

Whistleblowing Policy

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1. Turner Schools will:

1. strive to create an ethical, open culture.
2. establish safe routes for communications of concerns.
3. protect the whistleblower by making it clear that the Academy will support concerned employees provided any claim is made in good faith.
4. establish a fair and impartial investigative procedure.
5. remind staff of the duty of confidentiality where the duty of fidelity is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Academy fail to properly consider or deal with the issue.
6. safeguard against abuse of the procedure, by ensuring that the malicious raising of unfounded allegations is recognised as a disciplinary offence
7. make it clear that this policy should not be used for complaints relating to personal circumstance and refer to the relevant policies such as the Grievance Procedure or Anti-harassment and Bullying Policy as appropriate.

2. What are the Aims of the Policy?

The aims of this procedure are to provide a framework which gives staff the structure required to raise concerns about perceived wrongdoing at work, and provides protection for workers who "blow the whistle" providing a right not to be dismissed or suffer any detriment at work as a result of making a "protected disclosure".

3. What is Whistle-blowing?

Whistleblowing inside the workplace is the reporting by workers or ex-workers, of wrongdoing such as fraud, malpractice, mismanagement, abuse of child protection procedures, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees

If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the schools' activities (a whistleblowing concern) they should report it under this policy.

4.0 Legislation

4.1 The Public Interest Disclosure Act 1998 is designed to protect whistleblowers' from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers. The policy applies to all staff regardless of length of service.

4.2 Students may also have information which should be raised in the public interest and there will be proper procedures in place for them to air their concerns; e.g. the students' complaints procedure.

5. Raising a Whistleblowing concern

a. In the first instance a concern should be raised with the Head of School (HoS) at the School or the Executive Principal Primary (EPP). If the concern is in regard to the HoS or EPP it should be raised with the CEO. If the concern is in regard to the CEO it should be raised with the Chair of Trustees.

b. A meeting will be arranged as soon as possible to discuss the concern, a work colleague or union representative may accompany, the policy will need to address any issues of confidentiality of any disclosure.

c. A written record of the meeting should be produced and a copy given to the employee, this should include any further actions as necessary.

6. Confidentiality

All parties will agree that the issue raised will be kept confidential while the procedure is being used.

7. Definitions

Representor - The person who has raised the concern

Assessor – The person investigating the concern

8.0 Investigation and Outcome

8.1 Once the concern has been raised the assessor should

- interview the Representor within seven working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury;
- obtain as much information as possible from the Representor about the grounds for the belief of malpractice;
- make a written record of the meeting giving a copy to the employee, this should include any further actions as necessary.
- consult with the Representor about further steps which could be taken;
- advise the Representor of the appropriate route if the matter does not fall under the Academy's Whistleblowing Procedure;
- report all matters raised under this procedure to the HoS, EPP or, where relevant, CEO and/or the Chair of Trustees

8.2 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy's staff to take notes.

8.3 Within ten working days of the interview will recommend one or more of the following:

- the matter be investigated internally by the Academy;
- the matter be investigated by the external auditors appointed by the Academy;
- the matter be reported to the Department for Education;
- the matter be reported to the Police;
- the route for the member of staff to pursue the matter if it does not fall within this procedure; or
- that no further action is taken by the Academy.

8.4 The grounds on which no further action is taken include:

- the Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- the Assessor is satisfied that the Representor is not acting in good faith;
- the matter is already or has been the subject of proceedings under another Academy procedure or policy;
- the matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other public authority.

- 8.5 If the Assessor is the HoS or EPP the recommendation will be made to the CEO. If the CEO is the assessor the recommendations will be made to the Chair of Trustees and if the Chair of Trustees is the assessor the recommendations will be made to the Board of Trustees. The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Trustees.
- 8.6 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
- where the Assessor is under a legal obligation to do so;
 - where the information is already in the public domain;
 - on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice
 - where it is essential that the Representor provides evidence at a disciplinary hearing or other proceedings.
- 8.7 The conclusion of any agreed investigation will be reported by the Assessor to the Representor within 28 days. All responses to the Representor will be made in writing and sent to the Representor's home address. If the Representor has not had a response within the above time limits they may appeal to the CEO or Chair of Trustees. The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.
- NB: It is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk.

9. Malicious Accusation.

Deliberately false or malicious accusations made by a Representor will be dealt with under the Academy's disciplinary procedure.

10. External Sources

10.1 Whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representer is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the Board of Trustees as a whole, serious health and safety issues or possible discrimination. The external sources which could be used are:

- Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive.
- Police

11 Records

Record	Where kept	Retention time (Min)	Disposal authority
Documentation of Raised Concern	HR Office	Six Years	HR Manager
Investigation Notes	HR Office	Six Years	HR Manager
Letter to Staff	HR Office	Six Years	HR Manager

Linked Policies:

- Discipline Policy
- Grievance Policy
- Dealing with Allegations of Abuse against Teachers and other Staff
- Child Protection

11 Contacts

FOLKESTONE ACADEMY PRIMARY	CONTACT
Principal Primary	Mrs Tait helen.tait@folkestoneacademy.com 01303 842400

FOLKESTONE ACADEMY SECONDARY	CONTACT
Interim Principal Secondary	Mr Boxall colin.boxall@folkestoneacademy.com 01303 842400

FOLKESTONE ACADEMY SIXTH FORM	CONTACT
Head of Sixth Form	Mr Himbury simon.himbury@folkestoneacademy.com 01303 842400

MARTELLO PRIMARY	CONTACT
Principal Primary	Mrs Sowden-Mehta sowdenmehtam@turnerschools.com 01303 847540
Vice Principal	Mrs Burton burtonl@turnerschools.com 01303 847540
Vice Principal	Mr Moore moorea@turnerschools.com 01303 847540

MOREHALL PRIMARY	CONTACT
Principal Primary	Mrs Sowden-Mehta sowdenmehtam@turnerschools.com 01303 847540
Vice Principal	Mrs Moris morisa@turnerschools.com 01303 275128

TURNER FREE SCHOOL	CONTACT
Principal	Mrs Yates principal@turnerfreeschool.org
Assistant Principal (In post from June 2018)	Mr Chapman
Assistant Principal (In post from Sept 2018)	Mr McKay
Assistant Principal (In post from Sept 2018)	Mrs O'Reegan

CEO	Dr Jo Saxton saxtonj@turnerschools.com 01303 275128/01303 847540
Chair of Trustees	Professor Carl Lygo % sophie.lyons@folkestoneacademy.co.uk 01303 846126
Public Concern at Work (Independent whistleblowing Charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk