



emlc
academy trust

Every child deserves to be the best they can be

**EMLC
Academy
Trust**

**Whistleblowing
Policy
2015/16**

'Every child deserves to be the best they can be'

Scope: EMLC Academy Trust & Academies within the Trust	
Version: V3 11/11/15	Filename: EMLC AT Whistleblowing Policy
Approval: This policy was ratified by the EMLC Academy Trust on:	Next Review: <i>This policy will be reviewed annually by the Strategic Board</i>
Owner: EMLC AT Strategic Board	Union Status: Agreed - 11 November 2015

Policy type:	
Non-statutory	Replaces Academy's current policy

WHISTLEBLOWING POLICY

1. Aims

- 1.1 EMLC Academy Trust is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs as a responsible charity taking into account the requirements of the Public Interest Disclosure Act 1998 (updated August 2013). In line with that commitment we encourage employees and others with serious concerns about any aspect of EMLC Academy Trust's work to come forward and voice those concerns without fear of reprisals.
- 1.2 The Public Interest Disclosure Act gives legal protection to employees, trainees, agency staff and contractors against being dismissed or penalised by employers as a result of publicly disclosing certain serious concerns provided that they are disclosed under procedures identified in the Act. The Act applies to people at work raising reasonably held and genuine concerns in good faith about crime, civil offences (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and the cover up of any of these. It applies whether or not the information is confidential and extends to malpractice occurring overseas.
- 1.3 This policy is designed to enable employees, trainees, agency staff and contractors to raise concerns or disclose information at a higher level than that which the individual believes shows malpractice. A disclosure in good faith to a manager, director or trustee will be protected if an individual has a reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. Disclosures will also be protected if made externally, for example to prescribed regulators such as the Charity Commission, HSE or Inland Revenue, provided that they comply with the provisions of the Act. Under the Act, employees of a charity may make a disclosure to the Charity Commission where the matter relates to the proper administration of the charity and of funds given or held for charitable purposes and they have reasonable grounds for concern.

2. Procedures

- 2.1 Anyone concerned about an issue of malpractice should raise it with the Chief Executive, other director or manager or if it concerns the Chief Executive or a matter relating to the trustees with the Chairman of the Board of Trustees. If the issue relates to the Chairman, this should be raised with the Vice Chair of the Board of Trustees.
- 2.2 EMLC Academy Trust will treat all such disclosures in a confidential and sensitive manner and carry out an investigation in cases where no reasonable explanation can be provided. The identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required. It will be the policy of EMLC Academy Trust to involve the police in cases involving possible criminal activity and the appropriate regulatory body where

justified by the matter in hand. In all cases, the individual raising the concern will be informed of what action is to be taken and the outcomes of that action subject to any legal constraints. EMLC Academy Trust will do what it lawfully can to minimise any difficulties that an individual may experience as a result of raising a concern.

- 2.3 Anonymous allegations will be considered at the discretion of the Chief Executive Officer or Chair taking account of the seriousness and credibility of the allegation and the possibility of confirming it from attributable sources.
- 2.4 If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual has made a malicious allegation, and particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.
- 2.5 The Chief Executive will be responsible for monitoring the operation of this policy and for keeping records of any concerns raised under it. Records will be retained for 6 years from the date of the last action on a case and subsequently expunged.