

WHISTLEBLOWING POLICY AND PROCEDURES

DECEMBER 2016

ASPIRE
ACADEMY
BEXLEY 

ENDEAVOUR
ACADEMY
BEXLEY 

HORIZONS
ACADEMY
BEXLEY 

CONTENTS

ETHOS	3
Aims of this Policy	3
Application and Scope	3
Safeguards Against Harassment or Victimisation	4
Confidentiality	4
Anonymous Allegations.....	5
Rights and Responsibilities of Employees.....	5
How to Raise Concerns	5
How New Horizons Federation will respond	5
Taking the Concerns Externally	6
The Member of Staff Responsible	8

ETHOS

New Horizons Federation (NHF) is well positioned to know when something wrong is taking place within the schools or is a cause for concern. They may not express their concerns, however, because they feel that speaking up would be disloyal to their colleagues or to the Federation. They may also fear harassment or victimisation. In these circumstances, they may find it easier to ignore their concern rather than report the matter with a view to remedying the situation. This Policy provides a framework for NHF staff to raise concerns, that are in the public interest, 'in-house' and without fear of victimisation, subsequent discrimination or disadvantage.

NHF is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Federation encourages staff and others with serious concerns about any aspect of the Federation's work to come forward and voice those concerns. NHF recognises that certain cases will have to proceed on a confidential basis so that the position of the 'whistleblower' can be protected. This Policy is intended to encourage and enable people to raise serious concerns within the Federation rather than overlooking a problem or "blowing the whistle" outside.

This Policy has been adapted from the Bexley Local Authority Policy (2014) which has been subject of consultation with the relevant trade unions and has their support.

AIMS OF THIS POLICY

This Policy aims to:

- encourage staff to feel confident in raising concerns and to question and act upon their concerns;
- provide avenues for staff to raise these concerns and receive feedback on any action taken;
- allow staff to take the matter further if they are dissatisfied with the Council's response; and
- reassure staff that they will be protected from reprisals or victimisation for whistleblowing in the public interest in accordance with this procedure.

APPLICATION AND SCOPE

This Policy applies to all staff (including those working on a temporary basis and agency contracts), volunteers and those contractors working within the grounds of New Horizons Federation schools. This Policy is in addition to and distinct from the NHF Safeguarding Policy, the NHF Allegations Against Staff Policy and the NHF Complaints Procedure which provides a facility to those not employed by New Horizons Federation (e.g. service users, advocates, family members and members of public) to raise any concern.

This Policy is not intended to cover concerns that can be progressed under existing NHF Human Resources procedures. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. Where employees' concerns relate to their own employment, either in terms of the treatment afforded to them or their terms and conditions of employment these should normally be raised through the NHF Grievance procedures.

All acts of whistleblowing can be raised under this Whistleblowing procedure and staff shall have the full protection of this policy. Where the matter for investigation is covered by separate procedures, however, these will be applied as appropriate.

This Policy is intended to cover serious concerns that may fall outside the scope of other procedures, and include the following:

- a criminal offence has been committed or is likely to be committed;
- failure to comply with a legal obligation to which a person is subject (this may include breaches of statutory codes of practice);
- conduct that is contrary to the Federations Code of Conduct or Policies (this may include conduct that falls below established standards or practice);
- disclosures relating to possible miscarriages of justice;
- conduct that endangers the health and safety of other employees and/or members of the public (this would include abuse - whether physical, verbal or sexual - or ill treatment of any service user, family member, friend or advocate);
- conduct that involves damage to the environment;
- the unauthorised use of public funds;
- information has, or may be, deliberately concealed that may demonstrate that one of the above matters has occurred.

The above does not represent an exhaustive list of areas covered by this policy. Any serious concerns that staff may have about any aspect of provision or conduct of staff or others acting on behalf of the Federation can be reported under this policy.

SAFEGUARDS AGAINST HARASSMENT OR VICTIMISATION

New Horizons Federation is committed to good practice and high standards and wants to be supportive of all its employees.

The Federation recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the matter that gives rise to the concern. If concerns are raised in the public interest, there will be nothing to fear because staff will be doing their duty to the employer and to those for whom they are providing a service.

Whistleblowers raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work as a result of raising the concern (even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided they raise/disclose issues in the reasonable belief that they are doing so in the public interest. A person would not be protected from disciplinary action if, for example, they raised a concern they knew to be false or malicious.

New Horizons Federation will not tolerate harassment or victimisation and will take such action as is necessary to protect staff when they raise concerns in the public interest under this policy.

CONFIDENTIALITY

New Horizons Federation will use its best endeavours to protect a staff member's identity when he/she raises a concern and does not want his/her identity disclosed. A strictly confidential record of the names of complainants will be kept for monitoring purposes.

If whistleblowers are required to give evidence in criminal or disciplinary proceedings, the Federation will arrange for them to receive advice and support.

ANONYMOUS ALLEGATIONS

Allegations made anonymously cannot be subject to the protections afforded by this policy as the protections are specifically designed to protect those persons, who fall within the scope of the Policy, making allegations. Anonymous allegations will, however, be considered by the Federation if it decides to exercise its discretion. In exercising the discretion, the Federation will take account of all relevant factors which will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other attributable sources.

RIGHTS AND RESPONSIBILITIES OF EMPLOYEES

All staff are required to report any issue of concern regarding the provision of services or management of those services. In the majority of cases, this will be done through the usual line management arrangements. Staff are expected to report concerns as soon they arise and to avoid any unnecessary delay in doing so.

To gain protection under this policy, the staff member must reasonably believe that the disclosure is made in the public interest. Staff are not otherwise required to 'prove' the truth of any allegation. Complainants will, however, need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.

When any meeting or interview is arranged, staff may, if they so wish, be accompanied by a trade union official or a workplace colleague.

HOW TO RAISE CONCERNS

Concerns should normally be raised through the completion of a MyView form which will be forwarded to your Director for investigation. This may, however, depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. As an alternative, the concern may be raised directly with NHF Executive Head teacher or the Chair of Governors.

Whether raised via MyView or not, concerns should be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the staff's particular concern. If a member of staff feels that he/she is not able to raise the concern in writing at this point, he/she may personally raise the matter with the appropriate member of staff. However, at some stage the concern will need to be put in writing and recorded on MyView although this may be done through his/her representative or relevant manager.

Staff can obtain advice and guidance on how matters of concern may be pursued from:

- Executive Head teacher
- Chair of Governors
- Inclusion Manager
- The Bexley HR Service

HOW NEW HORIZONS FEDERATION WILL RESPOND

The Executive Head teacher or her representative will write to the member of staff, where practicable within fourteen calendar days:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- informing the member of staff whether any initial enquiries have been made, and
- informing the member of staff whether further investigations will take place, and if not, why not.

Staff will also be provided with details of support available. Action taken by the Federation will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to the external auditor; or
- form the subject of an independent inquiry

In order to protect individuals and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant member of staff(s) as determined by the Executive Head teacher, to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of any other specific procedures (for example, safeguarding or discrimination issues) will normally be referred for consideration under those policies. The overriding principle which the Federation will have in mind is the public interest. Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted. The amount of contact between the staff(s) considering the issues and the complainant member of staff will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

New Horizons Federation will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if it becomes necessary to give evidence in criminal or disciplinary proceedings, the Federation will provide the necessary advice about the procedure and give whatever practical support that is possible. The Federation accepts that staff need to be assured that the matter has been properly addressed and will ensure this happens. Subject to legal constraints, staff will normally receive feedback about the outcomes of any investigations. The Executive Head teacher, in conjunction with the Chair of Governors and HR will be responsible for monitoring the outcome of the concerns raised through this Policy.

TAKING THE CONCERNS EXTERNALLY

This policy is intended to provide staff with an avenue to raise concerns within the Federation. The Federation hopes that staff will be satisfied with any action taken. There may be circumstances where a member of staff considers that he/she needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the member of staff considers that the matter has not been properly addressed, or that a member of staff reasonably believes that the matter will be covered up.

If staff feel this, it is right to take the matter outside the Federation, the following are possible contact points:

- Ofsted
- Local Authority Designate Officer
- Bexley HR
- Head of Childrens Services Bexley
- Relevant professional bodies or regulatory organisation
- Trade union
- Staff solicitor
- Local council member (if the member of staff lives in the London Borough of Bexley);
- Police
- a relevant voluntary/charity organisation

If staff is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work.

In circumstances where a member of staff decides to raise the matter externally, he/she will only be protected under this Policy, and under employment law, where the disclosure is made in accordance with Section 43 of the Employment Rights Act as amended by the Enterprise and Regulatory Reform Act 2013. This means that the disclosure must fall under one of the categories listed in Section 3 (above) and must be made in one of the following ways:

1. in the course of obtaining legal advice;
2. to a prescribed regulatory body – link as follows:
<http://www.legislation.gov.uk/ukxi/2014/2418/schedule/made>,
provided the disclosure is made in the reasonable belief that it is in the public interest and the member of staff reasonably believes the prescribed body is responsible for the matter of concern and that the information and allegation/s are substantially true;
3. to other third parties (including the media) where the staff makes the disclosure:
 - a. in the reasonable belief that it is in the public interest and that the information and allegations are substantially true, and
 - b. does not make the disclosure for personal gain, and
 - c. has already raised the matter with the Federation or prescribed regulator, unless the member of staff reasonably believes that he/she will suffer a detriment, or there is no prescribed regulator and he/she reasonably believes that evidence will be concealed or destroyed if he/she makes the initial disclosure to the Federation, and
 - d. in all of the circumstances it is reasonable to make the disclosure.
 - e. the disclosure is of an exceptionally serious nature and the Whistleblower makes the disclosure:
 - f. in the reasonable belief that it is in the public interest and, that the information and allegations are substantially true, and
 - g. does not make the disclosure for personal gain, and
 - h. in all of the circumstances it is reasonable to make the disclosure.

When considering whether it is reasonable for the member of staff to make the disclosure, regard will be had particularly to the identity of the person to whom the disclosure is made.

THE MEMBER OF STAFF RESPONSIBLE

The Executive Head teacher has overall responsibility for the maintenance and operation of this Policy. A record of all concerns raised and the outcomes will be maintained. The Executive Head teacher will report as necessary on the operation of the Policy, but not on individual cases, to the Board of Governors in bi-annual and annual reports.

DOCUMENT REVISION

Date	Who	Description
Dec 2015		Initial Version
Dec 2016		Reviewed
Dec 2017	JH	Re-formatted