



# YCAT Whistleblowing Policy

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| <b>Statutory Policy:</b>                           | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| <b>School Level Appendix attached:</b>             | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| <b>Policy to be published on the YCAT website</b>  | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| <b>Policy to be published on school's website:</b> | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |

This Policy was adopted by

**Yorkshire Collaborative Academy Trust  
Nov 2016**

Chair of Trustees: Mr Ian Moore	
Signature:	 IAN MOORE
Frequency of review:	3 years
To be reviewed by:	FRAR

**REVIEW RECORD**

Date of review	Reason for review	Date of next review
Nov 16	Creation of policy	Nov 19

Name :	Ian Moore	Signature:	 IAN MOORE
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on behalf of YCAT Full Board

Date of review	Reason for review	Date of next review
Oct 19	As part of review cycle	Oct 22

Name :	Ian Moore	Signature:	 IAN MOORE
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on behalf of YCAT Full Board

## MISSION STATEMENT

Our multi-academy trust is a partnership of primary schools that believe that through working and learning together we will make even more difference to our children's lives.

Striving to better meet our children's needs is our fundamental goal.

Our strong working partnership will help us to more consistently meet all of our pupils' learning needs. Collaborative learning is at the heart of our practice as this is the most effective way to raise achievement and foster life-long learning for children and staff.

We believe in evidence based learning that focuses on ensuring teaching has impact on raising pupils' outcomes. The partnership is built on professional integrity and honesty with all staff continually striving to improve their practice to achieve the best for all children.

### Links to Other Policies

Financial Management	
Anti Fraud	

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### **1 Introduction**

At YCAT we want to make sure that we are providing excellent services within our communities. Our staff have an important role to play in achieving this goal and we expect everyone to be committed to our high standards of service which are based on the principles of honesty, openness and accountability.

We know that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law resulting in some very serious consequences. Experience shows that staff, or others who work on behalf of an organisation, often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing.

A Whistleblower is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation.

We want you to feel that it is safe and acceptable to tell us about your concerns so that we can investigate and take action as soon as possible. We recognise that you may be worried about reporting for a number of reasons:

- fear of reprisal or victimisation (e.g. loss of job)
- too much to lose (reputation, damage to career etc)
- feelings of disloyalty
- worries about who may be involved

- you have no proof only suspicions
- fear of repercussions if there is no evidence or you are proved wrong

We welcome all genuine concerns and will treat your issues seriously-this policy explains how to raise a concern, the types of activity you should report, the protection we can provide, confidentiality, our response and how you can take matters further, if necessary.

We want to assure you that there is no reason to remain silent; your decision to talk to us may be difficult but, if you believe what you are saying is true, you have nothing to fear as you are following the Schools Code of Conduct and helping to protect the users of our services across YCAT. We will not tolerate any harassment or victimisation and we will take action to protect those of you who raise concerns that you believe to be in the public interest.

UK law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in the public interest. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable

This policy does not replace our existing employment policies: grievance and disciplinary. You should use these policies if you have a personal grievance or are unhappy with the way you are being treated. Our Whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance or complaint once you have exhausted the relevant employment procedures.

You may be a member of the public with concerns or information which you think we should know about or look into.

## **2 Scope**

1>You can use our Whistleblowing arrangements if you are: a Academy employee, employee of a school governor a contractor, partner or member of the public. Our policy also applies to agency staff, contractor staff and suppliers providing goods or services to, or on behalf of, the Academy.

Our Whistleblowing arrangements do not replace the following:

- • Child Protection Safeguarding reporting
- • Adult Care Safeguarding reporting
- • Corporate Complaints Procedure
- • Disciplinary Policy
- • Grievance Policy
- • Dignity at Work Policy

12.You should only consider raising concerns through our Whistleblowing arrangements if:

- you have genuine reasons why you cannot use the above policies and procedures
- you have reason to believe that these policies are failing or are not being properly applied
- there is a public interest aspect

### **3 Protection and confidentiality**

Whistleblowing law is contained in the Public Interest Disclosure Act 1998 (PIDA – amended by the Enterprise and Regulatory Reform Act 2013). Public bodies, such as this Academy Trust, are required to have a Whistleblowing policy and to ensure that employees are not victimised or dismissed for raising their concerns internally. This also applies to those who, as a last resort, feel the need to take their concerns to an outside body, such as the Local Government Ombudsman.

We will not tolerate any harassment or victimisation (including informal pressure) and we will take action to protect you when you raise a concern believed to be in the public interest. We will take any disciplinary or corrective action should anyone attempt to victimise the whistleblower or prevent concerns being raised.

You may feel that the only way you can raise your concerns is if we protect your identity. We will respect your confidentiality as far as we possibly can but there are times when we cannot guarantee this, for example, where a criminal offence is involved or if there are child protection or adult safeguarding issues.

If we proceed to a formal investigation we may require you to give evidence along with other employees and witnesses; we are, in some circumstances, able to do this without disclosing the identity of the whistleblower. A statement from you may also be required as part of criminal proceedings or Employment Tribunal – this depends on the nature of the concern.

We will attempt to ensure the whistleblower's identity is not disclosed to third parties without a court order. If the information you provide includes personal information about another person, then that person may be entitled to access it under subject access provisions of the Data Protection Act. If releasing that information could reveal details about the whistleblower, we will always ask for your consent prior to releasing the information.

If your whistleblowing disclosure results in an internal investigation and you provide a witness statement under that process, your statement may be used for disciplinary purposes. This means your statement may be given to the subject as part of a disciplinary hearing. An employee subject to the disciplinary process can ask to see personal information held about them at any time under the subject access provisions of the Data Protection Act – this may include information within your statement. If it is possible to provide access to personal information within your statement without revealing any information about you, we will do so. If this is not possible, we will always seek your consent before releasing any information.

If your statement is not required for disciplinary purposes it will be:

- held confidentially on our case file (until the case file is destroyed after 7 years)
- released only with your consent or a Police / Court Order 20. The Academy Trust
  - does not expect you to give us your consent – this is your decision alone – but we are required by law to ask you
  - does not need a reason should you choose to refuse the request

If you find yourself the subject of a whistleblowing disclosure and a decision is made to investigate, the Academy Trust will follow the appropriate employment procedure: grievance or disciplinary. This means you will have all the rights contained in that procedure, such as, the opportunity to respond to the allegation and representation at the investigatory interview.

## **4 What you should report**

22. We encourage you to use our whistleblowing arrangements for issues such as:

- conduct which is a criminal offence or breach of law
- a breach of our Code of Conduct for staff
- sexual, physical or verbal abuse of our clients, employees or public
- dangerous procedures risking the health & safety of our clients, employees or public
- unauthorised use of public funds
- suspected fraud or corruption
- damage to the environment (e.g. land, buildings, highways, water, air, waste, energy, transport, natural habitat etc.)
- unethical or improper conduct
- services that fall seriously below approved standards or practice
- failure to follow the Academy's policies and procedures

NB. This is not an exhaustive list

## **5 Anonymous or untrue allegations**

We do not encourage anonymous reporting as the concerns are more difficult to investigate and are generally less powerful. We would like you to put your name to the allegations whenever possible and remind you of the protection we can provide if we know who you are.

Anonymous whistleblowing referrals will be considered at the discretion of the officers handling your concern, in consultation with the service area, where appropriate. This discretion will be based on the:

- seriousness of the issues raised
- credibility of the concern
- likelihood of confirming the allegation from an attributable source
- evidence base

It may be that our investigations do not confirm your allegation. We take all concerns seriously and can assure you that no action will be taken against you if you have raised a concern in the genuine belief that it is, or may be, true

If we find that you have maliciously made a false allegation we will take action and you will not be eligible for protection under PIDA.

## **6 How to raise a concern**

We encourage you initially to raise your concern internally – this allows the Academy the opportunity to right the wrong and give an explanation for the behaviour or activity. We also advise staff to report any allegation to their line manager. We recognise that your first actions will depend upon the seriousness and sensitivity of the issues and who you believe to be involved. We advise that you make it clear that you are raising your concerns under the Academy's whistleblowing arrangements – this will help managers respond in line with this policy. (See Flowchart – Whistleblowing Process)

28. If you are in any doubt about what you should do, you can contact:

- Jane O’Gara (CFO) [janeogara@ycatschools.co.uk](mailto:janeogara@ycatschools.co.uk)
- Chair of Governors for your school
- Chair of Trustees for YCAT c/o Bilton Grange School, Bilton Lane Harrogate HG1 3BA
- Veritau Ltd 01609 535034

You may wish to raise the matter in person and you can do this by contacting one of the above.

Concerns are better submitted in writing – we need the background and history of your concern, giving names, copies of any documents, dates and places (where possible). We would like you to explain why you are concerned about the situation – we do not expect you to prove the truth of an allegation but you will need to show that there are sufficient grounds for your concern.

## **7 How we will respond**

Our response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally (by management, Counter Fraud & Investigations Team or other independent investigators)
- referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police
- referred to the external auditor
- the subject of an independent inquiry

The officer receiving the whistleblowing allegation (if a major issue) will immediately notify the Investigations Team within Internal Audit (Veritau) to include the disclosure on a central register.

We may carry out initial enquiries in order to protect individuals or employees and those accused of wrongdoing. We will use the results of these enquiries to decide whether an investigation is needed and if so, what form it should take. If urgent action is required this will be taken before we start any investigation.

36. We will acknowledge your whistleblowing disclosure within 5 working days. Within the next 10 working days we will write and explain how we propose to deal with the matter. The whistleblower will be:

- given an estimate of how long it will take to provide a final response
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how we will inform you of progress

The amount of contact between you and the Officer considering your whistleblowing disclosure will depend on the nature of the concerns raised. For example, if further investigation is required, the investigator may need to seek additional information from you.

If a meeting is necessary, this can be held off site if you prefer. If you are an employee you will have a right to be accompanied – this will be a union representative or work colleague (not involved in the area where the concern exists). If you are not an employee you may wish to bring a friend with you – a neutral venue can be arranged, where required.

We will help with any difficulties you may experience as a result of raising a concern – we will, for example, provide advice if you are required to give evidence for criminal or disciplinary proceedings. Sometimes whistleblowers have counter- allegations made against them. The Academy Trust has a duty to investigate any concerns that it receives and that will apply in these circumstances. However this will not detract from the principles, as set out in this policy, which govern how the Academy Trust will respond to whistleblowers. The over-riding objective will be to establish the truth.

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with the Academy's retention of records policy.

At the end of our investigations we will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations.

Feedback will be subject to legal constraints but we do recognise the importance of providing you with assurances that the matter has been dealt with properly.

## **8 Taking the matter further**

If you have genuine concerns about how we have handled your whistleblowing disclosure you can raise this with the investigating officer(s) and/or the Monitoring Officer. We hope that you will be reach a suitable conclusion

You may also refer your concern to the Local Government Ombudsman – they generally do not take any action until the matter has been dealt with internally first. They can be contacted at:

The Local Government Ombudsman  
PO Box 4771  
Coventry, CV4 0EH  
Tel. 0300 061 0614 (Local Government Ombudsman – Advice Team)

We would like to remind you that employees are not to report any Academy related issues to the media – to do so may be considered a breach of the Academy’s Disciplinary Policy and Code of Conduct.

## **9 Monitoring**

The Academy’s Board of Trustees will monitor the effectiveness of this policy and it will be reviewed every three years.