



I CAN Whistle-blowing Policy & Procedure

1. Policy Statement

This whistle-blowing policy applies to all employees and officers of the organisation, including those within the schools, as well as ex-employees. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.

I CAN is committed to having an open and honest culture, and to the highest possible standards of probity and accountability. In line with that commitment, the organisation encourages employees with serious concerns about any aspects of the organisation's work to come forward and voice those concerns. Confidentiality will be maintained as far as is possible in that all matter relating to reports of alleged wrongdoing will be dealt with in total confidence. Where an investigation is required, the designated investigating officer(s) will be notified of details. Where statute requires other bodies/agencies will need to be notified, this will be done within the constraints of data protection law and policies.

Anyone who raises a genuine concern about poor practice will not be put at risk of losing their job or suffering any form of retribution as a result of doing so. I CAN expects all managers, governors and trustees to recognise their responsibilities in this matter, and to adopt and implement this policy, and adhere to its procedures, in relation to whistle-blowing by any employee.

It is important to the organisation that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

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 organisation in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers. This also includes governors and trustees.

2. Definition of Whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". The core essence of this policy, as defined in an earlier EU directive is that:

- Protection not only exists for employees who report their concerns but also for job applicants, former employees, supporters of the whistleblowers and journalists.
- These persons are protected from dismissal, degradation, and other forms of discrimination.
- Protection applies only to reports of wrongdoing to the laws of our country, such as tax fraud, money laundering, public procurement offences, product and road safety, environmental protection, public health, consumer protection and data protection.
- The whistleblower can choose whether to report a concern internally within the organisation or directly to a relevant authority. If nothing happens in response to such a report, or if the whistleblower has reason to believe it is the public interest, they can go direct to the public. They are protected in both cases.

A whistleblower is a person who raises a genuine concern relating to the above. Not all concerns about the organisation count as whistleblowing. For example, personal staff grievances such as bullying, or harassment are not usually classed as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely to be a grievance and should be followed through in accordance with the grievance procedure.

When employees have a concern, they should initially consider whether it would be more appropriate to follow our grievance procedure.

Protect (formerly Public Concern at Work) has further guidance on the difference between a whistleblowing concern and a grievance that employees may find useful, if unsure, as well a free and confidential advice line.

In addition, the NSPCC (0800 028 0285) can offer advice and support to employees considering whistleblowing in relation to an organisation's child protection or safeguarding arrangements

Individuals that are members of a Trade Union or other professional bodies may also be able to get advice and support in relation to whistleblowing from that organisation.

3. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue. The investigation would be managed by an individual who is independent of the allegation.
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should continue with their concern, and raise it with a school principal or director.
- This policy and procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should 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.

4. Procedure

Concerns should usually be reported to the line manager or their line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the alleged malpractice. For example, if the allegation is about management then concerns should be directed to the School Principal or the Director of Corporate Services. Complaints against Directors or School Principals should be forwarded to the Director of Education and the Chair of Governors, and complaints against the Chief Executive should be passed to the Chair of the Board of Trustees.



Concerns relating to Safeguarding or Child Protection should be raised directly with the Designated Safeguarding Lead in the school or within I CAN or directly to the Chief Executive. For further details refer to the Safeguarding & Child Protection Policy.

Concerns may be raised verbally or in writing. Staff who wish to make a written report should mention the following:

- the background and history of the concern (giving relevant dates).
- the reason for the concern.
- any information including evidence available.

Staff and visiting professionals should report the concern at the earliest opportunity so that action can be taken.

The complainant has the right to bypass the line management structure and take their complaint direct to the Chief Executive, Chair of Governors or Chair of Trustees. This person has the right to refer the complaint back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint. He/she would contract with the complainant and discuss how this would be handled prior to directing the complaint to another part of the organisation. Advice is available from the Director of Corporate Services.

Although those raising a whistleblowing concern are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

- The manager receiving the complaint will make a judgement based on initial enquiries and decide, with appropriate advice from Corporate Services, whether an investigation is appropriate and, if so, what form it should take. A pro-forma is associated at Appendix A to aid the process.
- Within 10 working days, the manager formally acknowledges to the complainant that the whistleblowing concern has been received with an indication of how it is proposed to deal with the matter and inform them whether further investigations will take place and if not, why not.
- Assuming there is seen to be a need for an investigation, a meeting is then organised with the person raising the concern in order to obtain full details and clarifications of the allegation(s). This should be organised as soon as possible and usually within 5 working days. However, it is not possible to be prescriptive here as much will depend on the nature of the concern raised. The investigation process is outlined in the grievance procedure.
- The member(s) of staff against whom the concern is made should then be advised as soon as is practically possible. The member(s) of staff will be informed of their right to be accompanied by a trade union representative or work colleague at any future interview or hearing held under the provision of these procedures.
- It may be necessary to inform other agencies such as the police if there is evidence of criminal activity or the local authority designated officer in child protection and safeguarding cases. Please refer to the relevant policies here. Where appropriate, it may be necessary to advise the Chief Executive and/or the Chair of the Board of Trustees.
- Where it is believed suspension is potentially appropriate, advice must be sought from Corporate Services/HR before any action is taken. Please refer to the code of conduct and disciplinary policies and procedures.
- The allegations should then be fully investigated. Guidance is available from Corporate Services/HR.

- A judgement is then made concerning the validity of the concern(s) raised. This judgement will be detailed in a written report containing the findings of the investigations and the reasons for the judgement. The report will be passed to the Director of Corporate Services, and the Chief Executive. It may, in certain circumstances, to pass the report to the Chair of the Board of Trustees.
- The Chief Executive and/or the Chair of the Board of Trustees will usually decide what action to take.
- The individual raising the concern(s) will be kept informed of the progress of the investigation(s) at every stage.

If the whistle-blower is not satisfied that their concern is being properly dealt, they have the right to raise it in confidence with the Chief Executive or the Chair of the Board of Trustees in circumstances where the Chief Executive has already been involved.

If I CAN finds the claim(s) are unsubstantiated but the employee reasonably believes that the appropriate action has not been taken, I CAN recognises that the employee has a right to report the matter to the appropriate authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include but are not limited to:

- Ofsted
- Office of Qualifications and Examinations Regulation (Ofqual)
- The Secretary of State for Education
- The Charity Commission of England and Wales
- The Environment Agency
- The Equalities and Human Rights Commission
- The Food Standards Agency
- The Health and Safety Executive
- HM Revenue & Customs
- The appropriate Local Authority

Should the investigation uncover a criminal offence then the police will be involved as soon as this is known. Where the concern(s) relates to a child protection or safeguarding issue, the appropriate policies must be followed.

If the investigation shows that misconduct is likely to have occurred, then the matter may be dealt with through I CAN's disciplinary procedure.

5. Data Protection

When an individual makes a disclosure, the organisation will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

As a general principle, we would seek to delete the information within three months of the closure of the case where this did not result in further action. Where this did, the information retention periods prescribed in relevant policies such as conduct and disciplinary will be effected.

6. Malicious or vexatious allegations

Employees 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 organisation will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Links with other policies

This policy links with our policies and procedures on:

- Grievance
- Discipline
- Conduct
- Child protection
- Data Protection

8. Relevant Legislation

- Health and Safety at Work Act 1974
- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- Fraud Act 2006
- General Data Protection Regulations (2016/679 EU)
- Data Protection Act 2018