



WHISTLE-BLOWING POLICY AND PROCEDURE

(ADOPTED 27 FEBRUARY 2017)

Signed:

Date:

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CEO

Signed:

Date:

Elliot Sharp
Chair of Trustees

Next Review Date: Spring 2018

Introduction

Lakes Academies Trust recognises that openness, probity and accountability are vital components of public service. Employees and other workers who discover lapses in these areas are encouraged to come forward and disclose their concerns to someone who can be trusted to take action. This process is known as “whistle-blowing”. These issues will be taken seriously and treated in a confidential manner.

This policy applies to all Lakes Academies Trust employees and those working within the Trust or on Trust premises. It also covers suppliers and those providing services under a contract with the Trust on their own premises.

The policy has been introduced to:

- allow staff to feel confident in raising serious concerns and to question and act upon concerns about practice;
- identify avenues for staff to raise those concerns and receive feedback on any action taken;
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure staff that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety and have made a disclosure in good faith.

Examples of areas covered

This policy is intended to cover areas of concern such as the following:

- conduct which may be a criminal offence;
- failure to comply with a legal obligation;
- dangerous procedures endangering the health and safety and welfare of pupils and staff and of other persons using the Trust buildings or site;
- possible damage to the environment;
- the unauthorised use of public funds including action which may breach financial regulations;
- fraud, bribery and corruption;
- sexual, mental or physical abuse of pupils;
- breach of procedures and regulations set by examination boards/awarding bodies

This policy is not intended to replace the Trust’s dispute resolution or other established procedures, but may lead to those being initiated.

How to raise a concern

As a first step you should normally raise concerns, either verbally or in writing, with the Headteacher in the individual school, or the CEO of Lakes Academies Trust or if the Headteacher or CEO have created the concern, then to the Chair of Trustees of Lakes Academies Trust.

Any concern should be raised at the earliest opportunity possible.

As much information as possible should be supplied, including: dates, times and names.

Although you will not be expected to provide conclusive proof of the allegation, you will need to demonstrate to the person contacted that you have reasonable grounds for your concern.

If you make an allegation in good faith but it is not confirmed by a subsequent investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

You may invite your trade union/professional association representative or a workplace colleague to be present during any meetings or interviews in connection with the concerns you have raised.

You are encouraged to put your name to the allegations whenever possible. Concerns expressed anonymously may be considered at the discretion of the Head Teacher/CEO/Chair of Trustees. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the concerns identified;
- the likelihood of confirming the allegation from a credible source;
- whether the details provided contain sufficient information to allow the matter to be investigated.

How the Trust will respond

An initial assessment will be made by the Head Teacher/CEO/Chair of Trustees to determine whether the concerns which have been raised warrant any action on the part of the Trust. Such an assessment may include a preliminary investigation. Some concerns may be resolved by agreed action without the need for investigation.

Where the concerns do warrant further action, the matter will be referred to an appropriate person who will follow the appropriate procedure, eg

- a disciplinary investigation;
- referral to the audit team;
- informing the police;
- referral to the Local Authority Designated Officer for child protection (the LADO)

Within five working days the person with whom the concern has been raised will write to the member of staff:

- acknowledging that the concern has been received;
- indicating how the Trust proposes to deal with the matter;
- informing whether further investigations will take place and if not why not;
- giving an estimate of how long it will take to provide a final response;
- supplying information on staff support mechanisms, which may include confidential counselling.

The amount of contact between the person considering the issues and the member of staff will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from the member of staff. Any meeting arranged for these purposes may be off site, if requested.

The Trust accepts that all staff need to be assured that the matters will be properly addressed. Subject to legal constraints, members of staff who have raised the concern will be informed of the outcomes of any investigation, to an extent which does not prejudice the right to confidentiality of others concerned.

Protection for whistle-blowers

The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss a member of staff on the grounds that they undertook a “protected disclosure” (ie a disclosure made in good faith with a reasonable belief that there has been a relevant malpractice or impropriety) and compensation in these circumstances is unlimited. In order for a member of staff to be protected under this legislation they must take reasonable steps to raise the matter internally first before going outside the organisation to raise their concern.

Any attempt to victimise a member of staff who has reported a concern under this procedure may be dealt with under the Trust’s Disciplinary Procedure.

What you should do if the Trust does not deal with your concerns.

A member of staff who makes a “protected disclosure”, such as those set out in section 2, is protected provided that:

- they make the disclosure in good faith;
- they reasonably believe that the information disclosed, and any allegation contained in it, is substantially true;
- they do not make the disclosure for purposes of personal gain;
- at the time of the disclosure, they reasonably believe that they will be subject to a detriment by their employer, or relevant evidence will be concealed or destroyed, if they make a disclosure to their employer;
- in all the circumstances of the case, it is “reasonable” for them to make the disclosure.

Making a disclosure outside the school is more likely to be “reasonable” if it is made to a person or body that has appropriate jurisdiction. This will depend on the nature of the concern, but these might include:

Nature of concern	Relevant external body
Criminal activity	Police
Exam malpractice	The awarding body Ofqual
Environmental damage	Environmental Agency
Financial irregularities	Crowe Clarke Whitehill/DofE
Serious misconduct of a teacher	The Teaching Agency
Health and Safety	Health and Safety Executive
Income Tax/VAT	HMRC
Child protection	Local Authority Designated Officer for child protection (LADO)
Building regulations	Local Authority Planning Department

Depending on the circumstances, other appropriate bodies may include: Ofsted, the Secretary of State, an academy’s sponsor

You may also seek confidential external advice from:

- your trade union or professional association;
- the Citizen's Advice Bureau;
- Public Concern at Work

Public Concern at Work is a charity, established in 1993, which offers free, confidential advice to people concerned about crime, danger or wrongdoing at work.