

# *Whistleblowing Policy*

*March 2023*

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# 1. Aims and Scope

## 1.1 Aims

This policy aims to:

- Provide avenues for you to raise concerns and receive feedback on any action taken.
- Allow you to take the matter further if you are dissatisfied with the Board of Trustees' response.

## 1.2 Scope

This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Board of Trustees under procedures set out in the constitution. Nor is it an alternative to well-established disciplinary or grievance procedures.

Concerns raised under this Whistleblowing Policy should be about something that is or may be:

- Unlawful or a criminal offence.
- A breach of a legal obligation.
- A miscarriage of justice.
- Mistreatment or abuse of a learner or a member of the public for whom the Board of Trustees has a responsibility.
- In disregard of legislation governing health and safety at work.
- Seeking undue favour over a contractual matter or a job application.
- Against the Board of Trustees' Standing Orders or Financial Regulations.
- Improper conduct or unauthorised use of public funds.
- Leading to damage to the environment.
- Deliberately covering up information tending to show any of the above.

On joining the academy, as part of their induction staff are asked to sign a statement to certify that they have read and understand all that is in this policy and understand how to raise the above concerns.



## 2. Safeguards

- 2.1 The Board of Trustees 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 malpractice. The Board of Trustees will take action to protect you when you raise a concern in the reasonable belief that its disclosure is in the public interest. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.
- 2.2 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.
- 2.3 All concerns will be treated in confidence and the Board of Trustees will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or Police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.
- 2.4 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Board of Trustees against the following criteria:
- The seriousness of the issues raised.
  - The likelihood of confirming the allegation from attributable sources.
  - The Board of Trustees' best interests.
  - The protection of the Board of Trustees' assets.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback.

- 2.5 If you make an allegation in in the reasonable belief that its disclosure is in the public interest but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.



### **3. How to raise a concern**

- 3.1 As a first step, you should normally raise concerns with your immediate line manager or his/her superior. However, if for some reason this first step is inappropriate then the concern should be raised with the Principal or a trustee. Alternatively, if your complaint is that something seriously wrong is occurring at a senior management level within the Board of Trustees you may prefer to approach a member of the Education Skills & Funding Agency.
- 3.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down a copy will be sent to your home address or via your representative (paragraph 4.5) to give you an opportunity to agree this as a correct record.
- 3.3 The earlier you express the concern, the easier it is to take action.
- 3.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 3.5 You may of course wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

### **4. How the Board of Trustees will respond**

- 4.1 The action taken by the Board of Trustees will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter, it may be investigated internally (employing specific procedures where these are applicable - for example, in child protection or discrimination issues) or referred to the Police or to the auditors to be examined at arms length.
- 4.2 If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.
- 4.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.



- 4.4 In any event within ten working days of a concern being received, the Board of Trustees will write to you at your home address to:
- Acknowledge that the concern has been received.
  - Indicate how it proposes to deal with the matter.
  - Give an estimate of how long it will take to provide a final response.
  - Tell you whether any initial enquiries have been made.
  - Tell you whether further investigations will take place, and if not, why not.
  - Name an independent officer to support you during any investigation.
- 4.5 This named support officer will make contact with you immediately, explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation and the investigating officer(s) informed of any further issues you think are necessary. You should raise with this support officer any concerns you have about the conduct of the investigation. This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.
- 4.6 If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed
- 4.7 The amount of contact between investigating officers and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 4.8 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union or professional association representative or a friend (who need not be associated with the Board of Trustees).
- 4.9 The Board of Trustees accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

## 5. **Detriment**

The Board of Trustees is committed to ensuring that a member of staff who makes an allegation in the reasonable belief that its disclosure is in the public interest suffers no detriment from doing so.



## 6. How the matter can be taken further

This policy is intended to provide you with a way to raise concerns within the Board of Trustees. The Board of Trustees hopes you will be satisfied by its response. If you are not you may wish to raise the matter with:

- The Education and Skills Funding Agency  
<https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>
- The JCB Academy's auditors
- Relevant professional bodies or regulatory organisations
- Your trade union
- Your solicitor or legal adviser
- The Police
- The Health and Safety Executive
- Protect - a registered charity supporting whistleblowers  
<https://protect-advice.org.uk/>

## 7. The Responsible Officer

The Responsible Officer (HR Manager and Executive Assistant to the SLT) has overall responsibility for the maintenance and operation of this policy. Within her/his duty to ensure that the Board of Trustees acts lawfully, s/he will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not endanger your confidentiality) and report as necessary to the Board of Trustees

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