

# Whistleblowing Policy

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| <b>Title</b>                     | Whistleblowing Policy   |
| <b>Author</b>                    | CEO/Human Resources   |
| <b>Approved by</b>               | Trust Board   |
| <b>Issue date</b>                | December 2022   |
| <b>Review date</b>               | July 2023   |
| <b>Links to other procedures</b> | <p>This policy has been adopted by the Board of Directors of the South York Multi Academy Trust and applies to all schools that make up the Trust. This policy applies to each school operating within the South York Multi- Academy Trust unless specific conditions and applications are identified within this policy.</p> <p>This policy will be monitored regularly by the Multi Academy Trust Board in line with the agreed timetable for policy review or sooner as events or legislation changes require.</p> |



## WHISTLEBLOWING POLICY

### 1. INTRODUCTION

1.1. The South York Multi Academy Trust aims to act with transparency, respect, probity and high ethical standards. We do, however, recognise that concerns regarding standards of practice and potential malpractice can occur. Any of us at one time or another may have concerns about what is happening at work. Most concerns are easily resolved.

This policy covers conduct known as 'whistleblowing' where under the Public Interest Disclosure Act staff may be protected when they raise concerns relating to:

- conduct which is an offence or a breach of the law,
- disclosures related to miscarriages of justice,
- health and safety risks, including risks to the public as well as other employees
- the abuse of a vulnerable person
- damage to the environment
- the unauthorised use of public funds
- misreporting of performance information
- possible fraud and corruption
- other unethical conduct

1.2 The Trust wants you to feel able to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof. Staff working in schools have a legal duty to report concerns about the welfare or safety of children and following this policy would meet that duty.

1.3 This Whistle-blowing Policy is primarily for concerns where the interests of others or the Trust itself are at risk and there is a public interest in you making the disclosure. The kinds of issues described in paragraph 1.1 are obvious examples. If your concerns are about your own employment position though then it is more likely that the Grievance or the Dignity at Work Policy should be used. You can get this from your manager or from Human Resources. Sometimes your concern may have elements of both. For example if you were being told to drive for an excessive number of hours this would affect both you and the wider community. We would prefer you to raise such concerns rather than worry about the appropriate procedure.

**If in doubt-raise it!**

## **2. OUR ASSURANCES TO YOU**

### **2.1 Your safety**

The Trust are committed to this policy. If you raise a genuine concern under this policy (even if it proves to be mistaken) you will not be at risk of losing your job or suffering any form of retribution as a result. Not only is the Trust committed to this but you also have legal protection under the Public Interest Disclosure Act 1998. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation, frivolously or for personal gain, disciplinary action may be taken against you.

### **2.2 Your confidence**

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Disciplinary action may be taken against those who victimise a person reporting a concern. A whistle-blower may have the right to legal address in such conduct and the Trust could be held liable if it has not taken all reasonable steps to prevent the victimisation.

We hope that you will feel able to raise concerns openly as this will make it much easier to resolve any issues. We also know that others may well try to deduce the source of any complaint. However we recognise that you may nonetheless want to raise a concern in confidence under this policy.

If you ask us to protect your identity by keeping your confidence, we will not normally disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court) we will discuss with you whether and how we can proceed. Despite your request for confidentiality, there may be circumstances therefore, where the Trust must disclose your identity.

### **2.3 Anonymous complaints**

If you do not disclose your identity, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

## **3. HOW WE WILL HANDLE THE MATTER**

3.1 Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.

3.2 When you raise your concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we ask that you tell us at the outset. If your concern falls more properly within another policy we will tell you.

3.3 While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

#### **4. HOW TO RAISE A CONCERN**

4.1 Concerns may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provided covering:-

- your name and a contact point. As referred to above it will be more difficult for the Trust to pursue issues if concerns have been expressed anonymously.
- the background and history of the concern (giving relevant dates and names and positions of those who may have contributed to your concern).
- the reason why you are particularly concerned about the situation.

4.2 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

#### **5. HOW TO REPORT A CONCERN INTERNALLY**

##### 5.1 Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with the headteacher *or* Chair of the Local Governing Committee. The CEO or Chair of the MAT Board of Trustees would be alternative contacts for you and in some circumstances may be the point to make initial contact.

5.2 The person receiving your disclosure will consider the nature of your concerns and decide on the most appropriate course of action.

5.3 If you feel unable to raise the matter with someone within the school or with the MAT Board for whatever reason, or if you remain concerned having done so, you may consider raising the matter externally.

#### **6. HOW TO REPORT A CONCERN EXTERNALLY**

6.1 While we hope this policy gives you the reassurance you need to raise matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you have a genuine concern and are acting in the public interest you can also contact:

Audit Commission for England and Wales  
Tel 020 7828 1212  
[www.audit.commission.gov.uk](http://www.audit.commission.gov.uk)  
Public interest disclosure line 0303 444 8346  
Care Quality Commission whistleblowing helpline  
03000 616161

Health and Safety Executive Tel 0300 0031647  
[www.hse.gov.uk](http://www.hse.gov.uk)  
Public Concern at Work  
Tel 020 7404 6609  
[www.pcaw.co.uk](http://www.pcaw.co.uk)

Ofsted

Tel: 0300 123 3155

E-mail: <mailto:whistleblowing@ofsted.gov.uk>

[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

## **7. INDEPENDENT ADVICE**

7.1 If you are unsure whether to use this policy or you want independent advice at any stage, you may contact:

- if applicable, your union; or
- the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

## **8. SCOPE OF POLICY**

8.1 The Policy applies to all employees of the Trust and other people working for the Trust such as agency staff and consultants. School Governors may also raise concerns through this policy.

8.2 It is possible that contractors who work for the Trust may come across matters which cause them concern and which relate to the actions of the Trust or its employees. Contractors are invited to follow the procedures set out in this policy and are assured that they will not suffer any form of retribution for having raised a genuine concern, even if it proves to be unfounded. It may be that an employee of a contractor has concerns relating to its employer's actions while engaged on Trust business. Trust's standard contracts require contractors to have adequate whistleblowing arrangements in place or to permit its employees to use the Trust's arrangements. Employees of contractors therefore have equivalent protection to that afforded to Trust employees.

8.3 These procedures are in addition to the Trust's Complaints Procedures and other specifically laid down statutory reporting procedures applying to some services.

8.4 This policy has been discussed with staff representatives and has their support. This policy supersedes previous policies and takes effect from December 2022.

## **9. RESPONSIBILITY FOR THE SUCCESS OF THIS POLICY**

9.1 The MAT Board and the MAT Head-teachers Group have overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

9.2 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

Staff are invited to comment on this policy and suggest ways in which it might be improved

## **10. IF YOU ARE DISSATISFIED**

10.1 This policy is intended to provide you with an avenue within the Trust to raise concerns. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this. 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:-

- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- the Ombudsman