



# The Spencer Academies Trust

## **Whistleblowing Policy March 2017**

The Local Governing Body of Heanor Gate Science College adopted this policy on 9 May 2017.

It will be reviewed annually, by the Trust Personnel Committee no later than 31 March 2018.



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## **1 Introduction to the whistleblowing policy**

- 1.1 This policy applies to all Academies within The Spencer Academies Trust. The Directors may approve a transitional policy for recently converted academies in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.
- 1.2 This policy has been developed taking into account the requirements of both education and employment legislation and recognises ACAS guidance.
- 1.3 The Principal or their appointed representative, supported by the Trust HR Manager will be responsible for managing the procedures. Reference to the Principal includes the Chief Executive Officer (CEO) and the senior leader responsible for the Academy, as applicable, taking into account the management structure of the Academy or appropriate Trust employed operational support lead.
- 1.4 The governors and employees of the Trust seek to undertake all aspects of the Trust/Academy's business and activity with full regard to high standards of conduct, honesty and integrity. The reporting of suspected wrongdoing or cause for concern is encouraged by the Trust and each Academy. The following procedure acts as a framework to allow concerns to be raised confidentially, and provides for a thorough and appropriate investigation of the matter, to bring it to a satisfactory conclusion.
- 1.5 The Academy is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with the full confidence that the matter will be appropriately considered either within the academy environment or by recourse to an external party, for example the police.
- 1.6 This policy does not form part of any employee's contract of employment and the Spencer Academies Trust may amend it at any time.
- 1.7 Whistleblowing complaints concerning the Principal, Executive Principal or the CEO will be managed in the case of the Principal or Executive Principal by the CEO or in the case of the CEO by the Chair of the Trust Board.
- 1.8 Guidance on managing whistleblowing procedures is available from the Trust HR Manager who must be consulted before commencing these procedures.

## **2 Who is covered by this policy?**

- 2.1 This policy applies to all individuals working at all levels of the Trust/ Academy, including governors, senior managers, teachers, support staff, consultants, contractors, part-time and fixed-term employees, casual and agency staff and volunteers (collectively referred to as employees in this policy). Parents or members of the wider community may also raise concerns under this policy.

## **3 What is whistleblowing?**

- 3.1 Whistleblowing is the reporting of suspected wrongdoing, malpractice or dangers in relation to the Academy's activities concerning matters of public interest. This may include bribery, fraud, corruption or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations, manipulation of accounting records and finances, inappropriate use of academy assets or funds, decision making for personal gain, abuse of position, malpractice, serious breaches of Trust/Academy procedures

which may advantage a particular party for example tampering with tender documentation or failure to register a personal interest.

- 3.2 This policy does not cover matters of a personal or more general concern, which would be covered by the grievance, anti-bullying and harassment policies or parental complaints procedure.

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

Concerns should initially be raised with the Principal, Chair of the Local Governing Body, CEO or Chair of the Directors of the Trust. The contact details can be found on the Trust/Academy website:

- 4.1 The whistleblower should raise the matter in person, by telephone, or in written form marked 'private and confidential' and addressed to one of the above. Details of the matter raised should specify the nature of the concern, why it is believed to be true and include the background, history and relevant dates where possible.

#### **5 How will the matter progress?**

- 5.1 Depending on the nature of the matter raised, appropriate investigating officer(s) will be appointed and will carry out a preliminary investigation supported by the Trust HR Manager. This will seek to establish the facts of the matter and assess whether the concern has foundation and whether there is a need to involve third parties to provide further information, advice, or assistance. In the case of safeguarding reports in the first instance these will be managed in line with the local authority safeguarding procedures.

- 5.2 Where appropriate, a meeting will be arranged as soon as possible to discuss the concern. The whistleblower may be accompanied by a companion who may be a colleague or trade union representative to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

- 5.3 Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the CEO, Principal or Local Governing Body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral, such as internal or external audit or police investigation.

- 5.4 The whistleblower will be informed of the results of the investigation whether or not the concern has been substantiated and where appropriate they will be informed of the action taken to address the concern. The matter will be reported to the Local Governing Body.

- 5.5 If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), CEO, Principal or Chair of the Local Governing Body.

#### **6 Respecting confidentiality**

- 6.1 The Trust/Academy hopes that employees will feel able to voice whistleblowing concerns openly under this policy. Wherever possible, the Trust/Academy seeks to respect the confidentiality and anonymity of the whistleblower however, completely anonymous disclosures are difficult to investigate. If an employee wants to raise

their concern confidentially, the Academy will make every effort to keep their identity confidential only revealing it where necessary to the investigating officers.

## **7 External disclosures**

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. The Academy strongly encourages whistleblowers to seek advice before reporting a concern to anyone external. Public Concern at Work (Independent whistleblowing charity) operates a confidential helpline. The contact details are:

- Helpline: (020) 7404 6609
- E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)
- Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

## **8 Protection and support for whistleblowers**

8.1 The Trust/Academy aims to encourage openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken and will as far as possible protect him/her from reprisals. The Trust/Academy will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

8.2 Employees must not suffer any detrimental treatment as a result of raising a genuine concern. If employees believe they have suffered any such treatment, they should inform the Principal immediately. If the employee feels the matter has not been remedied they may raise it formally using the Academy's Grievance Policy.

8.3 Employees must not threaten or retaliate against whistleblowers in any way; such conduct may be subject to disciplinary action. In some cases the whistleblower could have a right to sue an employee personally for compensation in an employment tribunal.

8.4 If the investigation concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action under the Academy's Disciplinary Policy.