

## Public Interest Disclosure (Whistleblowing) Policy 2018-2021

### 1. Introduction

This Policy sets out the University of Chichester Academy Trust ('the Trust') response to the Public Interest Disclosure Act 1998 (as amended) "PIDA". PIDA provides protection to certain workers against being dismissed or penalised by their employer as a result of raising certain serious concerns.

A copy of this Policy is available on the Trust's website and in each Academy.

### 2. What is Whistleblowing?

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. Some people call this "making a disclosure" or "blowing the whistle". The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

### 3. Scope

This policy applies to all employees and workers, including agency workers and self-employed people working for the Trust. Although outside of PIDA, this Policy also applies to volunteers and students on placements. Reference to the Trust is also reference to all academies within our Trust. Reference to staff is reference to the individuals that are in scope of this Policy.

In making a disclosure under this Policy the person must believe they are acting in the public interest. The disclosure is likely to show past, present or likely future wrongdoing falling into one or more of the following categories:

- failure to comply with financial obligations or allegations of fraud;
- failure to comply with a legal obligation, or with the Rules and Regulations of the Trust or Academy;
- Conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical;
- Conduct or practice which is inconsistent with school standards and policies;
- Sexual or physical abuse of pupils or others\*
- Issues related to safeguarding\*;
- Actions which endangers the health or safety of any individual or to the environment;
- Corruption, bribery or blackmail ;
- criminal activity;
- miscarriages of justice; or
- covering up wrongdoing in the above categories

\*where concerns relate to safeguarding issues, please refer to Section 12 Safeguarding Procedure at end of this policy

### 4. Grievances and Complaints

Personal grievances and complaints are unlikely to be covered by whistleblowing legislation. The Trust has separate policies to manage grievances and complaints. A copy of the Complaints Policy is available to download on the Trust's website, [www.unicat.org.uk](http://www.unicat.org.uk). A copy of the Grievance Policy is available from the Academy, or by contacting central HR at [unicat.org.uk](http://unicat.org.uk) or telephone (01243) 793421.

Staff are welcome to discuss their concern before taking any action, and may wish to speak with their line manager, Headteacher, Governing Body or a member of the Trust, depending on the nature of the concern. Alternatively, Central HR would be pleased to discuss, in strictest confidence, staff concerns and the appropriate Policy the concern would fall within.

The government website [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing), or charity led, Public Concern at Work [www.pcauw.uk](http://www.pcauw.uk) also has useful information for employees considering whistleblowing.

### 5. General Principles

- The Trust is committed to conducting business with honesty and integrity and we expect all staff to maintain these high standards and support the Trust's values.

- To enable individuals to report suspected wrongdoing as soon as possible.
- Ensure staff feel confident to raise concerns without fear of incurring retribution.
- Provide a transparent and confidential process for dealing with concerns.
- All disclosures will be taken very seriously and managed as swiftly as is reasonable to ensure a robust and thorough investigation.
- The Governing Body and Senior Leaders within each academy will ensure all staff are aware of this Policy and a copy available for staff to view.

## **6. Confidentiality**

All disclosures will be dealt with confidentially in a consistent and fair manner in line with this Policy. All reasonable steps to maintain the confidentiality of the whistleblower where it is requested, unless this is incompatible with a fair investigation, or there is an over-riding reason for disclosure, e.g. a legal requirement to break that confidentiality.

## **7. Anonymous Allegations**

Individuals are expected to put their name to any disclosures they make. Concerns expressed anonymously may be given less weight although they will be considered at the discretion of the Trust.

In exercising this discretion, the factors to be taken into account will include:

- the gravity of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from alternative credible sources.

## **8. Untrue Allegations**

No action will be taken against any member of the Trust who makes an allegation that is not subsequently substantiated provided that the individual held a reasonable belief that the allegation raised and information disclosed showed one of the potential concerns as set out within the Scope of this Policy and was made in the public interest.

In certain circumstances, where, an individual is adjudged to have made malicious or vexatious allegations, then disciplinary action may be taken in accordance with the appropriate Policy and procedure.

## **9. Procedure for making a Disclosure**

### **9.1 Raising a concern within the academy**

The disclosure should be made in writing to the staff member's immediate line manager to address.

If the staff member believes that their immediate line manager is involved in the malpractice they may raise their concerns with a more senior member of staff, including the Head Teacher. If the staff member believes it is not appropriate to raise the matter with the Head Teacher they may approach the Chair of Governors.

However, staff may feel, rightly or wrongly, that their own position will be jeopardised if they raise a particular concern in this way and sometimes the usual channels may seem inappropriate. These concerns could relate to the behaviour of:

- A member of staff
- A senior manager
- A member of the Board of Governors or a co-opted member of one of its Committees
- A member of the Trust
- A member of the Trust Board
- Or the propriety of decisions made by committees or other groups.

In such cases, staff are encouraged to use the Public Interest Disclosure procedure as set out below.

### **9.2 Raising a concern outside of the academy**

Staff may also 'blow the whistle' to someone outside the academy. They are protected under the terms of the Public Interest Disclosure Act in doing so when they:

- reasonably believe the information tends to show a specific malpractice;
- are acting in good faith;
- do not make the disclosure for personal gain; and
- believe that the information is substantially true.

Issues may only be raised with an external person where they relate to:

- A crime or breach of regulatory, administrative or common law;
- A miscarriage of justice;
- Danger to health and safety; or
- Damage to the environment

### **9.3 The Allegation**

The person to whom the allegation is made should make a record of its receipt and of what subsequent action has been taken.

Provided the allegation has been made lawfully, without malice and is in the public interest, the employment of the person cannot be disadvantaged for reasons of making the allegation. Action by a manager or others to deter a member of staff from raising a concern about an irregularity or other malpractice may be considered to be a disciplinary offence.

### **9.4 The Investigation**

Any allegation made under this procedure shall normally be the subject of a prompt and thorough investigation by the Investigating Officer who shall be either the Head Teacher or a person or persons appointed by him or her.

If the allegation concerns the Head Teacher then the Investigating Officer will be the Chair of the Governing Body or a person or persons appointed by him or her.

The Governing Body will take steps to ensure that the investigation is not carried out by the person who may ultimately have to reach a decision on the matter.

If the matter to be investigated is thought potentially to involve gross misconduct, and where a member of staff is the subject of the allegation, the individual may, with the approval of the Chair of the Governing Body and the Trust's Accounting Officer, be immediately suspended while the investigation proceeds. Similarly, if, during the investigation, the Investigating Officer believes that a serious breach of discipline may have occurred, he or she may make a recommendation to the Chair of the Governing Body and the Trust's Accounting Officer that the individual be suspended. Any decision to suspend will be confirmed in writing as soon as reasonably practicable; suspension is a precautionary measure pending the outcome and should not be considered to be a disciplinary issue.

Other than in exceptional circumstances, the investigation will always include an interview with the individual concerned, [who may be accompanied by a work colleague or Trade Union representative] as well as other relevant witnesses. The individual, against whom the allegation is made, will have the right to representation and copies of any witness statements collected.

The Investigating Officer will summarise the facts in a brief report to the Chair of the Governing Body and a copy will also be sent to the individual who is the subject of the allegation. The investigation and report must be completed within fifteen working days of the allegation being made.

If the Investigating Officer is the Chair of the Governing Body, or a person or persons appointed by him or her then the report will be sent to the Trust's Accounting Officer.

Throughout the process, the Investigating Officer will give as much feedback as possible, without any infringement of a duty of confidence owed by the Trust to someone else.

### **9.5 The Outcome**

The Chair of the Governing Body will consider the investigation report and inform the individual in person of any action which he or she proposes to take within five working days of receipt of the report.

The outcome will be one or more of the following:

- No case to answer
- Disciplinary action taken against the alleged individual
- Referral to Social Services of the Police, or other relevant organisation

The Chair of the Governing Body's decision will be confirmed in writing to the person who made the allegation and the person against whom the allegation was made.

If the Chair of the Governing Body, or person or persons appointed by him or her, is the Investigating Officer then the outcome will be decided by the Trust's Accounting Officer.

#### **10. Further investigation**

Where no investigation is carried out, and the allegation is effectively dismissed, the person making the allegations shall be informed and given the opportunity to resubmit the allegation to some other person or authority within the Trust, usually the Accounting Officer.

#### **11. Final Report**

The Final Report should be passed to the Trust Company Secretary who will report all allegations and the action taken to members of the Trust Board as soon as possible

#### **12. Safeguarding Procedure**

If a member of staff suspects that there is a serious safeguarding issue that they believe is not being taken seriously or that the concern is about the Headteacher, they should follow the procedure set out in the University of Chichester Academy Trust Child Protection Policy "Section 6: Dealing with allegations against staff" by contacting the Trust CEO or Safeguarding lead: 01243 793500

If a child is in immediate danger of serious harm you should phone 999.

Contact details for University of Chichester Academy Trust Accounting Officer: Sue Samson  
[s.samson@chi.ac.uk](mailto:s.samson@chi.ac.uk) 01243 793500.

<b>Last Review</b>	<b>Sept 2019</b>
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