

The
Sir John Brunner
Foundation

WHISTLE-BLOWING POLICY

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Document Control Sheet

Document Type	Policy and Procedures
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Originator	Director of People and Culture Jennie Kieran
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Equality Act 2010 issues fully considered	Considered to be neutral. Applies equally to all staff. No perceived inequalities in the way in which issues may be raised and would subsequently be dealt with.
Associated Policies and Procedures	Fraud Disciplinary Procedure Grievance Procedure Financial Regulations Safeguarding Policy

1 Background

- 1.1 Workers are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the employer. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 This policy aims to:
- deter serious malpractice
 - encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
 - provide staff with guidance as to how to raise those concerns
 - reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy should not be used for pursuing individual grievances or disputes since these are covered by the Grievance and Disciplinary Procedures.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 Policy Statement

- 2.1 The Trustees of the Foundation are committed to the highest possible standards of honesty, probity and accountability and take seriously the need to operate in a climate of openness in which colleagues can raise legitimate concerns without fear of harassment or reprisal.

3 Definition of Whistle-blowing

- 3.1 Whistle-blowing is generally taken to mean the disclosure by a worker of wrongdoing within an organisation. The disclosure must be in the public interest, meaning it must affect others, for example the general public.
- 3.2 A worker, for the purposes of this policy includes: all employees or other workers who provide services to the Foundation in any capacity, including agency workers, self-employed consultants or contractors who provide services on a personal basis.

3.3 The law provides protection for workers who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. Qualifying disclosures are disclosures of information made in the public interest where the worker reasonably believes that one or more of the following is happening, has taken place or is likely to happen in the future:

- An act creating risk to health and safety;
- An act causing damage to the environment;
- Criminal offences (for example fraud, bribery, financial irregularity or blackmail);
- Failure to comply with a legal or regulatory obligation;
- Miscarriage of justice;
- Negligence;
- Conduct likely to damage the Foundation’s reputation;
- Unauthorised disclosure of confidential information, or
- Concealment of information relating to any of the above.

4 Whistle-blowing Procedure

4.1 You should only use this procedure if you discover serious malpractice within the Foundation as described in section 3.2. Any concerns about malpractice should always be raised internally in the first instance.

4.2 Any colleague wishing to raise concerns under this policy should do so directly to the Director of People and Culture or the Chief Executive Officer of the Foundation.

4.3 If your concerns relate to the Chief Executive Officer you should report your concerns directly to the Chair of the Board of Trustees (via the Head of Governance).

4.4 Your concerns should be set out in writing clearly stating:

- You are making a disclosure under this policy;
- The facts which you believe show malpractice;
- Any supporting evidence.

4.5 The Foundation will acknowledge receipt of your concern in writing within five working days.

- 4.6 The Chief Executive or the Chair of the Board of Trustees will report the allegations to the Chair of the Foundation's Audit and Compliance Committee and a decision made about what action (if any) should be taken.
- 4.7 The matters raised may be;
- investigated internally;
 - referred to the police;
 - referred to the Foundation's Internal Auditor;
 - investigated in accordance with the Foundation's Fraud Response Plan; or
 - any combination of the above.
- 4.8 As far as is possible, the person raising the concern will be kept informed of the progress of the complaint and the eventual outcome.
- 4.9 Due to the nature of the investigations it is often not feasible to stipulate a specific timescale for any investigation however the aim will be to resolve all concerns within 8 weeks.
- 4.10 If the colleague raising the complaint is not satisfied with the way in which their concern has been handled, they can raise this in writing with the Chair of the Board of Trustees (via the Clerk to the Board).

5 Child Protection/Safeguarding Concerns

- 5.1 Concerns in relation to Child Protection or Safeguarding issues, must be referred to the Designated Safeguarding Officer within the Academy who will deal with the matter in accordance with the Safeguarding Policy.

6 External Disclosure

- 6.1 The Foundation is ultimately responsible for considering the allegations in the light of the evidence from any investigation and for determining the appropriate course of action.
- 6.2 If having followed this procedure a colleague is still not satisfied they may raise the matter with an external body. The government has published guidance which includes a list of the prescribed bodies to whom concerns may be raised: Guidance Whistleblowing: list of prescribed people and bodies
- 6.3 The main body for matters relating to Education would be via the Secretary of State for Education, who can be contacted at:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD.

- 6.4 Before taking any such action you should inform the Foundation in writing.
- 6.5 You should be aware that such a step would have serious implications (for the Foundation and possibly, for you should your dissatisfaction be deemed unreasonable) and should therefore only be taken after very careful consideration.

7 Protection for Whistle-blowers

- 7.1 It is understandable that whistle-blowers are sometimes worried about possible repercussions. The Foundation aims to encourage openness and will support colleagues who raise genuine concerns under this policy.
- 7.2 Colleagues will not suffer any detrimental treatment as a result of raising a genuine concern, reasonably believing it to be true. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

8 Confidentiality

- 8.1 All concerns raised under this policy will be treated confidentially and every effort will be made not to reveal your identity, if you so wish. However, at the appropriate time you may need to come forward as a witness.
- 8.2 Any information conveyed to you in relation to the findings or progress of the complaint should be kept confidential.

9 Anonymous allegations

- 9.1 Wherever possible, colleagues are encouraged to put their name to any allegations or concerns raised. Anonymous allegations are much less powerful and may be more difficult to investigate.
- 9.2 Where anonymous allegations are received the Foundation will follow the procedure set out above as far as is practicable.

10 Malicious Accusations

- 10.1 Where colleagues use the Whistle-blowing Procedure knowingly to make false or malicious accusations the matter will be considered under the disciplinary policy. Wilful misuse of this procedure could constitute an act of gross misconduct and may lead disciplinary action which could result in dismissal.