



Interaction & Communication

— Academy Trust —

Whistle Blowing Policy

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General Policy Statement

At the Interaction and Communication Academy Trust (ICAT) we intend to provide a safe, secure, caring environment where everyone is valued and respected equally. We aim to provide an inclusive education where children develop independent learning skills and are taught according to need whatever their age, gender, background, beliefs or abilities.

Introduction

ICAT is committed to delivering high quality education and support to all pupils, and high standards are expected from everyone involved in delivery. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold: -

- to encourage staff to raise concerns about malpractice within the Academy without fear of reprisal
- to reassure staff that concerns will be taken seriously
- to provide information about how to raise concerns and explain how the Local Governors and the Directors will respond

This policy applies to all ICAT employees and former employees, trainees, volunteers, student placements, agency staff and contractors engaged by the Academy. It may also be used by pupils or parents to raise concerns related to whistleblowing that don't affect them directly.

Statutory protection for employees who whistle blow is provided by The Public Interest Disclosure Act 1998 (PIDA), which protects employees who speak out about concerns about conduct or practice within the Academy, which is potentially illegal, corrupt, improper, unsafe, unethical or amounts to malpractice.

This policy has been written in accordance with the government's Whistleblowing for Employees guidance document and has due regard to the PIDA.

What is whistleblowing?

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. As the person making the disclosure you will not necessarily be directly affected by the danger or illegality. Consequently, you will not necessarily have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying, and you are entitled to seek redress for yourself.

Making a Disclosure on Malpractice

Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following: -

- the physical, emotional or sexual abuse of pupils or staff
- financial maladministration
- unauthorized use of Academy funds
- fraud and corruption
- failure to comply with legal obligations
- endangering of an individual's health and safety
- damage to the environment
- a criminal offence
- failure to follow financial and contract procedure rules
- showing undue favour to a contractor or a job applicant
- miscarriages of justice
- deliberate concealment of information relating to any of the above.

When reporting a concern, you should provide as much information and detail as possible, preferably in writing. You should provide:

- the background and history of the concern (giving relevant dates)
- the reason why you are particularly concerned about the situation
- why you think this concern is in the public interest to disclose
- the full names of the people involved or who know about what is happening, including the names of Councillors or contractors, dates of events and any relevant documentation.

This will help the investigator to focus on the main issues quickly.

It's preferable to raise your concern as soon as any suspected malpractice becomes apparent. Remember that the earlier you raise concerns the easier it will be to act. You (the whistle-blower) are a witness to events, not a complainant and so you do not need to wait for proof of malpractice before raising concerns. Equally, if there has been a delay don't be put off by that – if the problem is still there it should still be raised.

In most cases you should initially raise the matter with your Principal or Line Manager. However, there may be some cases where this is not appropriate - for example where you suspect your Principal/Line Manager already knows about the malpractice and appears to be 'turning a blind eye', or where you suspect your Principal/Line Manager may be involved. In those cases, you should report your concerns to any member of your Academy's Local Governing Body. If you feel that the concern might apply to the governing body as well, please see "How to take the matter further" below.

How the Academy will respond

Initially all concerns raised under this Code will be referred, normally straight away but in any case within 10 days, to the Principal/Chair of Local Governors who may take legal and professional advice as required. The reported matter may:

- be investigated by management, Internal Audit, or through the disciplinary process.
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry
- be referred to the Local Authority Designated Officer for Safeguarding

In order to protect individuals and those accused of illegal or improper conduct, 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 within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by Governing Body action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within 10 working days (excluding periods of the Academy's closure) of a concern being referred to the Principal/Chair of Local Governors, s/he will write to the whistle-blower:

- acknowledging that the concern has been received.
- indicating how the matter is to be dealt with.
- giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made.
- telling you whether further investigations will take place and if not, why not.

The amount of contact between the persons considering the issues and the whistle-blower will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Academy may seek further information from the whistle-blower.

The Academy will take steps to minimise any difficulties that whistle-blowers may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Academy will arrange for advice on the process to be given.

The Academy accepts that the whistle-blower expects to be assured that the matter has been properly addressed. The Chair of Local Governors, subject to any legal constraints and Data Protection, will inform you of the outcome of any investigation that may take place.

Please note, whistle-blowers will not be given any information regarding possible sanctions against the employee that the concerns were raised about.

Advice and Support

ICAT recognizes that you may wish to seek advice and support from your professional association or trade union before reporting a disclosure and you are strongly advised to do so. They may also accompany you at any meetings.

You may also seek confidential advice from your Academy's independent counselling provider.

Confidentiality

ICAT understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the Trust recognises that whistle-blowers may wish to raise concerns in confidence. If you (the whistle-blower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

Anonymous Allegations

You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate. The decision whether to investigate an anonymous allegation will be made by the Principal and/ or the Chair of Local Governors. When making this decision they will consider the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

Protection for the Whistle-blower

ICAT will not tolerate harassment or victimization of staff when matters are raised in accordance with the PIDA. Any member of staff who victimizes or harasses another member of staff, as a result of their having raised a concern under the Whistleblowing Policy, will be dealt with under the appropriate staff disciplinary procedures.

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action will be taken; however, if the inquiry shows that untrue allegations were malicious or made for personal gain, then disciplinary action will be considered.

All concerns raised under this procedure will be treated seriously and a decision made about whether an investigation is appropriate. Depending upon the nature of the matter it may be referred to the external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action, which has been taken, although you may not be told the outcome. In some cases, the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The Principal and Local Governors will support you in this process and ensure that you are clear about what will happen.

Anyone feeling unsure can seek confidential advice at any time from Public Concern at Work, a registered charity which advises on serious malpractice in the workplace. The contact number for the whistleblowing charity Public Concern at Work (PCAW) has been updated to 020 3117 2520, and the email address for the Protect Advice line has been updated to whistle@protect-advice.org.uk

Malicious Allegations

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of contractors, the matter will be reported to Multi Academy Trust Governance so that a decision can be made about the appropriate action to take.

How the matter can be taken further

This Code is intended to provide workers with a way within the Academy to raise concerns. However, there are other factors which may mean you don't want to raise your concern within the Academy such as:

- you reasonably believe that you would be victimized if you raised the matter internally within the Academy; or
- you reasonably believe that the matter would be 'covered up' and there is no prescribed regulator; or
- you have already raised the matter internally or with a prescribed regulator

If you feel you wish to take the matter outside the Academy, the following are possible contact points:

- the Trust (ICAT) – through the Chair of the Trust or any Director.
 - In this case the Trust will respond in the same way and within the same timescale as set out above "How the Academy will respond".
- the Academy's external auditor
- the Audit Commission (confidential reporting for suspected fraud)
- your trade union

- the Public Concern at Work charity (website)
- your local Citizens Advice Bureau
- Contact the NSPCC Whistleblowing Advice Line: Call 0800 028 0285 or email help@nspcc.org.uk
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police

If you choose to disclose the matter outside the Academy, you must ensure that confidential information is not disclosed to any person who is unauthorised to receive it. An untrue allegation that a person has committed a criminal offence may be defamatory. Concerns raised within the Academy under this Code will normally be protected by qualified privilege as a defence to defamation proceedings unless made maliciously.

What the Trust asks of you

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistle-blowers:

- Do not take the concern outside the Academy, except to other appropriate contact points as outlined above.
- Do declare any personal interest in the matter, as the Policy is designed to be used in the interest of the public and not for individual matters.

Complaints, Grievances

This policy should not be confused with other policies that exist for dealing with complaints or grievances. Employees who are aggrieved about their own employment situation should consider whether to use the grievance procedure after having discussed the matter with their immediate manager and/or their trade union representative.