



Lakelands
Academy

**SPEAKING UP ABOUT
WRONGDOING POLICY
(Whistleblowing)**

**NEXT REVIEW:
Autumn 2024**

Contents

1. Aims	1
2. Legislation	2
3. Definition of whistle-blowing	2
4. Procedure for staff to raise a whistle-blowing concern	3
5. Trust procedure for responding to a whistle-blowing concern	4
6. Malicious or vexatious allegations	5
7. Escalating concerns beyond the trust.....	6
8. Approval	7
9. Links with other policies	7

Introduction

Lakelands Academy is committed to open and honest communication and the highest possible standards of integrity. Part of meeting that commitment is to encourage employees, members and others who have serious concerns to speak up. This may need to be on a confidential basis and the Academy wishes to emphasise that if someone does ‘speak up’ they can do so without fear of reprisals. Such policies are termed “blowing the whistle” and this phrase is used throughout this statement but should be viewed as a positive action of speaking up. It is understandable that employees may not express concerns because they may feel that speaking up would be disloyal to colleagues or they fear harassment/victimisation. The Academy would encourage all employees to not ignore concerns and to report them positively and appropriately.

1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

3. Definition of whistle-blowing

Whistle-blowing means reporting serious concerns about wrongdoing that are "in the public interest". Examples of whistle-blowing include (but aren't limited to) something that:-

- is unlawful
- is against the Academy's Constitution, financial rules, contract rules or other policies
- does not meet established standards or working practices
- amounts to improper conduct.

(Theft, bribery and corruption, discrimination, the abuse of children, vulnerable adults or staff, and environmental misuse are all the types of things which would fall into these categories)

A whistle-blower is a person who raises a genuine concern relating to the above.

It is the duty of employees to speak up when they have serious concerns and it is the duty of the Academy to act on those concerns and protect and support employees when they do. A failure to report a serious concern could be construed as collusion. Difficult as it may be to speak up, employees should be aware of their special position and of their duty to make their concerns known.

This policy statement makes clear what employees should do and what will happen as a result. The policy has been discussed with all the relevant trades unions and professional organisations and has their support.

Clarification

This policy statement is issued to employees to advise specifically on blowing the whistle on wrongdoing. It should not be confused with the **complaints procedure** (where you can complain about the Academy's services), the **grievance procedure** (where you can complain about your own treatment as an employee) or the **Child Protection protocols** (specifically relating to working around Children and Young People).

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature, or whether it would more appropriately be addressed through another procedure.

4.2 Who to report to

Staff should report their concern to the deputy headteacher or Headteacher. If the concern is about the Headteacher or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the chair of governors or link governor for safeguarding.

4.3 How to raise a concern

The earlier concerns are expressed the better, and the easier it is likely to be taken action. Concerns are better raised in writing. They should try to set out:

- the background and history to the concern;
- dates and places where possible;
- reasons for the serious concerns.

In order to ensure the confidentiality, concerns should be sent in writing in a sealed envelope addressed to the deputy headteacher, headteacher, chair of governors or safeguarding link governor and clearly marked 'Strictly Private and confidential – To be opened by the addressee only'

Although employees are not expected to prove the truth of an allegation, employees will need to demonstrate to those appointed to investigate the matter, that there are sufficient grounds to the concern.

It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching an appropriate contact or to impede any investigation

5. Procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally with the Academy but independently of those directly involved;
- be referred to the Police;
- be referred to the external Auditor;
- form the subject of an independent inquiry.

In order to protect individuals and the Academy, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. These will be made confidentially and every attempt made to protect the employee. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

The process

When a concern is received by the deputy Headteacher, Headteacher, chair of governors or safeguarding link governor - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within 5 working days. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. However, if the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)

Following this meeting, the recipient will establish whether there is sufficient cause for concern to warrant further investigation. If there is:

- The recipient should then arrange a further investigation into the matter, involving the Headteacher and/or Chair of governors, if appropriate. In some cases, they may need to bring in an external, independent body to

investigate. In others cases, they may need to report the matter to the police

Within 10 working days of the initial concern being received, the person raising it should receive

- Formal acknowledgement that the concern has been received;
- an indication of how the academy proposes to deal with the matter;
- an estimate of how long it will take to provide a final response;
- an indication of whether any initial enquiries have already been made;
- if the decision has been taken that further investigations will not take place details explaining this decision

5.2 Outcome of the investigation

Once the investigation is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether any immediate action needs to be taken. The report will state whether or not a referral was made to an external organisation, such as auditors, or the police.

The person who raised the concern will be advised of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, governors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

Safeguards

Harassment and Victimisation

The Academy recognises that deciding to report a concern can be difficult, not least because of the fear of reprisal from those responsible for malpractice. The Academy will not tolerate harassment or victimisation and will take action to protect whistleblowers when they raise a concern in good faith.

This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality

The Academy will do its best to protect the identity of staff when a concern is raised by a staff member and they do not want their name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by the member of staff raising the concern may be required as part of the evidence.

Anonymous Allegations

This policy encourages staff members to put their name to an allegation. Concerns expressed anonymously are much less powerful, though they will be considered at the discretion of the Academy. In exercising this discretion, the factors to be taken into account would be:

- the seriousness of the issues raised;
- the validity of the concern;
- the likelihood of confirming the allegations from other sources.

Support For staff raising concerns

Throughout and after this difficult process staff who raise concerns will be given full support from the Senior Leadership Team, their concerns will be taken seriously and the Academy will do all it can to help them. If practically achievable, and if a member of staff wishes to do so, they may be transferred to another role to ensure that they are fully protected.

7. Escalating concerns beyond the academy trust

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. The following are possible contact points:

- Shropshire Council Whistleblowing Hotline where confidential disclosures can be made. The contact number is 01743 252627.

- an external auditor;
- relevant professional bodies who regulate organisations (including the Ombudsman);
- a solicitor;
- the police;
- Protect (Whistleblowing Charity) www.protect-advice.org.uk.

NB The disclosure of confidential information would normally constitute a serious disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if an employee does take the matter outside the Academy they must ensure that; either, no confidential information is disclosed, or, that there are wholly exceptional circumstances which the Academy would consider justified in the circumstances.

8. Approval

This policy will be reviewed every 3 years.

These procedures have been agreed by the board of governors, who will approve them whenever reviewed.

9. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- KCSiE Child protection policy
- KCSiE Staff Code of Conduct
- E-safety policy and Staff Acceptable Use Policy
- Acceptance of gifts and hospitality policy
- Anti-Fraud Policy
- Disciplinary Procedure