



Tollbar MAT
Family of Academies

WHISTLEBLOWING POLICY AND PROCEDURE

August 2019

Introduction

Tollbar MAT is committed to honesty and openness.

In meeting this commitment, a policy and procedure have been established which allows employees to raise concerns about matters of public interest concerning the conduct of other MAT staff.

1. The Definition of Whistleblowing

- 1.1.** The term 'whistleblowing' is most commonly used when an employee (or ex-employee) discloses malpractice within an organisation in the public interest. Malpractice can include fraud, corruption, bribery, dishonesty, financial irregularities, serious maladministration arising from the deliberate commission of improper conduct, unethical activities (which may be of a criminal nature) and dangerous acts or omissions which create a risk to health, safety or the environment, criminal offences or failure to comply with a legal or regulatory obligation.
- 1.2.** Whistleblowing does not include mismanagement as this may arise from weak management, for example, rather than malpractice. Mismanagement may be dealt with under the Capability or Disciplinary Procedure.
- 1.3.** Whistleblowing provides a channel and process for individual employees to raise genuine and legitimate concerns. It also gives Tollbar MAT an opportunity to investigate these concerns and take appropriate action so that the matter is resolved effectively within the organisation before they come into the public domain.

2. Why is the Policy on Whistleblowing Needed?

- 2.1.** The production of a policy and procedure on whistleblowing goes towards Tollbar MAT's commitment to a climate of openness.
- 2.2.** It provides a means by which staff can raise concerns in confidence and without risk of victimisation.
- 2.3.** Where employees bring allegations of malpractice, this is regarded as a very serious matter by the MAT. Any allegations will be handled as professionally and as quickly as possible.
- 2.4.** The Whistleblowing Procedure is not a mechanism for private grievance. The grievance Procedure exists for individual employees to express concern about an issue that directly affects them. The Whistleblowing Procedure allows employees to bring malpractice to the attention of the MAT although that malpractice may not directly affect them. The point is that Whistleblowing refers to matters of public, rather than private interests.

3. Establishing a Climate of Openness

3.1. The MAT will actively encourage openness through ensuring:

- a) internal audit systems and procedures minimise opportunity for fraud, corruption or malpractice to occur;
- b) codes of conduct for Directors/Governors and employees which define appropriate and acceptable standards of behaviour;
- c) informing staff of the definition of fraud and corruption;
- d) ensuring employees are able to raise legitimate concerns confidentially without the fear of recrimination.

WHISTLEBLOWING PROCEDURE

1. Principles

- 1.1.** The purpose of the Whistleblowing Procedure is to provide a means by which employees can highlight suspected malpractice within the MAT. All complaints of this nature will be properly investigated under this procedure. As explained above, the Grievance Procedure will not apply in this case.
- 1.2.** The MAT is committed to thoroughly and professionally investigating all such complaints with the seriousness and confidentiality they merit. The result of such an investigation may lead to disciplinary action being taken against the person accused of malpractice.
- 1.3.** Any employee who raises a concern will have the matter treated confidentially. However, the employee who has raised the concern must understand that a full and proper investigation may not be able to take place anonymously.
- 1.4.** No employee will be disciplined for raising a concern so long as they follow the Whistleblowing Procedure. However, disciplinary action will be taken against whistleblowers who are found to provide information for personal gain or with malicious intent or where they are considered to have committed acts of misconduct highlighted by the whistleblowing.
- 1.5.** The MAT will not tolerate the victimisation of whistleblowers. Where an individual feels they are being victimised as a result of raising concerns over malpractice, they should take their concerns to the person they complained to. The Disciplinary Procedure should then be followed.
- 1.6.** It is in the interests of the MAT and its employees that those who speak out and follow the procedure receive adequate protection. Similarly, those who misuse the procedure will be subject to disciplinary or other appropriate proceedings.

2. The Procedure

- 2.1.** An employee who has concerns of malpractice within the MAT should write to the Principal of their academy or if this is not appropriate, then to the Chief Executive, in a sealed envelope marked Confidential, to be opened by the addressee, detailing the alleged malpractice.
- 2.2.** In the event that the concerns involve a Principal or the Chief Executive then the employee should write to the Chairman of the Board, in a sealed envelope marked Confidential, to be opened by the addressee, detailing the alleged malpractice.

STAGE 2

- 2.3.** On receiving the document, an appropriate body will be appointed to investigate the allegation. Dependent on the nature of the concern, the Board's Audit Committee may be the appropriate body to conduct an investigation.
- 2.4.** The issues raised may be considered as gross misconduct and a decision may be made to suspend all or some of those staff who are under investigation on full pay.
- 2.5.** Should the allegation be made against a Principal or the Chief Executive, then the Chair of the Board will take the above action.

3. Investigation Procedure

- 3.1.** Due to the various different types of concern that may arise, it is not possible to establish a set procedure with identified timescales. The following principles will apply:
 - a) The investigation will be carried out as rapidly as possible;
 - b) All investigations will be carried out in the strictest confidence;
 - c) Any communication with the employee raising the concern will be to their home address;
 - d) Any person (people) alleged to be involved should be informed of the broad nature of the concern, that at this stage it is an investigation (although dependent on the outcome of the investigation, disciplinary action may be taken) and their right to be accompanied by a work colleague or Trade Union representative;
 - e) At an investigatory meeting, the individual(s) may be accompanied by a note-taker;
 - f) All the notes of the investigation and the final report will be passed to the Principal (or others as stipulated above) with a statement saying whether the investigation shows that the complaint should be upheld. The Principal will decide what action is required and inform the person (people) being investigated.

3.2. Should the allegations be made against the Principal or Chief Executive, then the Chair of the Board will receive the information and take the appropriate action.

STAGE 3

3.3. Any disciplinary action deemed necessary against those accused of malpractice will be instigated immediately in accordance with the Disciplinary Procedure.

3.4. The employee who raised the concern will be informed of the outcome of the investigation.

3.5. Where the investigation shows that the employee raised concerns for personal gain or for personal motives, disciplinary actions will be taken against the employee.

4. Review

4.1. This procedure will remain in force until amended or withdrawn by the Board after consultation with staff.