

Congleton Multi-Academy Trust
Confidential Reporting ('Whistle blowing') Policy
[Approved by Cmat Board of Directors 10 November 2014]



CONFIDENTIAL REPORTING PROCEDURE FOR MULTI-ACADEMY STAFF

INTRODUCTION

NB: This Procedure applies to all Multi-Academy staff of CMAT, including the CEO and Executive Principal.

However it can also be used by agency staff, other people acting in a similar capacity to an employee, by Contractors and their staff and other individuals providing services/ support to the Academy (e.g. volunteers). The same principles in terms of protection from harassment and victimisation, confidentiality, support and information on the Multi-Academy's response will apply.

Employees are often the first to realise that there may be something seriously wrong within the Multi-Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Multi-Academy. 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. Issues of concern may also come to the attention of Members, contractors, suppliers or consultants working for the Multi-Academy and they too should also feel confident that there are proper procedures in place to enable them to report any areas of concern.

The Multi-Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees, and others who work with us, with serious concerns about any aspect of the Multi-Academy's work to come forward and voice those concerns. This policy makes it clear that this can be done without fear of victimisation, discrimination or disadvantage.

This whistleblowing policy is intended to encourage and enable employees, members and others working for the Multi-Academy to raise serious concerns within the Multi-Academy rather than overlooking a problem or 'blowing the whistle' outside as premature or unnecessary publicity may damage the Multi-Academy's reputation, impede proper investigations, or hurt individuals unnecessarily.

The policy applies to all employees, members, contractors, suppliers and consultants and provides them with a secure basis for reporting suspicions of impropriety, in the knowledge that if requested the matter will be treated confidentially.

The procedures contained within this policy are in addition to the Multi-Academy's complaints process and any other statutory reporting procedure that applies within individual departments.

This policy has been discussed with the relevant trade unions and has their support.

AIMS & SCOPES

As a public service organisation, CMAT will use public funds prudently and apply the highest standards of conduct throughout the organisation. This procedure encourages you to help maintain these standards, by enabling you to draw attention to any concerns which you may have. Public disclosure may be justified at some point **but this should not happen before the Multi-**

Academy has had the opportunity to investigate the concern. Premature or unnecessary publicity may damage the Multi-Academy's reputation, impede proper investigations or hurt individuals.

Examples of concerns that may be raised under the procedure are:

- Law breaking.
- Miscarriages of justice.
- Health and safety risks (to anyone).
- Damage to the environment.
- Unauthorised use of money.
- Dishonesty, fraud and corruption.
- Sexual, physical or financial abuse of students
- Other unethical conduct

CMAT wants normal management channels to be sufficiently open and effective for most concerns to be raised that way. But this will not always be appropriate or possible and that is why we have a Confidential Reporting Procedure. It offers the means to raise concerns you may have about any

aspect of service provision or the conduct of staff, governors/elected members or other people acting on behalf of the Academy. A concern may arise, for example, from worries about failure to observe standards, or policies being circumvented or improper conduct.

The procedure does not cover concerns that are covered by other procedures. For example, an employment problem may well be covered by the Adademy's Grievance Procedure or Personal Harassment & Bullying Procedure (both available in the Academy).

HARASSMENT OR VICTIMISATION

You may be put off raising a concern because you are worried about reprisals. If you raise a concern in good faith and genuinely believed it to be well founded, you should have nothing to fear. You will be doing your duty to the Multi-Academy and the public. The Multi-Academy will not tolerate any harassment or victimisation (including covert pressure) and will do all it can to protect you. If you happen to be involved in any disciplinary or redundancy procedures, these be kept quite separate from the investigation of your complaint.

You will not be penalised in any way, where you make an allegation in good faith but it is not confirmed after it has been investigated. A concern that is raised frivolously, maliciously or for personal gain may result in disciplinary action.

CONFIDENTIALITY

Where confidentiality is requested we will do our best to ensure that your name is not revealed. This cannot, however, be guaranteed as there are certain circumstances where the name of the whistle-blower may be made known. For example:

- The report is found to be clearly false or malicious, or
- Disclosure is ordered by the courts.
- A formal statement is required as part of a police investigation.

Whilst it is possible to keep the name of a whistle-blower confidential, it is not possible to prevent others from trying, often successfully, to work out the source of a report. This can lead to speculation and an unpleasant atmosphere that could have been avoided by making an open disclosure.

ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible and actively discourages anonymous reports.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school.

In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Anonymous reports also raise a specific problem with regard to the legal requirement that personal data should only be collected fairly.

In addition, people making anonymous reports are not covered by the safeguards put in place to protect named whistle-blowers.

UNTRUE ALLEGATIONS

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

If, however, you make malicious or vexatious allegations, then disciplinary action may be taken against you under the Multi-Academy procedures

RAISING A CONCERN

Who to approach

If possible, you should approach someone within CMAT, usually your line manager, providing the concern is not linked with him/her. (A Principal with a concern should approach their Chair of Governors with a copy of this Procedure). When deciding who it would be best to approach, take into account the type of matter, its seriousness and its sensitivity – and who may be involved.

How to raise your concern

It is preferable for concerns to be raised in writing and where this is the case the following details are requested;

Your name and contact details

- background information and history including details as to why you are concerned
- whether the issue has already been reported to management and the outcome of this
- whether you wish your name to remain confidential
- whether you want feedback
- the names and jobs of any other employees who may support your concern.

Should you wish to obtain independent advice in relation to a potential whistleblowing report then Public Concern at Work operate a confidential helpline 02074046609. Further advice and guidance can also be found on their website www.pcaw.co.uk

Involvement of your trade union or professional association

You may ask your trade union or professional association to raise a matter on your behalf or advise you on how to articulate the case yourself. In this case - if you wish - you can remain anonymous when the concern is first raised. But you may have to be involved personally if the

matter goes further.

You may also have your trade union, professional association or a friend at any meeting or interview.

HOW YOUR CONCERN WILL BE DEALT WITH

As a start, discreet enquiries will be made by a senior leader of CMAT (or Governor, in the case of a Principal) to decide whether an investigation is needed and if so, how it should be carried out. This will help protect everyone concerned. The overriding principle will be the public interest. If this first, testing, stage shows that the concern should be followed up, there will either be a special examination or another procedure will be used, if appropriate. Examples of special procedures are the Multi-Academy's Disciplinary Procedure, the Personal Harassment and Bullying Procedure or child protection procedures. It may be necessary to involve other agencies, for example the police or the Multi-Academy's external auditors. Any urgent action will be taken before the investigation starts. It may be possible of course, to sort out the concern without a detailed investigation.

WHAT YOU WILL BE TOLD

Within 10 working days of your concern being received, the manager who carries out the initial enquiries will write to you confirming:

- What initial enquiries have been made
- How your concern has been or will be dealt with
- How long any further action may take (as far as this can be known)
- What further work is planned and how you may be involved

The amount of contact you have with the people considering the matter will depend on many things. These include the type of concern, the potential difficulties of investigating it and the availability of information. You may need to provide more help.

Wherever possible, you will be told the final outcome of an investigation.

PERSONAL SUPPORT

The Multi-Academy will do all it can to minimise any difficulties which you may have because you have mentioned your concern. As far as we can, you will be offered personal support and this will be arranged by your Principal. For example, if you had to give evidence in disciplinary or criminal proceedings, full advice about the procedure would be given to you.

IF YOU ARE NOT SATISFIED WITH THE MULTI-ACADEMY'S RESPONSE

This procedure is meant to give everyone an effective way to raise a concern *within* the Multi-Academy (and if possible, to resolve it internally). You should not feel that you have to take an issue outside the Multi-Academy to get satisfaction. But if you are still unhappy after using the procedure (and getting a final response), you are entitled to consider taking your concern elsewhere. If you do this, these are some contacts which are available:

- The Multi-Academy's external auditors (see the last page for contact details)
- Your trade union/professional association
- A Citizens Advice Bureau
- A relevant professional or regulatory body (e.g. the TDA)
- A relevant voluntary organisation
- The police

If you raise the matter outside the Multi-Academy, you must take into account the rules about disclosing confidential information (for employees, see Section 12 of the Code of Conduct).

