




# BEIS YAAKOV JEWISH HIGH SCHOOL ACADEMY

## WHISTLEBLOWING POLICY

Date of approval	September 2024
Date of next review	September 2027
Term of review	3 years
Prepared By	Mr B Myers
Committee Responsible	FGB
Signed by Chair of Committee	

Changes Made	Date
SLT to ELT	Sept 2022

## CONTENTS

1	Introduction	3
2	Purpose	3
3	Procedure	4
4	Appeal	6
5	Recording and monitoring	7
	Appendix 1 The role of the investigating manager	8

## **1. Introduction**

Beis Yaakov Jewish High School Academy (BYJHS) is committed to the highest possible standards of openness, probity and accountability in all of its activities. It also expects a high standard of conduct and integrity from employees. Any employee who has a serious concern about any aspect of the Academy's work or the actions of any of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.

## **2. Purpose**

The purpose of the policy is to:

- encourage employees to feel confident in raising concerns and to question and act upon their concerns
- provide avenues for employees to raise these concerns and receive feedback on any action taken
- allow employees to take the matter further if they are dissatisfied with the Academy's response
- reassure them that they will be protected from reprisals or victimisation for whistle blowing in good faith in accordance with the procedure

This policy applies to all employees including those working on a temporary or casual basis.

There are existing procedures in place to allow staff to lodge a grievance relating to their own employment within the Academy's Grievance Procedure.

This Policy is intended to cover reasonably serious concerns that fall outside the scope of other procedures. That concern may be about any of the following:

1. A Criminal conviction that has been, is being or is likely to be committed
2. Fraud and Corruption
3. Unauthorised use of public funds
4. A failure to comply with a legal obligation
5. A health and safety risk relating to any individual
6. A miscarriage of justice
7. Damage to the environment
8. Actions that are contrary to any of the Academy's policies
9. Actions or behaviour that falls below established standards of practice
10. Abuse and welfare of students or staff
11. Harassment or victimisation of students or staff

12. Any actions or concerns regarding practice that could result in a financial loss to the Academy

13. The deliberate concealment of information relating to any of the above matters

14. Other unethical conduct

This list is not exhaustive.

### **3. Procedure**

#### **3.1 Making a disclosure – initial action**

As soon as an employee becomes reasonably concerned about a matter, they should first raise the issue with their line manager [the “receiving manager”], unless the disclosure concerns them, in which case the employee should write to the Senior Leadership Team (ELT).

Disclosures involving a member of the ELT should be raised with the Chair of Governors. In this case, the Chair of Governors may appoint an independent investigator to consider the case and to determine if there are grounds for proceeding. Disclosures concerning a member of the teaching team should be raised via the employee’s line manager.

All managers have a responsibility to act on the concerns raised, in accordance with this procedure. Failure to do so in accordance with the policy and procedure may lead to disciplinary action.

Concerns may be raised verbally or in writing and should give the background, the nature of the malpractice that is alleged; relevant dates where possible; the reasons for the concern and the names of individuals against whom the allegations are made.

If the concern is raised verbally, then the person receiving the information should put in writing, an outline of the matters raised and this should be confirmed in writing to the employee. This should be done within ten working days.

Once a concern is raised, the receiving manager should report the matter to a member of the ELT, who will appoint an appropriate manager to investigate [the “investigating manager”]. This could be the receiving manager. The ELT will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure [the employee will be informed of this]. If the matter is dealt with under the Whistleblowing Policy, then the employee will then be informed of the name of the investigating manager. If the matter relates to a member of the ELT, the Chair of Governors will appoint the investigating manager. Due to the nature of the disclosure the ELT may appoint an independent external investigator to look into the matter. If the matter relates to a member of the ELT, then decisions for proceeding will be made by the Chair of Governors.

The receiving manager will then inform the employee in writing of the process to be followed.

The receiving manager will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days. However, this may be delayed if it is likely to jeopardise the investigation.

### 3.2 Handling a disclosure

The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes - a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another School policy.

Where appropriate, the matters raised may:

- be investigated by the investigating manager or internal auditors
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry by an outside body

This will be determined by the investigating manager in conjunction with the ELT.

Within four weeks of a concern being raised, the investigating manager will write to both parties:

1. indicating how the Academy proposes to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response
2. indicating whether further investigations will take place and if not, why not

Appendix 1 provides details of the role of the investigating manager.

Any internal investigation should take no longer than three months to complete from the date of receipt of original disclosure. As part of the investigation, the investigation manager will decide:

1. whether disciplinary action be taken against any employee
2. whether changes should be recommended to any Academy procedure
3. whether any other action should be recommended

These matters will be detailed in a final report

The investigating manager will send a copy of the final report, including recommendations, to the Senior Leadership Team (ELT), who will consider the recommendations and determine what action, if any, to take. The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or where it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.

The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

#### 4. Appeal

An employee, who raises a concern and is not satisfied with the outcome or action proposed, may appeal against the decision to a more senior manager within The Academy. An appeal should be made to the ELT within five days of receipt of the outcome letter.

The ELT will determine who should hear the appeal. The appeal should be completed within one month.

After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied they may raise the matter further by contacting an outside agency.

An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, within five working days, to the ELT about the outcome of the report. The ELT will consider these representations and may direct further investigation or review as appropriate.

#### 5. Timescales

Action	Timescale	By Whom
Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirm in writing to the person complained of that a disclosure has been received and that it is being considered. Outline the process to be followed	Within 10 working days	Person who receives the disclosure – the receiving manager
Confirmation of whether the matter is to be investigated, and if so, how it will be investigated Letters sent to employee and person complained of	Within four weeks of receipt of disclosure	Person appointed to investigate – the investigating manager
Written confirmation of outcome of investigation and action to be taken. Report sent to ELT with recommendations to determine what action to take. Letters sent to	Within three months of receipt of disclosure	Person appointed to investigate – the investigating manager

employee and person complained of		
Person being investigated can enter an appeal against outcome of investigation	Within five working days from receipt of outcome	Employee who makes the disclosure
Appeal carried out	Within one month of entering an appeal	Manager appointed to hear the appeal
Appeal to ELT	Within five working days from receipt of outcome	Employee subject to the disclosure

While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress.

## **6. Recording and monitoring**

The ELT will maintain a register containing all concerns that are brought to the organisation's attention. These will be reported on a quarterly basis to the Chair of Governors.

All records will be treated as confidential and kept no longer than necessary in accordance with the GDPR legislation. Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be withheld to protect a third party.

This policy will be reviewed every 4 years.

## APPENDIX 1

### **The role of the investigating manager**

The investigating manager will have the following responsibilities to the Academy:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague
- Establish the facts/obtain statements/collect documentary evidence
- Maintain detailed records of the investigation process
- Make any recommendations for action to be submitted to a more senior manager

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague
- Keep the employee up to date with progress on the matter and agree timescales for action
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview
- Give details of employee support mechanisms available

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence
- Advise in writing of the procedure to be followed
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague
- Give details of employee support mechanisms available
- The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required



Where necessary the Academy will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible

The manager appointed to hear an appeal will have the following responsibilities:

- Hold appeal meeting with employee who made the disclosure
- Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague
- Review the investigation report/procedure followed and findings
- Decide whether to uphold appeal or not
- Initiate a new investigation if necessary
- Report the appeal findings in writing to the ELT, if applicable
- Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made