

CAPA
COLLEGE



CAPA College

WHISTLEBLOWING POLICY
(Enhance Academy Trust)

Approved by Board of Trustees: 21st April 2021
Next Review Due By: April 2024

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1. Aims

This policy aims to:

- i. Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- ii. Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust
- iii. Set clear procedures for how the Trust will respond to such concerns
- iv. Let all staff know the protection available to them if they raise a whistle-blowing concern
- v. Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)
- vi. Individual employees have the facility to raise individual concerns regarding their own employment and should do so through the Trust Grievance Procedure.
- vii. This whistleblowing policy is intended to cover concerns that fall outside of the scope of other procedures, although the Trust CEO/ Chair of Trustees reserve the right to determine which procedure is appropriate.

This policy does not form part of any employee's contract of employment and may be amended at any time.

The policy applies to all employees or other workers who provide services to the Trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academies Financial Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#) and [Bribery Act 2010](#).



This policy complies with our funding agreement and articles of association.

2. Definition of Whistleblowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but aren't limited to):

- i. Criminal offences, such as fraud or corruption
- ii. Pupils' or staffs' health and safety being put in danger
- iii. Failure to comply with a legal obligation or statutory requirement
- iv. Breaches of financial management procedures
- v. Attempts to cover up the above, or any other wrongdoing in the public interest
- vi. Damage to the environment
- vii. The academy or any associated person has been, is being or is likely to be receiving or offering bribes
- viii. Any foreign official has been, is being or is likely to be bribed or offered facilitation payment by the academy or any associated person

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the Trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- i. [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- ii. A free and confidential [advice line](#)

3. Procedure for Staff to Raise a Whistleblowing Concern

3.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or Trust procedures, put people in danger or was an attempt to cover any such activity up.

3.2 Who to report to

Staff should report their concern to the Trust CEO – Mark Randall. If the concern is about the Trust CEO – Mark Randall, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Chair of Trustees – Peter Townley.



3.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

4. Trust Procedure for Responding to a Whistleblowing Concern

4.1 Investigating the concern

When a concern is received by the Trust CEO – Mark Randall - referred to from here as the 'recipient' - they will:

- i. Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- ii. Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- iii. Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- iv. Establish whether there is sufficient cause for concern to warrant further investigation.

If there is:

- o The recipient should then arrange a further investigation into the matter, involving the Chair of Trustees – Peter Townley, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
- o The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps. However, sometimes the need for confidentiality may prevent specific details of the investigation or any disciplinary action taken as a result being provided to the employee. Any information about the investigation should be treated as confidential.
- o The action taken by the Trust will depend on the nature of the concern, but could be (this list is not exhaustive):
 - An internal investigation
 - A referral to the Police
 - A referral to an external party such as LADO
 - The start of an independent enquiry
 - A combination of the above
- o Concerns or allegations which fall within the scope of specific procedures (e.g. child protection, discrimination) will be considered by the CEO under those procedures.
- o Enhance Academy Trust may take appropriate action against any employee who is:
 - Found to be victimising another person for using this policy or deterring any person from reporting genuine concerns under it



- Making the disclosure/allegation maliciously, with a view to personal gain, or where there were no reasonable grounds for believing that the information supplied was accurate
- Such employees could be subject to disciplinary action, which may result in dismissal.

4.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the CEO, Trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

5. Malicious or Vexatious Allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

6. Escalating Concerns Beyond the Trust

The Trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

7. Approval

This policy will be reviewed every four years.



These procedures have been agreed by the Board of Trustees, who will approve them whenever reviewed.

7. Links with Other Policies

This policy links with our policies on:

- Staff Grievance policy
- Complaints procedure
- Child Protection policy

