# WHISTLEBLOWING POLICY

**2016**

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**WMG ACADEMY FOR YOUNG ENGINEERS**

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**1.0 Introduction**

The WMG Academy for Young Engineers Trust is committed to the highest possible standards of openness, integrity and accountability. We expect employees, governors, trustees and others that we work with, who have serious concerns about any aspects of the WMG Academy Trust’s work to come forward and voice those concerns. The Trust Board will respond to all individuals who raise any concerns that they may have about the conduct of others in the WMG Academy Trust and which are in the public interest.

This policy sets out the way in which individuals may raise any concerns that they have, in confidence, without fear of victimisation and subsequent discrimination or disadvantage and how those concerns will be dealt with.

Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Executive Principal (or the Chair of the Trust if the concerns relate to the Executive Principal) any serious impropriety or breach of procedure.

Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.

1. **Aim**

This policy aims to:

* Encourage you to feel confident in raising serious concerns and to question and act upon concerns;
* Provide routes for you to raise those concerns and receive feedback on any action taken;
* Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
* Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

There are existing procedures in place to enable employees to lodge grievances relating to their employment. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, including the WMG Academy Trust complaints procedure or grievance procedure.

This policy covers concerns about:

* Conduct which is an offence or a breach of law;
* Disclosures related to miscarriages of justice;
* Health and Safety risks, including risks to the public as well as other employees;
* Damage to the environment;
* The unauthorised use of public funds;
* Corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010 (see Model Anti-Bribery Policy for Schools available on the Grid);
* Allowing private interests to override the interests of the academy;
* Possible fraud and corruption;
* Sexual or physical abuse of clients;
* Breaches of the WMG Academy policies;
* Unethical or improper conduct;
* Child protection concerns
* Concealing information about any of these matters.

The policy is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the WMG Academy Trust nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed,- a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the WMG Academy Trust’s responsibility to ensure that an investigation takes place.

1. **When other policies or procedures should be used**
* Safeguarding - the WMG Academy’s Designated Senior Person for Child Protection should be notified too. This includes:
* physical abuse of a pupil/student;
* sexual abuse of a pupil/student;
* emotional abuse of a pupil/student;
* neglect of a pupil/student;
* an intimate or improper relationship between an adult and a pupil/student.
* Concerns about a colleague’s **professional capability** should **not** be dealt with using this procedure but under capability procedures.
* If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the academy’s Grievance procedures.
* This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation.
* Nor should this policy apply where the employee simply disagrees with the way the academy is run.
1. **Underlying principles**
* The WMG Academy for Young Engineers Trust is committed to good practice and high standards and wants to be supportive of employees and others who this policy covers.
* The Trust recognises that the decision to report a concern can be a difficult one to make. If you raise a concern, based on reasonable belief and in good faith, then the trust believes that you should have nothing to fear in doing your duty to your employer and the public. Under the Public Interest Disclosure Act 1998 you will be protected from dismissal or other detriment. The trust will not tolerate harassment and/or victimisation of any employee raising concerns. Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
* If your concern is not confirmed by the investigation, no action will be taken against you.
* If you make and allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
* An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent if it falls within the remit of this policy.
* Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it cannot amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation
* Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Executive Principal or Chair of the Trust.
1. **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person raising the concern, if so requested. If the WMG Academy Trust is not able to resolve the concern without revealing the individual’s identity, then this will be discussed with them.

1. **Anonymous Allegations**

Concerns expressed anonymously are much less powerful but may be considered by the WMG Academy Trust taking into account:

* The seriousness of the issues raised;
* The credibility of the concern;
* The likelihood of confirming the allegation from attributable sources.

The Chair of Trust will decide in each case whether a complaint made anonymously will be investigated.

1. **Procedure**

**7.1** In the first instance, unless the employee reasonably believes the Executive Principal to be involved in the wrongdoing, any concerns should be raised with the Executive Principal. If they believe the Executive Principal to be involved, then the employee should report their concerns to the Chair of the Trust.

**7.2** Initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. The overriding principle for the WMG Academy Trust will be *‘is it in the public interest?’*.

**7.3** Following initial investigation, the trust will respond to the concerns raised. Some concerns may be resolved by action agreed with the employee without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

**7.4** The Executive Principal/Chair of Trust will arrange an investigation into the matter (either by investigating the matter themselves or immediately passing the issue to someone in a senior position). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above. The employee’s statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.

Employees who want to use the procedure but feel uneasy about it may bring a colleague or Professional Association/Trade Union Representative along to any discussions, so long as the third party is not involved in the issue.

**7.5** Within seven working days of a concern being raised, and if an investigation is to be undertaken, the employee will be contacted by the person who is appointed to lead the investigation outlining the process.

**7.6** The Executive Principal (or the person who carried out the investigation) will then report to the Chair of Trusty who will take the necessary action, including reporting the matter to any appropriate department or regulatory agency. If disciplinary action is required this will be taken forward by the Executive Principal/Chair of Governors/Chair of Trust. On conclusion of any investigation the employee will be told the outcome of the investigation and what the next steps will be. If no action is to be taken the reason for this will be explained.

If the employee is concerned that the Executive Principal is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, they should inform the Chair of Trust. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

* HM Revenue and Customs
* The Financial Services Authority
* The Office of Fair Trading
* The Health and Safety Executive
* The Environment Agency
* The Director of Public Prosecutions
* The Serious Fraud Office
* The Education Funding Agency
* The Department for Education
* NSPCC whistleblowing helpline in relation to child protection issues
* Whistleblowing champion within the academies: Elected Staff Governor.
1. **What should be done if an issue is raised with a member of staff?**

If a member of staff, other than the Executive Principal, is approached by a colleague on a matter of concern as defined in this document, they are advised to take the matter to the Executive Principal.

1. **Concerns about child protection issues:**

If a member of staff is concerned about child protection procedures within the academy and do not feel they are able to report them to another member of staff, the Executive Principal or the Chair of the Trust then they should contact the NSPCC whistleblowing helpline.

<https://www.gov.uk/government/news/home-office-launches-child-abuse-whistleblowing-helpline> or telephone on 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk. [Keeping Children Safe in Education Dfe 2016]

**9.0** **Monitoring, Evaluation and Review**

This policy will be subject to an interim review in June 2018, taking into account feedback from employees and stakeholders. The Executive Principal will be responsible for maintaining a record of concerns raised and outcomes (which does not engender confidentiality) and will report this to the Governing Body and Trust Board.