



# WHISTLEBLOWING POLICY

**Review by Trustees:**

**June 2019**

**Next Full Review Due:**

**June 2022**

**Reviewer:**

**Head of Human Resources**

## Introduction

South Pennine Academies (the 'Trust') is committed to delivering a high quality education service to students and expect high standards from their staff and contractors. In order to maintain these high standards a culture of openness and accountability is vitally important. The aims of this policy are: -

- To encourage staff to raise concerns about malpractice within the Academy/Trust without fear of reprisal
- To reassure staff that concerns will be taken seriously
- To provide information about how to raise concerns and explain how the Academy/Governors/Trust may respond

## Policy Scope

This policy applies to all Trust employees and volunteers, agency staff and staff contracted to work in our academies. Concerns from parents and students should fall under the Academies Complaints Procedure or, if regarding an allegation of abuse or neglect against a member of staff, under the Managing Allegations Against Staff policy.

## Definition of Whistleblowing

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for staff to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

Whistleblowing occurs when a member of staff raises a concern about a dangerous or illegal activity that they are aware of through their work. To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. **The first is that they are acting in the public interest.** This means that personal grievances and complaints are not usually covered by whistleblowing law. **The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:**

- Criminal offences (this may include, for example, types of financial impropriety such as fraud)
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

Specifically, the types of activity that should be disclosed include but are not limited to the following: -

- The physical, emotional or sexual abuse of students or staff
- Unauthorised use of Academy funds and/or financial maladministration
- Fraud and corruption
- Failure to follow financial and contract procedure rules
- Showing undue favour to a contactor or a job applicant
- Lack of Safe Recruitment
- Deliberate concealment of information relating to any of the above
- Concerns about the professional practice or competence of colleagues, other members of staff or other workers
- Concerns that either children are being exploited for labour, or suppliers are exploiting others that could constitute act of modern slavery

The earlier a concern is raised the easier it will be to take action. You the whistleblower are a witness to events not the investigator. You do not need to wait for compelling evidence before raising concerns but you must have reasonable grounds for your suspicion. It is important that all members of the academy recognise their responsibility in creating a safe culture. Any member of staff who knows that a child is maybe at risk, but does not blow the whistle or raise a concern through safeguarding procedures, may be subject to disciplinary action.

Whistleblowing is relevant to all organisations and all people. This is because every business and every public body faces the risk of things going wrong internally. Where such a risk arises, usually the first people to realise or suspect the wrongdoing will be staff.

It can be difficult to know what to do. You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, Principal or to the Academy and sometimes it may seem difficult to speak up because of a fear of harassment or victimisation.

However, we expect the highest standards of behaviour and all staff have a responsibility to voice any concerns that they have, normally with their Line Manager/Principal. We have introduced this policy to enable staff to raise genuine concerns about such malpractice at an early stage and in the right way. We would rather you raise the matter when it is just a concern, rather than wait for proof.

The Whistleblowing Policy is independent and confidential. We will make sure that you will not be victimised or suffer disadvantage if you report your genuine concern.

The malpractice might be carried out by staff, Trustees, Governors, contractors or external agencies.

### **Whistleblowing concern or Grievance**

This procedure is not to be used if you are generally dissatisfied at work or as a replacement to your existing employment rights with South Pennine Academies. If you have a concern regarding your employment this should be address through the Grievance Policy.

### **Anonymous Concerns**

There may be good reasons why you wish to blow the whistle anonymously and you are able to raise a concern in this way via written communication. However, the Trust actively encourages all staff to put your name to a concern to ensure the issue can be dealt with effectively. The Trust reserves the right to not investigate anonymous concerns and will make a judgement based on the information provided, on a case by case basis.

The Trust considers that when an individual raises a concern 'in person' but wishes to have their identity protected, wherever possible the Trust shall maintain this however this cannot be guaranteed depending on the nature of the concern, or whereby law requires the identity to be disclosed.

If the concern is regarding a child's safety, you are obliged to raise these concerns immediately and the Trust cannot maintain your confidentiality in order to ensure safeguarding procedures are fully adopted.

Making a disclosure anonymously means it can be more difficult for you to qualify for protection as a whistleblower. This is because there would be no documentary evidence linking you to the disclosure for the employment tribunal.

### **What happens if you are implicated?**

If you blow the whistle and actively cooperate with an investigation in which you may be implicated in any wrongdoing, you are likely to receive a lighter sanction than might otherwise have been the

case (unless the misconduct is so serious that no amount of cooperation or other mitigating conduct can justify a decision not to bring any action).

### **How to raise a concern**

#### **a) Through your line manager**

Normally you should contact your line manager in the first instance who will then, if required, liaise with the Principal. But if you feel that you can't do this – for example, if you believe that they are involved – then you should contact your Principal. If your concern is regarding the Principal or you feel they may be implicated, you should contact the CEO or Trust Head of HR.

You will be required to write a statement, setting out the background and history of your concerns (giving names, dates and places where possible) and indicating the reasons for your concerns. Please make it clear that you are raising your concern as part of our Whistleblowing Policy.

The Academy will then investigate your concern, following Academy investigation procedures, and we will let you know the outcome of the investigation, so that you can see that the matter has been properly addressed.

**b) Through the Whistleblowing route**

If you do not feel able to contact your line manager, Principal or CEO you should email the Chair of the Board of Trustees or Trust Head of HR.

You should give as much information as you can, including names, dates, places, history and why you are concerned.

**How the Academy will respond**

Within **ten** working days of a concern being raised, the responsible person you have contacted will write to you:

- Acknowledging that the concern has been received;
- Indicating how we propose to deal with the matter;
- Giving an estimate of how long it will take to provide a formal response;
- Telling you whether any initial enquiries have been made;
- Supplying you with information on staff support mechanisms;
- Telling you whether further investigations will take place and, if not, why not.

The amount of contact between the persons considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It may be necessary for the school to obtain further information from you.

Where any meeting is arranged, you can be accompanied by a trade union professional.

Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process;
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Academy will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The Academy will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Academy will arrange for you to receive advice about the procedure.

**Raising your concerns elsewhere**

This policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points.

- the Police – phone 101

- Public Concern at Work – independent charity – <http://www.pcaw.org.uk/contact-us> on 0207 404 6609, or email [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk). Public Concern gives free and confidential advice on whistleblowing matters
- The Ombudsman
- Your Trade Union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Education Skills Funding Agency (ESFA) - <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

**Academy employees have a responsibility not to undertake any action which might bring the Academy into disrepute.**

**If you do decide to report any concerns outside the Academy, you must ensure that you have a good reason for doing so and you must not disclose confidential information.**