



READING SCHOOL

WHISTLEBLOWING POLICY

THE COMPANIES ACT 2006

Reading School (The Academy) is the employer. The business of the Academy Trust is managed by the Governors.

Introduction

This policy applies to all individuals employed in the School. Other individuals performing functions in relation to the School, such as agency workers and contractors, are encouraged to use it.

It is important to the School that any fraud, misconduct or wrongdoing by workers of the School is reported and properly dealt with. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. Concerns must be related to the areas identified in the Public Interest Disclosure Act 1998 (see below).

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.

The School encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether to raise a concern, he/she should discuss the issue with his/her line manager or the Headmaster.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a worker for raising a qualifying disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the School's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter.

Procedure

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the School's Grievance Procedure.

Making a disclosure – initial action

As soon as an employee becomes reasonably concerned about a matter, they should first raise the issue with their line manager [the “receiving manager”], unless the disclosure concerns them, in which case the employee should write to the Headmaster.

Disclosures involving the Headmaster should be raised with the Chair of Governors. In this case, the Chair of Governors may appoint an independent investigator to consider the case and if there are grounds for proceeding. Disclosures concerning a member of the Senior Leadership Team [SLT] should be raised with the Headmaster. This can be done via the employee’s line manager.

All managers have a responsibility to act on the concerns raised, in accordance with this procedure. Failure to do so in accordance with the policy and procedure may lead to disciplinary action.

Concerns may be raised verbally or in writing and should give the background, the nature of the malpractice that is alleged; relevant dates where possible; the reasons for the concern and the names of individuals against whom the allegations are made.

If the concern is raised verbally, then the person receiving the information should put in writing, an outline of the matters raised and this should be confirmed in writing to the employee. This should be done within ten working days.

Once a concern is raised the receiving manager, should report the matter to the Headmaster who will appoint an appropriate manager to investigate [the “investigating manager”]. This could be the

receiving manager. The Headmaster will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure [the employee will be informed of this]. If the matter is dealt with under the Whistleblowing policy then the employee will then be informed of the name of the investigating manager. If the matter relates to the Headmaster, the Chair of Governors will appoint the investigating manager. Due to the nature of the disclosure the Headmaster may appoint an independent external investigator to look into the matter. If the matter relates to the Headmaster then decisions for proceeding will be made by the Chair of Governors.

The receiving manager will then inform the employee in writing of the process to be followed.

The receiving manager will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days. However this may be delayed if it is likely to jeopardise the investigation.

Handling a disclosure

The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy.

Where appropriate, the matters raised may:

- be investigated by the investigating manager or internal auditors (or those fulfilling that function)
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry by an outside body

This will be determined by the investigating manager in conjunction with the Headmaster.

Within four weeks of a concern being raised, the investigating manager will write to both parties:

- indicating how the School proposes to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response
- indicating whether further investigations will take place and if not, why not

Appendix 1 provides details of the role of the investigating manager.

Any internal investigation should take no longer than three months to complete from the date of receipt of original disclosure. As part of the investigation, the investigation manager will decide:

- whether disciplinary action be taken against any employee
- whether changes should be recommended to any School procedure
- whether any other action should be recommended

These will be detailed in a final report

The investigating manager will send a copy of the final report, including recommendations, to the Headmaster who will consider the recommendations and determine what action, if any, to take. The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.

The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

Appeal

An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision to a more senior manager within the School. An appeal should be made to the Headmaster within five days' of receipt of the outcome letter.

The Headmaster will determine who should hear the appeal. The appeal should be completed within one month.

After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee is dissatisfied with the outcome of the appeal, they may opt to take the matter further, by raising the matter externally within 10 working days of the date of the decision letter (setting out the appeal outcome), with any of the prescribed people or bodies recommended in the government publication 'Blowing the whistle to a prescribed person: a list of prescribed people and bodies' available from www.gov.uk.

In taking their concern outside the school, an employee should ensure that, as far as possible, the matter is raised without confidential information being divulged.

Employees are protected by law from dismissal, harassment, bullying or other detriment by their employer or other members of staff with whom they work. If this occurs, they have the right to take their case to an employment tribunal.

An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, within five working days, to the Headmaster about the outcome of the report. The Headmaster will consider these representations and may direct further investigation or review as appropriate. If the Headmaster is subject to action, he may make representations to the Chair of Governors.

Timescales

Action	Timescale	By Who
Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirm in writing to the person complained of that a disclosure has been received and that it is being considered. Outline the process to be followed	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirmation of whether the matter is to be investigated, and if so, how it will be investigated Letters sent to employee and person complained of	Within four weeks of receipt of disclosure	Person appointed to investigate – the investigating manager
Written confirmation of outcome of investigation and action to be taken. Report sent to Headmaster recommendations and determines what action to take. Letters sent to employee and person complained of	Within three months of receipt of disclosure	Person appointed to investigate – the investigating manager
Appeal against outcome of investigation	Within five working days from receipt of outcome	Employee who makes the disclosure
Appeal carried out	Within one month of appeal	Manager appointed to hear the appeal
Appeal to Headmaster	Within five working days from receipt of outcome	Employee subject to the disclosure

While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress.

Recording and monitoring

The Headmaster's PA/HR Officer will maintain a register containing all concerns that are brought to the organisation's attention. These will be reported on a quarterly basis to the Chair of Governors.

All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998. Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be withheld to protect a third party.

Approved by:
Date
Date of next review:

Staff Pay and Performance Committee
29 April 2019
May 2021

APPENDIX 1

Resources

The role of the investigating manager

The investigating manager will have the following responsibilities to the Academy:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague
- Establish the facts/obtain statements/collect documentary evidence
- Maintain detailed records of the investigation process
- Make any recommendations for action to be submitted to a more senior manager

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague
- Keep the employee up to date with progress on the matter and agree timescales for action
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview
- Give details of employee support mechanisms available

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence
- Advise in writing of the procedure to be followed
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague
- Give details of employee support mechanisms available
- The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required
- Where necessary the School will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible

The manager appointed to hear an appeal will have the following responsibilities:

- Hold appeal meeting with employee who made the disclosure
- Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague
- Review the investigation report/procedure followed and findings
- Decide whether to uphold appeal or not
- Initiate a new investigation if necessary
- Report the appeal findings in writing to the Headmaster, if applicable
- Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made