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### INTRODUCTION

The Governing Body is committed to the provision of high quality services and promoting the highest standards of openness, probity and accountability. Employees and others who have serious concerns about any aspect of the Academy's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage. All suspicions or allegations of malpractice will be investigated in confidence.

It is in the interests of the Governing Body, employees and the public that wrongdoing is exposed and dealt with effectively. Members of staff are often the first to realise that there may be something seriously wrong within an organisation. In many circumstances it will be appropriate for staff to raise their concerns with the Principal or their Line Manager and this policy is not intended to discourage this. However, where staff may be cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Alternatively, there may also be circumstances where a member of staff has reported their concern to the Principal or their Line Manager and received an unsatisfactory response. This confidential policy is intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively.

This policy seeks to balance safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff and the Academy against uninformed or vexatious allegations which can cause serious difficulty for innocent individuals.

### 1. AIMS

- To promote a culture of openness and a shared sense of integrity throughout the Academy by inviting all employees to act responsibly in order to uphold the reputation of the Academy and maintain public confidence.
- To provide safeguards so that members of staff feel able to raise concerns about malpractice ('a disclosure') within the Academy, without fear of adverse repercussions to the individual and a rapid mechanism for investigation of those concerns.
- To provide feedback on action taken and advice on how to pursue those concerns further if the individual is not satisfied with the outcome.

“Malpractice” for the purpose of this policy, includes the following on the part of another employee, or any other person or persons acting on their behalf:

- Fraud or financial irregularity;
- Corruption, bribery or blackmail;
- Other criminal offences;
- Failure to comply with a legal or regulatory duty or obligation;
- Miscarriage of justice;
- Endangering the health or safety of any individual;
- Endangering the environment;
- Improper use of authority or powers;
- Serious financial maladministration arising from the deliberate commission of improper conduct;
- Unethical or improper conduct or conduct which breaches Academy policies or falls below the standards which the Academy subscribes to;
- Abuse of stakeholders, improper discrimination against or relationship with stakeholders;
- Concealment of any of the above.

## 2. APPLICATION OF THE POLICY

This policy is intended to tackle genuine concerns of malpractice experienced by:

- an employee of the Academy;
- agency staff and self employed staff employed on Academy work; or
- the staff or contractors employed on Academy work.

For the purposes of this Policy an individual who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the Academy is referred to as ‘the discloser’.

## 3. THIS POLICY DOES **NOT** APPLY TO:

- The relationship between employees, their managers and the Governing Body, for which harassment and bullying or collective dispute procedures are more appropriate.
- Concerns and complaints by members of the public.

## 4. MAKING A DISCLOSURE

### **Stage One**

An individual, who has grounds to believe that the malpractice has occurred, is occurring or is likely to occur in connection with the Academy, should raise their concerns first with the Principal or their Line Manager. This may be done orally or in writing.

## Stage Two

If the individual feels unable for whatever reason to raise the matter with the Principal or their Line Manager under stage one, then they should raise the matter with the Chair of Governors, who will notify the Chair of the Audit Committee.

On receipt of the disclosure, the Principal/ Chair of the Audit Committee will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Discloser may be accompanied by a local trade union representative or work colleague at the interview. The Principal/ Chair of the Audit Committee may also be accompanied by an administrative assistant/ clerk to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see section 8 below.

The purpose of the interview will be for the Principal / Chair of the Audit Committee to:

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice; and
- to consult with the Discloser about further steps which could be taken.

## 5. ENQUIRIES AND REPORT BY THE PRINCIPAL/ CHAIR OF THE AUDIT COMMITTEE

As soon as practicable after the interview or after the initial disclosure if no interview takes place the Principal/ Chair of the Audit Committee should determine their recommendations as to the further steps that should be taken such as:

- a report to the police or other appropriate public authority;
- a full investigation either internally or externally by investigators appointed by the Academy;
- an investigation by the Chair of the Audit Committee. A budget of £2,000 will be available to enable the Chair of the Audit Committee to carry out the investigation. If a larger budget is required The Chair of the Audit Committee will contact the General Purposes Committee for approval.
- investigation by the Academy's auditors, after consultation with the Academy's Audit Committee (this will be the usual course where there are allegations of financial irregularities);
- action under the Academy's grievance, disciplinary, harassment and bullying or complaints procedures;
- referral for consideration under other specific procedures (e.g. child protection);
- no further action (the basis for which see below).

The ground(s) on which the Principal/ Chair of the Audit Committee *may* recommend that no further action is required are as follows:

- if satisfied that the Discloser has not shown that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- if satisfied that the Discloser is not acting in good faith e.g. if after investigation it appears that the disclosure is wilfully malicious or vexatious, (in which case it may be referred for disciplinary action);
- if the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority;
- if the matter is already, has already been, or should be, the subject of proceedings under one of the Academy's other procedures relating to staff.

Once it has been decided what further steps (if any) should be taken, the Principal/ Chair of the Audit Committee will, where their identity is known, inform the Discloser of the decision. If no further action is proposed, the Principal /Chair of the Audit Committee will give the Discloser the reasons for this in writing.

## 6. EXTERNAL DISCLOSURE

It is recognised that in exceptional circumstances, or if dissatisfied after using this policy, an individual might wish to make a disclosure without using the Academy's policy. However, individuals considering such a step are advised to take legal advice before making an external disclosure.

They may make an external disclosure:

- on a confidential basis directly with bodies such as the external auditor or other appropriate public authority or such person as may be prescribed by the Secretary of State under Section 43F of the Public Interest Disclosure Act 1998. Before taking any such action, the Discloser is encouraged to inform the Principal/ Chair of Governors.
- if they have reasonable grounds for believing that disclosure would lead to evidence being concealed or destroyed or that the Discloser will be subjected to a detriment as a result of making the disclosure.
- on a confidential basis for the purpose of taking legal advice.

## 7. SAFEGUARDS AND CONFIDENTIALITY

Any document, report or recommendation prepared by the Principal/ Chair of the Audit Committee in relation to the matter will not identify the Discloser, unless:-

- the Discloser has consented to this in writing; or
- there are grounds to believe the Discloser has acted maliciously; or
- where the Principal/ Chair of the Audit Committee is under a legal obligation to do so; or
- where the information is already in the public domain; or
- on a strictly confidential basis to the Principal/ Chair of the Audit Committee's administrative assistant; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The Principal /Chair of the Audit Committee will ensure that all information relating to the disclosure (including that held electronically) is kept secure so that, as far as practicable, only the Principal/ Chair of the Audit Committee and his or her administrative assistant shall have access to it.

Disclosers will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague (if any) keeps this matter strictly confidential save, as permitted under this policy, as required by law or until such time as it comes into the public domain. Where the Trade Union representative needs to discuss the matter with another Union official for advice he/ she will be allowed to do so but must keep within the confines stated above.

The Discloser will not be required by the Governing Body, without his or her consent, to participate in any enquiry or investigation into the matter established by the Academy unless there are grounds to believe that the Discloser may have been involved in the misconduct or malpractice.

Where the Discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the Principal/ Chair of the Audit Committee detailed above will remain in relation to the identity of the individual as the original Discloser of information.

The Governing Body will not (and it will use all reasonable endeavours to ensure that employees do not) subject the Discloser to any detriment, on the grounds of the Discloser's disclosure of information under this policy (unless there is proved abuse of this policy through the making of wilfully malicious or vexatious disclosures). The Discloser should report any complaints of such treatment to the Principal/ Chair of the Audit Committee or if the Discloser wishes the Principal/ Chair of the Audit Committee to take action in relation to such complaints, the Discloser may be asked to consent in writing to the Principal/ Chair of the Audit Committee revealing the Discloser's identity for the purposes of any such action.

## 8. FEEDBACK

The Chair of Governors will be briefed on the outcome of the investigation and any actions taken. If this creates a conflict of interest the full Governing Body will be briefed.

### **Policy Review**

*The effective date of this policy is 10 December 2020.*

*The policy was reviewed and re-approved by the Board of Governors on 21 December 2021*

*To be reviewed no later than December 2023.*

## Appendix A

### **GUIDANCE FOR PRINCIPAL / LINE MANAGERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE**

1. The Principal or Line Managers should ensure that employees are aware of the Whistleblowing Policy and know where it can be located.
2. If you receive a disclosure in respect of any of the matters set out under section 2 'Aims of the policy' in the Whistleblowing Policy you must take the following action:
  - 2.1 take the matter seriously and do not dismiss or belittle the information,
  - 2.2 respect as far as possible the confidentiality of the employee, and adhere to the policy under section 9 'Safeguarding and confidentiality' where the employee has specifically asked for confidentiality,
  - 2.3 ensure that the employee understands the Whistleblowing Policy,
  - 2.4 offer to interview the Discloser in confidence,
  - 2.5 discuss ways that the employee could be supported,
  - 2.6 investigate the concern objectively, dealing with all parties with sensitivity and tact,
  - 2.7 seek advice from the appropriate external bodies where applicable
  - 2.8 set out clearly how the concern is to be taken forward,
  - 2.9 ensure that dated notes are made and kept of the process followed, notes of discussions etc.
  - 2.10 keep the person raising the concern informed about the progress made and outcome of the investigation,
3. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the Chair of the Audit Committee
4. Note that if the concern relates to fraud, this must be reported to the. Chair of the Audit Committee.