



**SOUTH WESTMORLAND  
MULTI ACADEMY TRUST**

# **Whistleblowing Policy**

<b>Committee:</b>	MAT Board
<b>Date of adoption:</b>	07/12/2016
<b>Date of next review:</b>	Autumn Term 2021

**Review Sheet**

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

<b>Version Number</b>	<b>Version Description</b>	<b>Date of Revision</b>
1	Original	07/12/2016
2	Risk Audit & Finance Committee review	02/12/2019
3	MAT Board review	16/12/2020

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## **Whistleblowing Procedure and Guidance**

### **1. Definitions**

Where the word employee is used, this applies to all employees (paid and unpaid) working in our school(s)/setting including agency workers, contractors, self-employed contractors, trainees, work-experience placements and volunteers.

### **2. Aims**

This aims of this policy are to:

- Encourage those working in the school(s) to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

The Trust Board will provide all reasonable protection for those who raise concerns “made in the public interest”.

The Trust Board will be responsible for ensuring that appropriate personal support is offered both to an employee raising a concern and to any employee against whom allegations have been made under these procedures.

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 trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

### **3. Legislation**

The requirement to have clear whistle-blowing procedures in place is set out in the Academies Financial Handbook.

This policy has been written in line with the above document, as well as government guidance on whistle-blowing. We also take into account the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

### **4. Definition of Whistleblowing**

‘Whistleblowing’ is defined as ‘raising concerns about misconduct within an organisation or within an independent structure associated with it’ (Nolan Committee on Standards in Public Life). In the legislation it is called a protected disclosure. The Public Interest Disclosure Act 1998 (PIDA 1998) protects employees from suffering a detriment in their employment or being unfairly dismissed by their employer if they make disclosures in accordance with the legislation.

An employee has certain common law confidentiality obligations to their employer. However, in a limited set of circumstances, whistleblowing may override these obligations if an employee reveals information about their employment or the work of the Trust. This procedure sets out the circumstances under which these disclosures may lawfully be made.

Employees must act in good faith and must have a reasonable belief that the information they disclose and any allegations contained in the disclosure are accurate.

A concern must relate to something which:

- (a) is a breach of the Trust’s Policies or procedures

- (b) falls below established standards or practice;
- (c) amounts to improper conduct, including something that may be:
- a criminal offence or a breach of the law
  - a failure to comply with a legal obligation
  - a neglect of duty
  - maladministration
  - an actual or possible miscarriage of justice
  - a health and safety risk or action which involves risks to the public (includes students) as well as other employees
  - damaging to the environment
  - misuse or unauthorised use of public funds
  - related to employees claiming benefits to which they are not entitled
  - fraud, corruption or unethical conduct
  - homophobic, racial, religious, sexual or physical abuse of pupils, students or others, including undermining of fundamental British values or promoting radical and extremist views
  - breach of the teachers' standards
  - deliberate concealment of any of the above matters
  - any other substantial and relevant concern

The above issues could have arisen in the past, be currently happening or likely to happen in the future.

Financial procedure rules require employees who suspect fraud, corruption or other financial irregularity to ensure this is reported to the Trust's financial auditors for possible investigation. Normally, the employee must first report any suspicion of such irregularity to their Headteacher or Chair of the Trust Board, who will in turn report it to the Trust's financial auditors.

When it is, or becomes, apparent from the investigation that the person making the disclosure has acted frivolously, maliciously or for personal gain, the Trust may decide to take action against the employee in accordance with the Trust's Disciplinary or Capability procedures. If the disclosure itself amounts to a criminal offence, these procedures will not protect the employee from the consequences of that criminal offence.

Protect (formerly Public Concern at Work) has:

- Further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential advice line

## **5. Procedure for Raising a Whistleblowing Concern**

### **5.1 When to raise a concern**

Staff should consider the examples in section 4 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

### **5.2 Who to report to**

Staff should report their concern to the Headteacher. If the concern is about the Headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Chair of the Trust Board.

### **5.3 How to raise the concern**

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

## **6. Procedure for Responding to a Whistleblowing Concern**

### **6.1 Investigating the concern**

When a concern is received by the Headteacher or Chair of the Trust Board - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then arrange a further investigation into the matter, involving the Headteacher and/or Chair of the Trust Board, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

## 6.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## 7. Malicious or Vexatious Allegations

Staff 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 trust will consider whether any disciplinary action is appropriate against the person making the allegation.

## 8. Escalating Concerns beyond the Trust

The South Westmorland Multi Academy Trust encourages staff to raise their concerns internally, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns is available at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>

The Protect advice line can also help staff when deciding whether to raise the concern to an external party [https://protect-advice.org.uk/what-is-whistleblowing/?gclid=EAIaIQobChMIqZWZwLGU7QIV1e3tCh3USAv9EAAYASAAEgIZlVD\\_BwE](https://protect-advice.org.uk/what-is-whistleblowing/?gclid=EAIaIQobChMIqZWZwLGU7QIV1e3tCh3USAv9EAAYASAAEgIZlVD_BwE)

## **9. Approval**

This policy will be reviewed annually by the Trust Board.

## **10. Links with Other Policies**

This policy links with our policies on:

- Staff Discipline, Conduct and Grievance Policy
- Staff Code of Conduct
- Financial Regulations Manual
- Fraud Policy
- Gifts, Hospitality and Expenses Policy
- School Complaints Policy
- Child Protection Policy and Procedures