



“WHISTLEBLOWING” POLICY

TORQUAY ACADEMY

“Whistleblowing” Policy

Torquay Academy is committed to the highest possible standards of openness, probity and accountability in all of its activities. It also expects a high standard of conduct and integrity from employees.

Any employee who has a serious concern about any aspect of the Torquay Academy’s work or the actions of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.

Torquay Academy aims to encourage all its employees to feel confident in raising serious concerns and provide appropriate avenues for dealing with them. It aims to ensure that employees are protected from possible reprisals or disadvantage where they have raised a concern or disclosed information in good faith.

1. AIMS AND SCOPE OF THE POLICY

(a) This policy aims to:-

- Provide clearly defined channels for staff and volunteers to raise concerns and receive feedback on any action taken;
- Inform staff and volunteers on how to take the matter further if they are dissatisfied with the response; and
- Reassure staff and volunteers that they will be protected from reprisals or victimisation for ‘Whistleblowing’ in good faith.

(b) There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This ‘Whistleblowing Policy’ is intended to cover concerns that fall outside the scope of this and other procedures as well as enabling volunteers with the means to raise a concern.

Individuals are encouraged to raise **any** concerns that they might have about practice – not just restricting those concerns to those relating to possible fraud or malpractice. These concerns could include:

- Actions that are contrary to Torquay Academy’s Standing Orders, Financial Regulations or any other approved policies;
- Actions or behaviour that falls below established standards of practice;
- Abuse and welfare of students;
- Harassment or victimisation of either staff or students;
- Any actions or concerns regarding practice that could result in a financial loss to the Academy;
- Areas where efficiency or effectiveness could be improved through initiating changes;
- Health and safety risks (whether to employees or members of the public);
- Conduct which is criminal or other offence against the law; and
- Other unethical conduct.

This policy applies to all employees and volunteers of Torquay Academy and contractors working for Torquay Academy on Torquay Academy premises. The policy has been discussed with recognised trade unions, through the Joint Consultative Committee.

All concerns raised will be treated in confidence and best endeavours shall be made not to reveal the identity of the individual raising the concern. Where a concern is raised anonymously, it will be considered at the discretion of Torquay Academy, taking into account the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

If there is evidence that an allegation has been made maliciously, it may be addressed within the framework of Torquay Academy's disciplinary procedure.

4. WHISTLEBLOWING PROCESS

RAISING A CONCERN

Individual employees are encouraged to raise any concerns they have through their line manager. If the concern relates to their line manager, or if the individual does not feel at ease raising the concern through this route, a Senior Manager should be contacted. Individual staff are encouraged to raise any concerns they have through their immediate line manager or the Principal. If the concern relates to their line manager / Principal, or if the individual does not feel at ease raising the concern through this route or through a senior manager, either the Chair of Governors or one of the committees may be contacted. Union members are also able to contact their union representative if they prefer.

Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing, can telephone the 'Whistleblowing hotline' 01803 207407. (This confidential hotline is available 24 hours a day, 7 days a week and is provided by Torbay Council on behalf of School Based Staff.

Should the complaint be found by the Principal to warrant further investigation, he or she will consult with the Chair of Governors and if appropriate take responsibility for investigating the concern. This may be delegated to a member of SLT. Should the matter progress to a formal Disciplinary Hearing this will then be heard by the Principal unless the matter has been investigated by the Principal, in which case a First Committee of governors will be convened to undertake the formal Disciplinary Hearing. Should the concern be about the Principal, it should be investigated by the Chair of Governors with support from Internal Audit if appropriate.

HOW THE COMPLAINT WILL BE DEALT WITH

The action taken by the Governing Body will depend on the nature of the concern. The matters raised may be dealt with in one or more of the following ways:-

- Be investigated internally;
- Be referred to the Police;
- Be referred to external advisors.

Initial enquiries will be made by the Principal or Governing Body to decide whether an investigation, to be handled at least initially by a senior manager (this person must be sufficiently distant from the concerns so as to remain objective) is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other procedures (e.g. child protection or discrimination issues) may be referred for consideration under those specific procedures. Some concerns may be resolved by agreed action without the need for further investigation.

Within a reasonable period of time of a concern being received, normally 7 working days, the Principal or the Chair of Governors will write to the complainant:-

- Acknowledging that the concern has been received;
- Indicating how he / she proposes to deal with the matter;
- Giving an estimate of how long it is likely to take to provide a final response;
- Telling him/her whether and/or when any initial enquiries have been made;
- Telling him/her whether and/or when further investigations will take place, and if not, why not.
- Thanking him/her for raising their concerns and advising them of the school policy and the protection and support it provides to Whistleblowers, and
- Advising them not to discuss their concerns with others so as not to prejudice any investigation.

If necessary, further information will need to be sought from the complainant therefore a further meeting may need to be arranged. If such a meeting is arranged, staff have the right to be accompanied by a trade union or professional association representative

The Academy will take steps to minimise any difficulties which an individual may experience as a result of raising a concern. For instance, if members of staff are required to give evidence in criminal or disciplinary proceedings, the school will advise them about the procedure and offer appropriate support. In addition staff will be supported throughout the process including dealing with the media as appropriate.

Following the investigation process, there will be a formal written response to the whistleblower thanking them for raising the concern and advising them, subject to any legal constraints, of the actions taken and the outcomes of any investigations. If possible, copies of reports and other appropriate documentation will also be made available to them (if appropriate in a redacted form). The whistleblower will be offered a meeting with the Principal or the Chair of the Governing Body if further briefing is required.

The whistleblower is not entitled to expect to be able to determine the outcome of the investigation process or to insist that disciplinary action must be taken or a prosecution instigated. Equally however, the whistleblower is entitled to expect to be given the opportunity to express their views to the investigating team and the Principal as to whether or not they are satisfied with the manner in which their concerns have been addressed. If they are not satisfied then they can raise their concerns at a further meeting as outlined above and if they remain unsatisfied following this they can write to the Chair of Governors. If they still feel that their concerns have not been investigated thoroughly, there are other means of raising those concerns more widely to the Local Authority or other regulatory bodies (see below).

5. ALTERNATIVE METHODS OF TAKING FORWARD A COMPLAINT

This policy is intended to provide staff and volunteers with an avenue to raise concerns with the Academy. However, If an individual feels it is right to take the matter outside this process, the following are possible contact points:-

- The local Council member (if you live in the area of the Council)
- OFSTED – E-mail: whistleblowing@ofsted.gov.uk
- Public Concern at Work;
- The Police;

If a staff member or volunteer does take the matter outside the School, they need to ensure that they do not disclose confidential information. If a member of staff is concerned that the information that they wish to disclose may be confidential, they should seek advice from their trade union, or seek independent legal advice.

6. SUPPORT & GUIDANCE

It is the Governing Body's objective to ensure that whistleblowers feel valued and respected within the school; therefore every endeavour will be made to ensure that the whistleblower is offered appropriate guidance and support throughout the process and protection from harassment or victimisation as a result of their whistleblowing.

In supporting this, the Principal (in discussion with the whistleblower) may encourage the appointment of a "buddy" to support the whistleblower during the investigation of their allegation (and afterwards). This "buddy" may be a person nominated by the whistleblower (or their Trade Union).

In cases where the whistleblower has decided not to raise their complaint anonymously, due regard and sensitivity will need to be exercised by all involved in the process to ensure that the whistleblower does not suffer detrimental treatment as a result of raising a complaint.

Should the whistleblower have any concerns about harassment or victimisation as a result of raising a complaint, contact should be made with Academy with the need to consider how potential harassment or victimisation can be best managed. This contact should be someone with authority within the school to challenge the alleged perpetrator. (This might include the Principal, Chair of Governors, Senior Manager or Head of Department). Staff members also have the right to raise any concerns of this nature via the School's Anti-Bullying and Harassment Policy, available on the shared Google drive.

[Further support can be obtained through the Confidential Counselling Service paid for by the school, Tel: 01803 207347 or the 24-hour answer phone 207349.]

7. MONITORING OF THE POLICY

The Governing Body have overall responsibility for the maintenance and operation of this policy. The Principal should ensure that a record of concerns raised and the outcomes be maintained (in a form which does not endanger confidentiality and in keeping with the Data Protection Act 1998) and report as necessary to the relevant Committee.

This Policy was adopted on 18.6.20 (Date)

Signed by *Paula Adams* Chair of Committee

Date of next review..... JUNE 2021