

Whistleblowing Policy

September 2017

INCLUSION AND SAFEGUARDING STATEMENT:

We are committed to creating futures for all in a welcoming and supportive learning environment, in which all pupils feel valued and challenged to be resilient thinkers, active learners with transferable skills and have an appetite for world learning. In the Synaptic Trust all pupils are valued, inspired and respected within our happy, welcoming family.

We set high expectations for all our pupils. Practitioners give every pupil the opportunity to experience success in their learning, by providing a relevant and challenging curriculum with an emphasis on personalised learning.

All children have unique experiences to share. Across the trust we celebrate this diversity by valuing the contribution of all pupils and providing a learning environment that encourages interdependence.

Our trust is committed to safeguarding and promoting welfare of children and expects staff to share this commitment.

Whistleblowing Procedure

This document is located in the Finance Manual

Purpose of the procedure

The purpose of this procedure is to encourage any employee who has a genuine concern that practices in their Academy do not meet the required standards of probity to raise that concern at an appropriate level and in an appropriate manner.

This procedure is also intended to guide any employee who genuinely believes that s/he has a disclosure to make about malpractice in their Academy in making that disclosure. It sets out to whom malpractice (or suspected malpractice) should be reported and how it should be reported.

The procedure also sets out the safeguards that the Academy will offer to any employee who makes a disclosure in the recommended way and in good faith.

Definitions and exclusions

The term “malpractice” may cover a broad range of acts, omissions, or practices.

What employees may wish to report will usually be a specific instance or instances of wrongdoing on the part of an individual or a group of individuals. However, in certain circumstances, employees may wish to report bad practice which, if it were to continue, would be likely to lead to wrongdoing.

The following examples indicate the type of actions which would normally be inappropriate use of an Academy's delegated budget:

- Disregard of proper tendering procedure for contracts;
- Manipulation or falsification of accounting records;
- Making decisions for personal gain;
- Inappropriate (e.g. private) use of Academy assets; and
- The Academy's Funding Agreement and Finance Policy, sets out the standards of good practice in Academy management and administration to determine whether or not Academy governors and employees have acted properly.

An action does not have to constitute a criminal offence in order to be classified as

“malpractice”, although clearly anything that constitutes a criminal offence would almost certainly amount to malpractice.

This procedure is not intended to substitute for other procedures through which employees may raise specific concerns or complaints about their personal treatment. Complaints by employees about their personal treatment by others or about the way in which employment policies and practices have been applied to them (including decisions about pay and grading) should be raised under the Academy's grievance procedure, the harassment/bullying procedure or under any other appropriate procedure. Complaints about the protection of children should normally be raised under the separate procedures designated for that purpose. This procedure would not normally be appropriate for raising concerns about health and safety issues, unless they were related to a broader complaint of malpractice.

Procedure for making a disclosure

The means of making a disclosure will depend to some extent on the nature and seriousness of the concern, the sensitivity of the issues and the individual, or individuals, thought to be involved in the malpractice reported.

As a general rule, an employee wishing to make a disclosure (the “informant”) should raise his/her concerns in the first instance with the Head of School or the Chair of the Academy's Governing Body. This would be the normal channel where the concern is about the conduct or practice of immediate colleagues – e.g. a concern that the Academy's policies and procedures are not being properly or fairly applied. This will enable the issue to be addressed immediately at Academy level.

Where an informant genuinely believes that s/he cannot approach the Head of School or the Chair of Governors, the concern should be raised with the CEO and Principal or the Chair of Directors. This course of action would be appropriate if the disclosure were about the conduct or practice of the Head of School or the Governing Body. The EFA should be contacted if there any issues with the CEO and Principal or the Directors of the Trust.

A disclosure may be made verbally (e.g. by telephone) or in writing. An informant should normally identify him/herself and should make it clear that s/he is making a disclosure within the terms of this whistleblowing procedure. Concerns raised in casual conversation do not constitute a disclosure.

An informant raising a concern verbally will normally be expected to support and substantiate those concerns in writing, unless there are special circumstances indicating that this is inappropriate. Informants who feel unable to commit their concerns to writing

will normally be asked to meet with an appropriate senior officer, who will compile a written note of the disclosure.

The informant may be accompanied by a trade union representative or friend at any meeting either with the person to whom a disclosure is being made or who has been authorised to conduct an investigation into an allegation of malpractice.

It is not necessary for an informant to produce conclusive evidence to support his/her disclosure. Suspicion may be valid grounds for raising a concern. However, the informant should normally have direct information about, or knowledge of, the malpractice alleged or know where such evidence is located. The informant's concern should be based on more than hearsay, gossip, or the reports of others.

Other than in very exceptional circumstances, disclosures should not be made to the press, radio, television or other news media. The recommended internal reporting should be used. Employees have certain rights under the Public Interest Disclosure Act to report malpractice to specified external agencies (e.g. an employee who suspects that a criminal act has been committed may inform the Police). However, it would be expected that an informant would make any disclosure in the first instance either within the Academy or to the EFA, as set out above.

Responding to a disclosure

The response to an informant's disclosure will depend on a number of factors such as the seriousness and complexity of the allegations made. Allegations may be:

- Investigated within the Academy;
- Investigated within Trust;
- Referred to the Academy's Responsible Officer and or auditors;
- Referred to the Police;
- Referred to another independent form of enquiry; and
- (or any combination of the above).

Disclosures will be subject to initial enquiries in order to decide whether a full investigation is necessary and, if so, what form it should take, who should conduct it, and whether any reference to another agency is necessary or desirable. Some concerns may be resolved through agreed action without the need for further investigation.

If the informant's concern falls within the scope of an alternative procedure, s/he will be advised to pursue it through that procedure.

An informant who presents his/her disclosures in writing will receive written acknowledgement, and will be informed of the outcome of any investigation. The extent of the information given to informants will depend upon a number of factors, e.g. whether the investigation is referred to the Police and leads to criminal prosecution. Where an investigation is protracted, the Academy or officer dealing with the matter will normally report to the informant on the progress of the investigation.

Where an informant is unwilling to identify him/herself, any person receiving a complaint about malpractice should log the incident and consult the Head of School/Chair of Governors to decide whether or not any investigation should be undertaken.

Safeguards for informants

The decision to report malpractice can be a difficult one for an employee, who may possibly fear subsequent victimisation or harassment. No action will be taken against an employee who has raised a concern in good faith, even if that concern is seen to be unfounded after investigation.

However, informants who are themselves the subject of investigation or action under formal procedure (e.g. discipline, capability or harassment) should not necessarily expect that the procedure will be discontinued as a result of their disclosure.

Victimisation or harassment of an employee who has raised a concern in good faith, or any other attempt at reprisal either by an employee whose conduct is the subject of investigation or others, will be considered a disciplinary offence. Where informants do not wish to be identified to others in the course of an investigation that wish will be respected in so far as it is reasonably practicable. However anonymity cannot be guaranteed. The process of investigation may reveal the identity of informants and, especially in serious cases, informants may be required to give evidence, either by the Academy, the Trust, the EFA, or the Police. Any person subject to disciplinary action or prosecution would have access to such evidence. Informants who are subsequently required to give evidence will be given all reasonable and practicable support and protection from reprisals.

The Trust and the EFA will take all reasonable steps to minimise any difficulties informants may experience as a result of raising a genuine concern. Informants who are required to give evidence in disciplinary or criminal proceedings may seek advice from the EFA on procedural aspects of this obligation. The Academy will consider sympathetically requests from informants for special leave, counselling or other support.

False or malicious allegations

If an allegation is made or a concern is raised in good faith, no action will be taken against an informant. However, malicious, or vexatious allegations, or disclosures made for personal gain will be considered as disciplinary offences and are likely to result in disciplinary action being taken against the informant.