



# Open Academy

## Whistleblowing Policy

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| <b>Policy Type:</b>         | <b>Trust Core Policy</b>                 |
| <b>Approved By:</b>         | <b>Trust Board (Personnel Committee)</b> |
| <b>Approval Date:</b>       | <b>08/03/2022</b>                        |
| <b>Date Adopted by LGB:</b> | <b>12/05/2022</b>                        |
| <b>Review Date:</b>         | <b>March 2025</b>                        |
| <b>Person Responsible:</b>  | <b>Human Resources Manager</b>           |

## Summary of Changes

The model policy has been revised to reflect these changes to the statutory guidance as outlined below.

| <b>Page Ref.</b> | <b>Section</b>               | <b>Amendment</b>                     | <b>Date of Change</b> |
|------------------|------------------------------|--------------------------------------|-----------------------|
| 5                | How the Academy will respond | Update contact details for LADO      | Feb 19                |
| 6                | Links to other policies      | Updated list of policies             | Feb 19                |
|                  |                              | Policy reviewed, no updates required | Feb 22                |
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## **Roles and Accountabilities**

The Diocese of Norwich Education and Academies Trust is accountable for all policies across its Academies. All policies whether relating to an individual academy or the whole Trust will be written and implemented in line with our ethos and values as articulated in our prospectus. We are committed to the provision of high-quality education in the context of the Christian values of service, thankfulness and humility where individuals are valued, aspirations are high, hope is nurtured and talents released.

A Scheme of Delegation for each academy sets out the responsibilities of the Local Governing Body and Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the Trust's policies.

## **Policy Statement**

Employees are often the first to realise that there may be something seriously wrong within the academy. They may not express their concerns for fear of harassment or victimisation or because by speaking up they may be considered disloyal to their colleagues or the academy.

*N.B. Allegations of child abuse against teachers and other staff and volunteers should be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges*

Open Academy is committed to the highest possible standards and in line with that commitment and its duties under the terms of the Public Interest Disclosure Act 1998, it will:

- encourage employees and others who have serious concerns about any aspect of the academy's work to voice those concerns;
- recognise that certain cases will have to proceed on a confidential basis;
- enable employees to participate without fear of reprisals;
- enable employees to raise serious concerns within the academy in a constructive and positive way rather than overlook a problem.

## **Aims and Scope of the Policy**

*The Policy:*

- provides avenues for an employee to raise concerns and receive feedback on any action taken;
- allows employees to take the matter further if they are dissatisfied with the academy's decision;

*The Policy does not replace:*

- the academy's complaints procedure;
- its grievance procedure;
- managerial responsibilities

*Employees' concerns may be about actions that include:*

- conduct which is an offence or a breach of law;
- disclosures relating to miscarriages of justice;
- health & safety risks to public or employees;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption;
- breaches of the academy's Financial Regulations, Standing Orders or policies;
- falling below established professional standards or practices;
- improper or unethical conduct

## **Safeguards**

### *Harassment or Victimisation*

The academy 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 malpractice. It will not tolerate harassment or victimisation and will take action to protect an employee when a concern is raised in good faith. (See Bullying, Harassment & Discrimination Policy)

If an employee is the subject of disciplinary or redundancy procedures when they raise their concerns, then those procedures will not automatically be affected. The information provided would be assessed in the light of the new circumstances and a decision taken as to how, if at all, those proceedings should be affected.

### *Confidentiality*

The Trust will endeavour to protect the identity of an employee who raises a concern. However, as a result of the investigation process a statement may be required, as part of the evidence and this will be seen by all parties. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first

### *Anonymous Allegations*

Employees are encouraged to put their name to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the academy. The key factors to be taken into account in these circumstances will be the:

- seriousness of the issues raised;
- credibility of the concern and likelihood of confirming the allegation.

### *Malicious or Vexatious Allegations*

When an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee voicing the concern. If, however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken against that employee may be the subject of consideration under the provisions of the academy complaints policy.

### *Unfounded Allegations*

The employee who raises the concern will be informed that the Local Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available

## **Procedure**

### *Contact Officers :-*

Employees should initially raise concerns with:

- a) Their Line Manager (in the case of the Headteacher this would be the Chair of Governors). However, this does depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the matter that concerns them. If the matter is more serious, then any of the following officers should be contacted
- b) Their Head of Department
- c) The Headteacher (if the issue is with the Chair of Governors or member of the Local Governing Body)
- d) The Chair of Governors (if the issue is with the Headteacher)

If an employee is contemplating raising a concern under the Whistleblowing policy they may wish to discuss with their Trade Union or professional adviser in the first instance.

It is important that all staff and volunteers feel able to raise concerns about poor or unsafe practice and such concerns are addressed sensitively in accordance with agreed whistle-blowing procedures including raising awareness of NSPCC Whistle-blowing helpline 0800 028 0285; Where there are local specific procedures (e.g. Social Services procedures) then these local specific procedures will apply. (See Safeguarding Policy)

Concerns are better raised in writing and should incorporate relevant information about specific incidents. The background and history of the concern including names, dates and places where possible and the reason why employees are particularly concerned about certain situations should also be provided. If an employee is unable to express their concerns in writing, then they can contact the appropriate officer by telephone or arrange to meet them.

The earlier a concern is expressed the easier it will be to take appropriate action.

Although employees are not expected to prove the validity of an allegation, they will need to demonstrate to the appropriate officer contacted that there are sufficient grounds for raising the concern.

### **How the Academy Will Respond**

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

- Resolved without the need for investigation
- Investigated internally;
- Referred to the police / social services / The LADO (Local Area Designated Officer ) [Norfolk Suffolk](#)
- Referred to the Diocese of Norwich Education and Academies Trust Chief Executive Officer
- Referred to the External Auditor; or
- Form the subject of an independent inquiry.

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 under the scope of specific procedures (e.g. Social Services), will be referred for consideration under those procedures.

As soon as possible after a concern has been raised the academy will write to the employee concerned to acknowledge the issue that has been raised and to indicate the future course of action.

The amount of contact between the employee raising the concern and the officers considering the issue will depend on the nature of the matters raised. An employee may be approached to provide further information.

If a meeting is arranged, then an employee has a right to be accompanied by a Trade Union representative or a workplace colleague.

An employee raising a concern will need to be assured that the issue has been appropriately addressed. Therefore, the academy, subject to legal constraints, will inform the employee about the outcomes of any investigations.

### **How to Take a Concern Further**

This Policy is intended to provide employees with an avenue to raise concerns within the academy /Trust, hopefully to a satisfactory conclusion. However, where all internal avenues have been exhausted it may be necessary for an employee to take the concerns outside the Trust and these are possible contact points:

- The External Auditor;
- Relevant professional bodies or regulatory organisations;
- The DfE;
- The police.

### **Roles & Responsibilities**

#### **Principal/Headteacher:**

- Ensure the ethos within the academy is supportive of the implementation of this policy.
- Listen to any concerns raised with openness and respect and take appropriate action.
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#### **Governors**

- Ensure the Headteacher supports the implementation of this policy.
- Take appropriate action if concerns are raised directly with them.

### **Equal Opportunities**

This policy applies to all involved in the academy regardless of their gender, colour, ethnicity, ability or disability, religion, sexual orientation or nationality.

### **Monitoring & Review**

The implementation and impact of the policy will be monitored, and the policy reviewed every three years.

### **Links to Other Policies**

- Bullying & Harassment Policy
- Health & Safety Policy
- Safeguarding Policy
- Finance Policy
- Data Protection Policy