



# MacIntyre Academies

## Whistleblowing Policy and Procedure

<b>Person Responsible:</b>	Head of Academy Support and Development
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## Whistleblowing Policy and Procedure

### 1. Purpose

This policy seeks to promote an environment in which it is safe and acceptable for staff at any level to raise any concerns they may regarding potential malpractice within a MacIntyre Academy or MacIntyre Academies Trust.

It is intended that this policy will encourage and enable employees to voice concerns internally at an early stage without fear of victimisation, subsequent discrimination or disadvantage and in accordance with the whistleblowing procedure outlined.

### 2. Scope

This policy applies to all staff who work for Macintyre Academies at all levels of the organisation including employees of MacIntyre Academies Trust (MAT), contractors, agency workers, volunteers, trainees or persons who are/ was subject to a contract to undertake work or services to raise concerns where the well-being of others or the Academy itself is at risk.

This policy does not form part of any contract of employment and may be amended from time to time.

Human Resources are responsible for providing advice under this policy and updating the policy as required.

### 3. Responsibilities

The Directors (Trustees) of MacIntyre Academies are committed to ensuring that potential fraud or malpractice of any kind, especially in relation to safeguarding children and young people, is identified and addressed.

MacIntyre Academies is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing and will ensure that employees understand that they can speak up in confidence, in an environment in which it is considered safe and acceptable to do so.

#### **MacIntyre Academies expects line managers to:**

- Discuss the Whistleblowing Policy during supervisions and team meetings
- Promote the use of the Whistleblowing Policy
- Make clear to employees who they can report concerns to in confidence
- Maintain appropriate confidentiality regarding employees and any concerns that they may raise
- Take appropriate action, in accordance with this Whistleblowing Policy to ensure that any concerns are escalated and brought to the attention of the next more senior line manager immediately

#### **MacIntyre Academies expects all employees (including part-time, agency and relief workers and volunteers) to:**

- Report any matter that they suspect may be improper, unethical or inappropriate by raising any concerns under this policy immediately, with their line manager or another relevant manager
- Raise the above concerns as soon as they arise rather than waiting for proof
- Take responsibility for keeping children and young people at MacIntyre Academies schools safe from harm and abuse
- Take responsibility for the health safety and wellbeing of themselves and their colleagues
- Take responsibility for appropriate, ethical and legal conduct of themselves and their colleagues

#### 4. Introduction

MacIntyre Academies Trust is committed to achieving the highest possible standards of service and ethical standards including the promotion of an open culture where employees are encouraged to raise concerns in an appropriate manner to ensure the health safety and welfare of all its employees and the children and young people at our schools, and to ensure that the organisation works effectively and efficiently within legal and ethical boundaries.

**This Whistleblowing Policy is primarily for concerns where the interests of others or of MacIntyre Academies itself are at risk.**

All staff at one time or another have concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

Although this list is not exhaustive, examples of situations in which it might be appropriate for a member of staff to report a wrongdoing include:

- *The committing of a criminal offence*
- *A breach, or potential breach, of health and safety legislation*
- *Financial irregularities, possible fraud and corruption*
- *Disregard for legislation, company rules, policies and procedures*
- *Damage to the environment*
- *Other unethical conduct*
- *Harassment of a colleague, customer or other individual*
- *Abuse of a child or of a vulnerable adult*

The member of staff may be worried about raising such a concern and may think it best to keep it to themselves, perhaps feeling it's none of their business or that it's only a suspicion. They may feel that raising the matter would be disloyal to colleagues, managers or to MacIntyre Academies. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. If something is troubling a member of staff which they think MacIntyre Academies should know about or look into, they should use this policy.

**Where concerns relate to the physical or emotional abuse of children and young people vulnerable adults (concerns which fall under the Safeguarding Policy) then that Policy must be followed.** All MacIntyre Academies staff have an over-riding duty to keep children and young people within our schools safe from harm and abuse. Staff must report any allegation or suspicion of harm or abuse to the designated safeguarding officer or DSO deputy. This duty to report '**Safeguarding**' issues must over-ride any other considerations, and failure to report may be considered a breach of discipline.

If the member of staff wishes to make a complaint about their employment or how they have been treated, please use the **Grievance Procedure** or **Bullying & Harassment Policy** (as appropriate).

This policy has been introduced in line with the Public Interest Disclosure Act 1998 (which you can consult at <http://www.opsi.gov.uk/acts/acts1998>) to enable employees to raise issues of concern in an appropriate manner.

#### 5. Policy Principles

This policy aims to:

- Encourage members of staff to feel confident in raising concerns

- Establish a fair and impartial investigative procedure
- Provide avenues for workers to raise concerns and receive appropriate feedback
- Ensure that workers receive a response to concerns and are aware of how to pursue them if they are not satisfied
- Ensure that members of staff are protected from any reprisals or victimisation by anyone associated with the Trust and provided that there is reasonable belief that the matter disclosed has been made in an appropriate manner and in good faith

## **6. MacIntyre Academies' assurances to protect workers**

MacIntyre Academies is committed to assuring the fair treatment of employees raising concerns under this Whistleblowing Policy. If a member of staff makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real and they are acting in good faith, they will not be at risk of losing their job or suffering any form of retribution or detrimental treatment as a result. This assurance will not be extended to someone who maliciously raises a matter they know is untrue. MacIntyre Academies will not tolerate the harassment or victimisation of anyone raising a genuine concern and will consider it a disciplinary matter to victimise or harass anyone who has raised a genuine concern under this policy.

### **6.1 Confidentiality**

If a member of staff requests that their identity is protected, the Academy or the Trust will not disclose it unless required to do so in law.

If the situation arises where the Academy is unable to resolve the concern without revealing the worker's identity (for instance because the worker's evidence is needed in court), the Academy will discuss with the worker how the matter should proceed. However, it must also be stated that if a member of staff chooses not to disclose their identity it will be much more difficult for MacIntyre Academies to look into the matter or to protect the worker's position or to give the worker feedback. Accordingly, while we will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

MacIntyre Academies encourages employees to raise any concerns under this policy openly but recognises that there may be circumstances when an employee may prefer to speak to someone confidentially first. This policy therefore details a range of contacts for employees; named internal key contacts, an independent whistleblowing charity (PCAW), the NSPCC and external regulators.

### **6.2 Malicious Accusations**

Deliberately false or malicious accusations made by a worker will be dealt with under the MacIntyre Academies Disciplinary procedure.

## **7. Timing**

The whistle blowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

## **8. Procedure**

### **8.1 Internal Procedure**

#### **Stage One - Notification**

The member of staff raising the concern should do so verbally or in writing to their line manager or the Principal of the Academy. The worker has the right to have the matter treated confidentially.

If the line manager or the Principal believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, they will appoint an assessor/ investigator from the SLT of the Academy or the Academy Trust. The Principal will inform the Senior Executive Leader of the Trust that a matter has been raised under the whistleblowing policy.

If the worker feels unable to raise their concern with their line manager or the Principal in the first instance, they may contact a senior leader within the Academy Trust, the Senior Executive Leader or a Trust director. If this occurs, the worker will be asked to justify why they feel unable to raise the concern with their line manager or the Principal.

### **Stage Two– The Meeting**

The assessor/investigator will interview the worker as soon as practically possible and within 10 working days, in confidence, or earlier if there is an immediate danger of abuse, loss of life or serious injury and will:

- Obtain as much information as possible from the worker about the grounds for the belief of malpractice;
- Consult with the worker about further steps which could be taken;
- Inform the worker of appropriate routes if the matter does not fall within the MacIntyre Academies Whistle blowing Procedure;
- Report all matters raised under this procedure to the Senior Executive Leader of MacIntyre Academies.

At the interview with the Assessor/investigator, the worker may be accompanied by a recognised trade union representative or a work colleague. The Assessor/investigator may be accompanied by a note taker.

### **Stage Three – The Outcome**

Within 10 working days of the interview, the Assessor/investigator will recommend to the Principal or the Senior Executive Leader as appropriate, one or more of the following:

- The matter be investigated internally by the school
- The matter be investigated by the MacIntyre Academies Trust
- The matter be investigated by the external auditors appointed by the school
- The matter be reported to the DfE
- The matter be reported to the Police

The grounds on which no further action is taken may include:

- The Assessor/investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The Assessor/investigator is satisfied that the worker is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Trust or school's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, the external auditors, the DfE or other public authority.

The Principal will inform the Senior Executive Leader of the Assessor/investigator's recommendation. Should it be alleged that the Principal is involved in the alleged malpractice, the Assessor's recommendation will be made directly to the Senior Executive Leader of the Academy Trust.

The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Trust Board.

The conclusion of any agreed investigation will be reported by the Assessor to the worker in writing within 10 working days.

The worker may at any time disclose the matter on a confidential basis to a solicitor for the purpose of taking legal advice.

## 8.2 External Contacts

MacIntyre Academies recommends that all whistleblowing concerns are raised through the internal procedure initially unless in exceptional circumstances such as the involvement of senior leadership or serious health and safety breaches.

Where a worker elects to take the matter externally they are reminded that employees should not take concerns directly to the media and should ensure that they do not disclose confidential information.

External bodies which may be used are:

- Public Concern at Work (Whistleblowing Charity): <http://www.pcaw.co.uk/>
- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- Local Authority officers
- The Children’s Commissioner: <http://www.childrenscommissioner.gov.uk/>
- Ofsted: <http://www.ofsted.gov.uk/>
- Department for Education <http://www.dfe.gov.uk/>
- Member of Parliament
- National Audit Office
- Health and Safety Executive: <http://www.hse.gov.uk/>
- The Information Commissioner’s Office: <http://ico.org.uk/>
- The Environment Agency: <https://www.gov.uk/government/organisations/environment-agency>
- The Commissioners for Her Majesty’s Revenue and Customs (HMRC): <https://www.gov.uk/government/organisations/hm-revenue-customs/groups/hmrc-commissioners>
- The Serious Fraud Office: <http://www.sfo.gov.uk/>
- Police

Where a worker feels unable to raise concerns in the ways outlined above, they should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.