



Birmingham Ormiston Academy
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BOA

Whistle Blowing Policy

Date of Issue: September 2018
Date of Review: September 2019

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A INTRODUCTION

This Code is intended to help employees who are working in or with BOA who have major concerns over any wrongdoing within such Schools relating to unlawful conduct, financial malpractice or dangers to the public or the environment. Specific examples could include:

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be Committed.
- A miscarriage of justice has been/is likely to occur
- The health or safety of any individual has been/is likely to be endangered
- The environment has been/is likely to be damaged
- Public funds are being used in an unauthorised manner
- The Academy's Governance arrangements have or are not being observed or are being breached by students, staff employed in or those working with or assisting BOA.
- Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children)
- Discrimination is occurring to any member of staff or service recipient on grounds of sex, race or disability
- Any other form of improper action or conduct is taking place
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

The Academy's Governing Body would rather that you raised the matter when it is just a concern rather than wait for concrete proof.

If something is troubling you, which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please use any appropriate Staff Grievance Procedure – which you can get from your Principal. This Whistle Blowing Code is primarily for concerns where the interests of others or of the organisation itself are at risk.

If in doubt – raise it!

B AIMS OF THE ACADEMY WHISTLE BLOWING CODE

The Code aims to:

- Encourage employees in or working with or assisting BOA to feel confident in raising serious concerns and to question and act upon their concerns;
- Provide ways for employees in or working with or assisting BOA to raise those concerns and get feedback on any action taken as a result;
- Ensure that employees in or working with or assisting BOA get a response to their concerns;
- Ensure that employees in or working with or assisting BOA are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure employees in or working with or assisting BOA that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation. It is not intended to be used where other more appropriate procedures are available, for example.
- Grievances – (see Grievance Procedure – Staff Handbook)
- Harassment – (see Bullying and Harassment Procedure – Staff Handbook)
- Child protection (see Safeguarding & Child Protection Policy)

C WHO IS COVERED BY THE ACADEMIES WHISTLE BLOWING CODE?

All employees in or working with or assisting BOA may use this Code. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this Code.

This Academy's Whistle Blowing Code will be operative from 1st September 2011 and will be kept under review, on an annual basis, by the Principal and the Academy's Board of Directors.

D WHAT ASSURANCE DO YOU GET?

If you do raise a genuine concern under this Code, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Board of Directors will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this Code. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

E WHAT IS THE LEGAL BACKGROUND?

The Public Interest Disclosure Act 1998 (hereinafter referred to as 'The Whistleblowers' Act') protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover-ups' about these issues. To obtain protection, employees must first disclose the information to the employer.

This Code has been adopted to provide an avenue within the Academy to raise concerns. If an employee takes the matter outside the Academy, s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees in or working with or assisting BOA vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

If you are unsure whether to use the Academy Whistle Blowing Code or you want independent advice at any stage, you are advised to contact

- If applicable, your relevant trade union; or
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you real confidential advice at any stage about how to raise a concern about serious malpractice at work.

F HOW SHOULD A CONCERN BE RAISED?

As soon as you become reasonably concerned you should firstly raise the issue with your Principal and/or Chair of the Board of Directors (unless s/he is the potential transgressor, in which case write to the Executive Principal (and CEO) of the BOA Group.

Concerns may be raised orally or in writing. Employees who wish to make a written report should use the following format.

- The background and history of the concern (giving relevant dates).
- The reason why they are particularly concerned about the situation.

G HOW WILL THE BOARD OF DIRECTORS RESPOND?

The relevant person will also ensure that, in the most serious of concerns, the **Chair of the Board of Directors and the Executive Principal** receive adequate details of the employees using this code for the purpose of corporate recording and monitoring purposes.

Once you have told the Board of Directors of your concern, the Board of Directors will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. You will be told who may be handling the matter, how you can contact him/her whether your further assistance may be needed. If you request it, the Board of Directors or Principal will write to you summarising your concern(s) and setting out how it will be handled.

When you raise the concern you may be asked how you think the concern(s) might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. Should your concern fall within another policy of the Academy (for example, the Grievance Procedure), we will tell you.

While the purpose of this Code is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owned by us to someone else.

Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under that relevant procedure. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- Be investigated by management, internal audit, the Chief Legal Officer or through the disciplinary process.
- Be referred to the police.
- Be referred to the external auditor
- Form the subject of an independent inquiry.

Usually, within two weeks of a concern being raised, the person looking into the concern will write to the person raising the concern:

- Acknowledging that the concern has been received.
- Indicating how the Academy propose to deal with the matter
- Giving an estimate of how long it will take to provide a full response
- Saying whether any initial enquiries have been made
- Supplying information on support available to you; and
- Saying whether further investigations will take place and if not, why not.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

H WHAT SAFEGUARDS ARE THERE FOR THE PERSON RAISING THE CONCERN?

- The Board of Directors will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.

- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- Every effort will be made to ensure confidentiality as far as this is reasonably practical.
- Help will be provided to you in order to minimise any difficulties, which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and for you being represented, if you so wish.

I HOW CAN A CONCERN BE TAKEN FURTHER?

If you are unsure whether to use this Academy Whistle Blowing Code or you want independent advice at any stage, you may contact

- If applicable, your relevant trade union; or
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

Employees in or working with or assisting BOA who are not satisfied with the action taken by the Governing Body and feels it right to question the matter further, may consider the following possible contact points:

- Chief Legal Officer
- The Auditor
- The employee's Trade Union
- The Citizens Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Local Government Ombudsman
- The Information Commissioner
- A relevant voluntary organisation
- The Police and/or Health and Safety Executive

J CORPORATE RECORDING & MONITORING

The Board of Directors will ensure it has sufficient internal arrangements to address the requirements of the Code, including appropriate support for the Principal in implementing the Code.