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HR POLICY HANDBOOK

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

This is a prescribed policy which has been approved by the SDBE MAT Board and must not be modified by Academies.
This document does not create contractual obligations on us and may be amended by us at any time.

I. ABOUT THIS POLICY

1.1 We are committed to conducting our operations with honesty and integrity, and expect all employees, governors, directors, officers and suppliers to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 The aims of this policy are:

- (a) to encourage employees, governors, directors, officers and suppliers 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;
- (b) to provide employees, governors, directors, officers and suppliers with guidance as to how to raise those concerns;
- (c) to reassure employees, governors, directors, officers and suppliers that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

1.3 This policy takes account of the **Whistleblowing Arrangements Code of Practice (2008)** issued by the British Standards Institute and **Public Concern at Work** (the independent whistleblowing charity), the **Whistleblowing Commission's Code of Practice (2013)** and the revisions to the law introduced by the Enterprise and Regulatory Reform Act 2013 from 25 June 2013.

1.4 The **ESFA's Academies Financial Handbook 2017** contains the following provision:

2.3.7 Academy trusts must have appropriate procedures in place for whistleblowing.

including making sure all staff are aware to whom they can report their concerns and the way in which such concerns will be managed.

1.5 The following persons hold the following roles for the **ESFA's Academies Financial Handbook**:

Accounting Officer: Colin Powell
Chief Financial Officer: David Coyle
Chair of Audit Committee (Responsible Officer in the rest of this policy): **The Ven Simon Gates**

2. SCOPE

This policy applies to all individuals working at all levels including senior managers, officers, directors, employees, consultants, contractors, trainees, governors, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3. WHAT IS WHISTLEBLOWING?

3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) miscarriages of justice;
- (c) danger to health and safety;
- (d) damage to the environment;
- (e) failure to comply with any legal or professional obligation or regulatory requirements;
- (f) bribery;
- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) breach of our internal policies and procedures;

- (j) conduct likely to damage our reputation;
- (k) unauthorised disclosure of confidential information or other activity;
- (l) malpractice in relation to public examinations; or
- (m) the deliberate concealment of any of the above matters.

3.2 A whistleblower is a person who raises a genuine concern relating to any of the above and they reasonably believe that disclosure is in the public interest. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy as soon as possible.

3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work or the way your child has been treated in school. In those cases you should use the **Grievance Resolution policy**, the relevant appeal process under our specific employment policies or (for parents and members of the public) the **Complaints policy**.

3.4 If you have any concerns relating to child protection or safeguarding you should raise these under the appropriate policies.

3.5 If you are uncertain whether something is within the scope of this policy you may seek advice from Public Concern at Work (whose contact details are at the end of this policy) and your trade union.

4. RAISING A WHISTLEBLOWING CONCERN

4.1 We hope that in most cases you will be able to raise any concerns with your line manager or Headteacher. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a

way of resolving your concern quickly and effectively. In some cases they may refer the matter to our Responsible Officer.

4.2 However, where the matter is more serious, or you feel that your line manager or your Headteacher has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact our Executive Team or Responsible Officer. Contact details are set out at the end of this policy.

4.3 We will arrange a meeting with you as soon as possible to discuss your concern.

4.4 At this meeting we will:

- (a) give you an assurance that you will not suffer detriment for having raised a concern unless it is later proved that the information provided was known by you to be false;
- (b) give you an assurance that your identity will be kept confidential if you so request (unless disclosure is required by law);
- (c) tell you how and by whom the concern will be handled;
- (d) give you an estimate of how long the investigation will take;
- (e) tell you that if you believe that you are suffering a detriment for having raised a concern, you should report this; and
- (f) tell you that you are entitled to take independent advice.

4.5 You may bring a Permitted Companion to any meetings under this policy (see pages 2-3). Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

4.6 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

5. CONFIDENTIALITY

- 5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to protect your identity. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if it cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.
- 5.3 Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to our Responsible Officer and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work.
- 5.4 If you have raised a whistleblowing concern with us you should keep the fact and content of that concern confidential so that we may investigate your allegation fairly and effectively save that you may of course discuss the matter with a professional adviser or your trade union, with any investigator appointed by us and with those other contacts identified in this policy.

6. EXTERNAL DISCLOSURES

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body. It will very rarely, if ever, be

appropriate to alert the media. You should seek advice before reporting a concern to anyone external. Public Concern at Work operate a confidential helpline. Your trade union may also be able to advise you in these matters.

- 6.3 Our understanding is that the Education Funding Agency is not a prescribed person for the purposes of Section 43F of the Employment Rights Act 1996 and that the ESFA would not count as the Minister of the Crown for the purposes of Section 43E of the Employment Rights Act as no members of the our Board are appointed by a Minister of the Crown under any enactment.
- 6.4 We believe that the bodies listed at **Appendix I** are the prescribed persons for the areas which may relate to us. A whistleblower will only have protection for a disclosure to a prescribed person if they reasonably believe
- (a) disclosure is in the public interest; and
 - (b) the relevant wrongdoing falls within the description of the matter in respect of which that person is prescribed; and
 - (c) the information disclosed and allegation contained in it are substantially true.
- 6.5 Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a supplier or government agency. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact the Responsible Officer for guidance.
- 6.6 The **NSPCC whistleblowing helpline** is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 or email: help@nspcc.org.uk

7. INVESTIGATION AND OUTCOME

- 7.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of that assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases we may appoint an investigator or team of investigators (including staff) with relevant experience of investigations or specialist knowledge of the subject matter. An investigation may be internal or external. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 7.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If we conclude that a whistleblower has made false allegations maliciously or with intent to damage our reputation or of any of our staff or with a view to personal gain, the whistleblower will be subject to our **Disciplinary policy**.
- 7.5 We encourage prompt disclosure of potential wrongdoing. If you have delayed in disclosing potential wrongdoing you will be asked to explain why you have delayed in making the disclosure.

8. IF YOU ARE NOT SATISFIED

- 8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with our Responsible Officer. Contact details are set out at the end of this policy.

9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS & OTHER STAFF

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform our Responsible Officer immediately. If the matter is not remedied you should raise it formally using our **Grievance Resolution policy**.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Such conduct will be a breach of our Disciplinary policy and may lead to dismissal for gross misconduct. In some cases the whistleblower may sue you personally for compensation in an employment tribunal.
- 9.4 Teaching staff, whether the whistleblower or the subject of a whistleblowing allegation, may seek support from the **Education Support Network 24 hour Support Line**, whose contact details are at the end of this policy.
- 9.5 Staff who are the subject of a whistleblowing allegation:
- (a) are entitled to be accompanied at any meetings by a Permitted Companion (see pages 2-3);

- (b) are not entitled to know the identity of the whistleblower;
 - (c) are entitled to see and approve any final statements made by them as part of an investigation; and
 - (d) should indicate if they believe that the allegation made against them was false and it if was false whether it was made maliciously or with intent to damage the reputation of us or of any of our staff or for personal gain
- (c) any complaints of victimisation;
 - (d) any complaints of failures to maintain confidentiality;
 - (e) other existing reporting mechanisms, such as fraud, incident reporting or health and safety reports;
 - (f) other adverse incidents that could have been identified by staff (e.g. consumer complaints, publicity or wrongdoing identified by third parties);
 - (g) any relevant litigation; and
 - (h) staff awareness, trust and confidence in the arrangements.

10. RESPONSIBILITY FOR SUCCESS OF THIS POLICY

10.1 Our Board has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

10.2 Our Executive Team and Responsible Officer have day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

10.3 The Responsible Officer shall annually audit the effectiveness of this policy by reviewing:

- (a) a record of the number and types of concerns raised and the outcomes of investigations;
- (b) feedback from individuals who have used the arrangements;

This shall be reported to the Board.

10.4 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. Comments, suggestions and queries should be addressed to our Responsible Officer.

10.5 This policy will be made available to all employees and governors by way of the intranet and will be drawn to the attention of new employees and governors as part of their induction.

10.6 This policy will be circulated to all suppliers and will be published on our website.

II. CONTACTS

Chair of Audit Committee (“Responsible Officer”)	The Venerable Simon Gates Simon.gates@southwark.anglican.org
Accounting Officer	Colin Powell colin.powell@southwark.anglican.org
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 Email: whistle@pcaw.co.uk Website: www.pcaw.co.uk
Education Support Partnership	Support Line 08000 562 561

Appendix I – Relevant Prescribed Persons

Certification Officer.	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Charity Commissioners for England and Wales.	The proper administration of charities and of funds given or held for charitable purposes.
Commissioners of the Inland Revenue.	Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.
Comptroller & Auditor General.	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally-funded public services.
Director of the Serious Fraud Office.	Serious or complex fraud.
Environment Agency.	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.
Food Standards Agency.	Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.
Children's Commissioner	Matters relating to the views and interests of children.
Health and Safety Executive.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Local authorities which are responsible for the enforcement of health and safety legislation.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Information Commissioner.	Compliance with the requirements of legislation relating to data protection and to freedom of information.
Pensions Regulator	Matters relating to occupational pension schemes and other private pension arrangements including matters relating to the Regulator's objective of maximising compliance with the duties under Chapter 1 of Part 1 (and the safeguards in sections 50 and 54) of the Pensions Act 2008 .
Office of Qualifications and Examinations Regulation.	Matters in relation to which the Office of Qualifications and Examinations Regulation exercises functions under the Apprenticeships, Skills, Children and Learning Act 2009
Local authorities	Compliance with the requirements of food safety legislation.
A Member of Parliament	All matters for which any other person is a prescribed person.