

# WHISTLEBLOWING POLICY AND PROCEDURE

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## **1. INTRODUCTION**

This policy and procedure applies to all employees of School Partnership Trust Academies (SPTA).

Throughout this document, the term 'Principal' refers to the Principal or Head of Academy and 'Senior Leader' refers to the Senior Department Head within the Core Team. Reference to 'SPTA' includes all Academies as well as the Core Team.

At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals attending meetings/hearing.

Employees may, in properly carrying out their duties, have access to, or come into contact with, information of a confidential nature. Their terms and conditions provide that except in the proper performance of their duties, employees are forbidden from disclosing, or making use of in any form whatsoever, such confidential information.

However, the law allows employees to make a 'protected disclosure' of certain information. In order to be 'protected', a disclosure must relate to a specific subject matter (section 3) and the disclosure must also be made in an appropriate way (section 5). Whistleblowing protection is confined to a disclosure which, in the reasonable belief of the employee making the disclosure, is made in the public interest.

The Public Interest Disclosure Act (PIDA) 1998 provides protection to workers who raise concerns about serious fraud or malpractice at their place of work by making a protected disclosure. Qualifying disclosures can cover criminal offences, failing to comply with legal obligations, miscarriages of justice, health and safety and environmental risks. 'Worker' has a wider meaning in the case of whistleblowing. In addition to employees, it covers agency workers, contractors and those in training.

SPTA is committed to be compliant with the Bribery Act 2010. SPTA actively encourages a culture of honesty and openness and therefore all employees are required to bring up to their Manager or other designated person any issue that, in the employee's opinion, might constitute bribery or corruption.

## **2. AIMS**

The aims of this policy are to:

- Provide avenues for the employee to raise concerns and receive feedback on any action taken
- Allow the employee to take the matter further if they are dissatisfied with the response
- Reassure the employee that they will be protected from reprisals or victimisation for whistleblowing in the reasonable belief that the matter is made in the public interest

Individual employees have the facility to raise individual concerns regarding their own employment, and should do so through the SPTA Grievance Policy and Procedure.

This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures, although the Principal / Senior Leader reserve the right to determine which procedure is appropriate.

### **3. SPECIFIC SUBJECT MATTER**

If, in the course of employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use SPTA's disclosure procedure set out below:

- A criminal offence has been committed, is being committed or is likely to be committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- A health and/or safety concern of any individual has been, is being or is likely to be deliberately concealed
- The environment has been, is being or is likely to be damaged
- Information tending to show any of the above is being, or is likely to be deliberately concealed
- SPTA or any associated person has been, is being or is likely to be receiving or offering bribes
- Any foreign official has been, is being or is likely to be bribed or offered facilitation payment by SPTA or any associated person

### **4. SAFEGUARDS**

SPTA recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. SPTA will not tolerate harassment or victimisation and will take action to protect the employee when they raise a concern in the reasonable belief that the matter is made in the public interest. This does not necessarily mean that if the employee is already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of their whistleblowing.

Where feasible, the employee will be contacted when their concern has been investigated to ascertain whether they have suffered any detriment as a result of their whistleblowing. If at any time, either during or after the investigation, the employee feels that they have suffered any detriment as a result of the whistleblowing, the employee is advised to contact their union representative or Principal / Senior Leader.

## **5. DISCLOSURE PROCEDURE**

Information, which an employee reasonably believes tends to show one or more of the areas set out in this policy (section 3), should promptly be disclosed in the first instance to the employee's Line Manager so that any appropriate action can be taken. If the party to whom the disclosure is made is thought to be involved, then the employee should make the disclosure to the Principal / Senior Leader or SPTA Director.

The employee may also invite their union representative to raise a matter on their behalf.

For further guidance in relation to this matter or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Principal / Senior Leader.

Other individuals which may work on a SPTA site may, in some cases, have concerns which they may wish to raise. SPTA is committed to encouraging all individuals, including contractors / partner organisations, to raise serious concerns. Whilst SPTA will always seek to protect the anonymity of individuals raising concerns in the reasonable belief that it is made in the public interest, the Whistleblowing Policy does not protect employees of external organisations in the same way as SPTA employees.

In cases where a member of senior staff / Board of Directors is suspected of impropriety or behaviour in line with one or more of the areas set out in this policy (section 3), the employee should make the disclosure to a prescribed person rather than the employer for an independent investigation to be completed. A list of prescribed persons and bodies can be found on the Department for Business, Innovation and Skills website.

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/222517/dg\\_177605.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/222517/dg_177605.pdf))

## **6. INVESTIGATION**

Once an employee has raised a concern, the Line Manager (or alternative person that the matter has been reported to) will carry out an initial assessment to determine the scope of any investigation. The employee will be informed in writing within ten working days of the concern being received, to acknowledge receipt of their concern, indicate how they propose to deal with the matter (including potential timescales), provide details of any initial enquiries which have been made and outline any further investigations to take place and if not, why not.

The employee may be required to attend additional meetings in order to provide further information to assist in the investigation process. The employee will be invited in writing to such meetings and will be informed of their right to accompaniment by either a union representative or work colleague to these meetings.

SPTA aims to keep the employee informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent specific details of the investigation or any disciplinary action taken as a result being provided to the employee. Any information about the investigation should be treated as confidential.

SPTA will investigate all allegations promptly and will take whatever action is considered to be appropriate. The employee will be informed of the outcome of the investigation as soon as practicable.

The action taken by SPTA will depend on the nature of the concern, but could be (this list is not exhaustive):

- An internal investigation
- A referral to the Police
- A referral to an external party
- The start of an independent enquiry
- A combination of the above

Concerns or allegations which fall within the scope of specific procedures (e.g. child protection, discrimination) will normally be referred for consideration under those procedures.

If the employee believes that the nature of their concern relates to any of the areas set out in this policy (section 3) and they disclose this information to the appropriate person under this policy and they have done so in the reasonable belief that it is in the public interest, no action will be taken against the employee for making this disclosure.

SPTA may take appropriate action against any employee who is:

- Found to be victimising another person for using this policy or deterring any person from reporting genuine concerns under it
- Making the disclosure/allegation maliciously, with a view to personal gain, or where there were no reasonable grounds for believing that the information supplied was accurate

Such employees could be subject to disciplinary action, which may result in dismissal.

## **7. TAKING THE MATTER FURTHER**

Whilst SPTA cannot guarantee that every employee will receive their desired outcome, the employee's concern will be dealt with fairly and appropriately and it is hoped that the outcome will be satisfactory. However, if the employee is not happy and feels that they need to take the matter further, they can use the following contacts:

- Trade Union
- The Health and Safety Executive (HSE)
- SPTA HR
- Solicitor
- Police
- Public Concern at Work (020 7404 6609; [www.pcaw.org.uk](http://www.pcaw.org.uk))
- The Department for Business, Innovation and Skills ([www.gov.uk](http://www.gov.uk))

## **8. CONFIDENTIALITY**

Employees should feel able to voice whistleblowing concerns openly under this policy. However, if employees wish to raise their concern confidentially, SPTA will make every effort to keep the employee's identity secret. If it is necessary for anyone investigating the concern to know the employee's identity, this will be discussed with the employee before that disclosure is made.

Notwithstanding the above, employees should be aware that a proper investigation may be more difficult or impossible if the employee wishes to remain anonymous or if further information cannot be obtained from the employee.

Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to the Principal / Senior Leader, or the next most Senior Manager and appropriate measures will be taken to preserve confidentiality.

## **9. REVIEW**

This policy will be reviewed every three years, or when there are changes to relevant legislation.