

# Whistleblowing Policy September 2022

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## Introduction

The Whistleblowing Policy applies to all academies and places of work within The Spencer Academies Trust. The trustees, directors and employees of the Trust seek to undertake all aspects of the Trust business and professional delivery with full regard to high standards of conduct, honesty and integrity. The reporting of suspected wrongdoing or cause for concern is encouraged as part of ensuring that the trust meets this standard.

The Trust and its member academies are committed to promoting equality, diversity and inclusion in both employment and education provision. We aim to ensure all employees, within the Trust community are treated fairly, and with dignity and respect regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

The Whistleblowing procedure acts as a framework to allow concerns to be raised confidentially and provides for thorough and appropriate investigation as a necessary step toward resolution and continuous improvement of working practices.

The Spencer Academies Trust 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.

The Whistleblowing policy does not form part of any employee's contract of employment and it may be amended at any time.

Whistleblowing complaints concerning the Principal, Executive Principal, members of the Trust central team or the CEO will be managed in the case of the Principal, Executive Principal or members of the Trust central team by the CEO or in the case of the CEO by the Chair of the Trust Board. Guidance on managing Whistleblowing procedures is available from the Trust HR Team who must be consulted before commencing these procedures.

## Who is covered by the Whistleblowing policy?

The Whistleblowing policy applies to all individuals working at all levels of the Trust or trust academies, including but not limited to trustees, members of local governing bodies, senior managers, teachers, education support professionals, consultants, contractors, part-time and fixed-term employees, casual and agency staff and volunteers. Parents or members of the broader trust community may also raise concerns under the Whistleblowing policy.

## **What is Whistleblowing?**

Whistleblowing is the reporting of suspected wrongdoing, malpractice or dangers at work in relation to the Trust or its members Academies activities concerning matters of public interest. This may include bribery, fraud, corruption or other criminal activity, miscarriages of justice, danger to health and safety risks, damage to the environment and any breach of legal or professional obligations or internal policies and procedures, bribery, manipulation of accounting records and finances, inappropriate use of academy assets or funds, decision making for personal gain, abuse of position, malpractice, or serious breaches of Trust processes which may advantage a particular party, for example tampering with tender documentation or failure to register a personal interest, conduct likely to damage reputation or financial wellbeing, unauthorised disclosure of confidential information or negligence.

A Whistle-blower is a person who raises a genuine concern relating to any of the above.

The Whistleblowing policy does not cover matters of a personal or general concern, or which are otherwise covered by the grievance, anti-bullying and harassment policies or trust complaints policy.

## **Raising a concern**

Concerns should initially be raised with the Principal/line manager, Chair of the Local Governing Body, CEO or Chair of the Directors of the Trust. Contact details for this can be found on the trust and academy websites.

The Whistle-blower 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.

## **How are concerns progressed?**

Depending on the nature of the matter raised, an appropriate investigating officer or officers will be appointed and will carry out a preliminary investigation supported by the Trust HR Team and Head of Governance.

Investigation will seek to establish the facts of the matter and assess the scope of the investigation and whether there is a need to involve third parties to provide further information, advice, or assistance.

Reports of any safeguarding concerns will be managed in line with the local authority safeguarding procedures and may be appropriately disclosed to external authorities.

Where appropriate, a meeting will be offered, as soon as possible, to discuss concerns. The Whistle-blower may be accompanied by a companion who may be a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation. A note of the meeting will be taken and copy of the notes shared with the Whistle-blower.

The timeframe for the investigation will be shared with all parties, including where there are likely to be delays due to the complexities of the investigation and/ or due to school closure periods.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer or officers will consider how best to report the findings and what if any corrective action needs to be taken. Where appropriate, this may be in conjunction with the CEO, principal or directors, and may include some form of disciplinary action or third-party referral including but not limited to internal or external audit or police investigation.

The Whistle-blower will be informed of the results of the investigation whether or not the concern has been substantiated. Where appropriate they will be informed of the action taken to remediate the concern. The matter will be notified to the directors and to the local governing body where appropriate.

If the Whistle-blower 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 or officers, the CEO, Principal or chair of the local governing body.

If we conclude that a whistle-blower has made false allegations maliciously, the whistle-blower will be subject to disciplinary action.

### **Respecting confidentiality**

The Spencer Academies Trust will seek to respect the confidentiality and anonymity of the Whistle-blower wherever this may be possible. If an employee requests to raise their concern confidentially, this will be respected to the extent that proper investigation and resolution is not limited by confidentiality. In any circumstance the identity of the complainant will be disclosed to the investigating officer or officers.

The Trust does not encourage anonymous disclosures. Proper investigation may be more difficult or impossible if we cannot obtain further information from the Whistle-blower. It is also more difficult to establish whether any allegations are credible. Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contact points listed above and appropriate measures can then be taken to preserve confidentiality. Advice may be sought from our confidential counselling hotline, through Health Assured or Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

### **External disclosures**

The purpose of the Whistleblowing policy is to provide an appropriate internal mechanism for the reporting, investigating and resolution of any wrongdoing in the workplace. In most cases individuals should not find it necessary to additionally alert external authorities: however, The Spencer Academies Trust recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator.

Protect (an independent Whistleblowing charity) operates a confidential helpline for this purpose.

Contact details for the confidential helpline are:

- t: 0203 117 2520
- e: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)
- w: [www.pcaw.co.uk](http://www.pcaw.co.uk)

## Protection and support for Whistle-blowers

The purpose of the Whistleblowing policy is to encourage resolution of concerns as part of a transparent and healthy working culture. Whether concerns are upheld or are found on consideration not to be substantive, any attempt to cause detriment to the Whistle-blower or to prevent concerns being raised will not be tolerated.

We aim to encourage openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.

Where this is the found to be case, any necessary disciplinary or corrective action appropriate to the circumstances will be considered. If an employee should believe that he or she has suffered any such treatment as the result of raising a whistleblowing concern, they should inform the Principal or other appropriate contact immediately. If following this step, the employee feels the matter has not been remedied they may raise it formally using the trust Grievance Policy.

If the investigation concludes that a Whistle-blower has made false allegations maliciously or with a view to personal gain, the Whistle-blower may be subject to disciplinary action under the trust Disciplinary Policy.

## Safeguarding

All employees and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the Trust or its member academies safeguarding regimes and know that such concerns will be taken seriously by the senior leadership team.

Whistleblowing procedures are in place for such concerns to be raised with the Trust/Academy.

Where a colleague feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

- general guidance on whistleblowing can be found via: Advice on Whistleblowing
- the NSPCC's what you can do to report abuse dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 –line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House,42 Curtain Road, London EC2A3NH.

<b>Approved by:</b>	Director of HR	<b>Date:</b> 1 <sup>st</sup> September 2022
<b>Last reviewed on:</b>	01/09/22	
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**VERSION HISTORY**

<b>Version</b>	<b>Approved By</b>	<b>Revision Date</b>	<b>Description of Change</b>	<b>Author</b>
01/04/21	Director of HR	01/09/22	<ul style="list-style-type: none"><li>▪ Commitment to EDI</li><li>▪ Safeguarding added inline with KCSIE 2022</li></ul>	SAT HR Team