the Chief Executive of the Trust should be approached.

- 4.2 If the concern is about the governing body or an officer of the Focus-Trust, the matter should be raised with the Chief Executive of the Trust. If the concern is about the Chief Executive, the matter should be raised with the Chair of the Trust Board.

- 4.3 Advice and guidance on how matters of concern may be pursued can be obtained from:

- Your line manager
- Principal
- HR/Business Manager
- Chair of local academy board

- 4.4 Concerns are better raised in writing. You are invited to set out the background and history of your concern, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you are not able to put your concern in writing, you can telephone or arrange to meet the appropriate officer. If you are a member of a trade union you may find it helpful to take advice from them about putting your concerns in writing.
- 4.5 Any Focus-Trust officer, Principal or chair of local board receiving any concern will also report it to the Chief Executive. This is because the Chief Executive has a statutory duty to consider any issue that has, or may, result in the Focus-Trust being in contravention of the law or a code of practice.
- 4.6 The earlier you express your concern, the easier it is for the Focus-Trust to take action.
- 4.7 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 initial enquiries to be made.

## **5 How the Focus-Trust will respond**

- 5.1 The action will depend on the nature of the concern. The matter raised may:
- Be investigated internally
  - Be referred to the police
  - Be referred to an external auditor or investigator
  - Form the subject of an independent enquiry
- 5.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that 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 without the need for an investigation.
- 5.4 Within ten working days of a concern being received, the Focus-Trust will write to you:
- acknowledging that the concern has been received;
  - indicating how it proposes to deal with the matter;
  - giving an estimate of how long it will take to deal with the matter;
  - telling you whether any initial enquiries have been made; and
  - telling you whether further investigations will take place.
- 5.5 The amount of contact between you and Focus-Trust officers considering the issues 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 to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a friend who is not involved in the area of work to which the concern relates and who also who could not be called as witness.
- 5.7 The Focus-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 Focus-Trust will advise you about the procedure.

- 5.8 The Focus-Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.
- 5.9 Any person who is the subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

## **6 How the matter can be taken further**

6.1 This policy is intended to provide you with an avenue to raise concerns with the Focus-Trust. The Focus-Trust hopes you will be satisfied. If you are not and you feel it is right to take the matter outside the Focus-Trust, the following are possible contact points:

- The external auditor
- Relevant professional bodies or regulatory organisations
- Your solicitor
- The police
- Other bodies prescribed under the Public Interest Disclosure Act, e.g.
  - The Audit Commission for England and Wales
  - Data Protection Registrar
  - Serious Fraud Office
  - Environment Agency
  - Health and Safety Executive

If you do take the matter outside the Trust, you need to ensure that you do not disclose confidential information, or that disclosure would be privileged.

## **7 The Responsible Officer**

7.1 Within the Focus-Trust the Chief Executive has overall responsibility for the maintenance and operation of this policy. They maintain a record of genuine concerns raised and the outcomes.

## Appendix 1

This list illustrates the kind of issues the Focus-Trust would consider as malpractice or wrong-doing that could be raised under this whistle blowing policy. However, the list is not exhaustive.

- Poor or unprofessional practice by a member of staff, governor or an agency which results in the pupils or school staff not getting the same quality of service which is available to others
- Improper/unacceptable behaviour towards pupils or school staff, parent/carer or visitor which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain
- Any unlawful activities, whether criminal or a breach of civil law
- Fraud, theft or corruption
- Concerns regarding possible breaches of Health and Safety Regulations
- Harassment, discrimination, victimisation or bullying of employees and/or service users
- Leaking confidential information in respect of governing body or Focus-Trust activities and/or records
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time
- Inappropriate contact with members of the public within Focus-Trust or academy facilities, or whilst carrying out governing body duties or duties or outside of working time
- Taking gifts or inducements
- Inappropriate use of external funding or the Focus-Trust budget
- Maladministration as defined by the Local Government Ombudsman
- Breach of any Statutory Code of Practice
- Breach of, or failure, to implement, or comply with any Focus-Trust policy
- Misuse of academy assets, including computer hardware and software, equipment, buildings, stores, vehicles

<b>Title</b>	Whistle Blowing Policy
<b>Aim</b>	To provide a consistent approach to whistle-blowing in the Trust
<b>Related documents</b>	HR policies
<b>Date for implementation</b>	01.01.2013
<b>Approved by</b>	Trust Board – 17.12.12
<b>Date of next review</b>	When required.
<b>Distribution</b>	File share.
<b>Version control</b>	Version 2