

# South Bank Multi Academy Trust

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## WHISTLEBLOWING POLICY

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Approved by Trustees: December 2017

Adopted by Governors March 2018

Review Date: NOVEMBER 2020

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### 1 PURPOSE & SCOPE

- 1.1 Trustees and Governors recognise the importance of creating a culture where it is possible to report any serious malpractice which might take place within individual academies or across the Trust.
- 1.2 This policy is brought to the attention of all staff during their induction process and is referenced within each academy's Staff Handbook. It is also made accessible through the Trust's website.
- 1.3 This Policy applies to all employees of the Trust and of the individual Trust academies. It also applies to any other people working for the Trust or academies such as agency staff and consultants. School Governors may also raise concerns through this policy.
- 1.4 It is possible that contractors who work for the Trust or individual academies may come across matters which cause them concern and which relate to the actions of the academy 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.
- 1.5 These procedures are in addition to the academy's Complaints Procedures and other specifically laid down statutory reporting procedures where they apply.
- 1.6 This policy broadly follows the model policy discussed and agreed with staff and union representatives in York.

### 2 INTRODUCTION

- 2.1 The Trust is proud of its track record of probity and high ethical standards. However, the Trust acknowledges that it is a young organisation and cannot afford to be complacent. The Trust recognises that malpractice can occur.
- 2.2 It is possible that a member of staff may, at some point, have concerns about what is happening at work. Most concerns are easily resolved. However, it might be more difficult to know what to do if the concern related to one of the following: -
  - 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
- 2.3 The Trust wants all staff to feel able to raise any concerns about any such malpractice at an early stage and in the right way. In other words, it is important to raise the matter when it is just a concern rather than wait for proof.
- 2.4 This Whistle-blowing Policy is primarily for concerns where the interests of the Trust as a whole, the individual academy, or of a relevant other party are at risk and there is a public interest in such a disclosure being made. The kinds of issues described in paragraph 1.1 are obvious examples.
- 2.5 If the concerns relate to the complainant's own employment position, then it is more likely that the Grievance Procedure should be used.
- 2.6 It is good practice to seek to raise the concern initially with a senior member of staff, so that the individual school has an opportunity to respond internally and resolve the concern, since it may be the case that senior staff are unaware of the issue. Where the concern relates directly to a senior member of staff, this may not be appropriate.
- 2.7 It may be that a complaint has an effect both on the individual employee and on the organization as a whole e.g. if a teacher were being told to take an excessive number of students on a school trip without the appropriate staffing levels, then this would affect them as an individual and also create an unacceptable risk to the individual school and the Trust. In such cases, it is better to raise a concern than to ignore it until something has gone wrong.

### **3 THE TRUST'S ASSURANCES TO YOU**

#### **3.1 Your safety:**

The South Bank Trust and all its academies 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 this assurance does not apply to someone who maliciously raises a matter they know is untrue. If an allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken.

#### **3.2 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 whistleblower may have the right to sue anyone involved in such conduct and the academy or Trust could be held liable if it has not taken all reasonable steps to prevent the victimisation.

#### **3.3 Confidentiality:**

It is preferable that concerns are raised openly as this will make it much easier to resolve any issues. It is also likely that others may well try to deduce the source of any complaint. However, there is a right to raise a concern in confidence under this policy. If a request is made 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 investigation must disclose your identity.

### **3.4 Anonymous complaints:**

Remember that if you do not reveal who you are, it will be much more difficult for the Trust to look into the matter, or to protect your position, or to give you feedback. Accordingly, while we will consider anonymous reports where appropriate, this policy is not well suited to concerns raised anonymously.

## **4 HOW THE MATTER WILL BE HANDLED**

- 4.1 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.
- 4.2 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.
- 4.3 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.

## **5 HOW TO RAISE A CONCERN**

- 5.1 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 number or email. 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 this situation.
- 5.2 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.

## **6 HOW TO REPORT A CONCERN INTERNALLY**

- 6.1 Step One: If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager, Deputy Head, Headteacher or Chair of Governors. The person receiving your disclosure will consider the nature of your concerns and decide on the most appropriate course of action.
- 6.2 Step Two: If you feel unable to raise the matter with somebody within the academy, you can contact the Chair of the South Bank Multi Academy Trust, for example if you feel that the concern relates to the managers of the school. The Chair can be contacted via the Clerk to the Board of Trustees on [clerk@southbanktrust.co.uk](mailto:clerk@southbanktrust.co.uk).
- 6.3 Step Three: If you feel uncertain about who to raise your concern with, you may wish to share your concern with the independent clerk, who will guide you as to the best route to take. Once again, the Clerk can be contacted on [clerk@southbanktrust.co.uk](mailto:clerk@southbanktrust.co.uk).

## **7 HOW TO REPORT A CONCERN EXTERNALLY**

- 7.1 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
<a href="http://www.audit.commission.gov.uk">www.audit.commission.gov.uk</a>
Public interest disclosure line Tel 0303 444 8346
Care Quality Commission whistleblowing helpline Tel 03000 616161
Health and Safety Executive Tel 0300 0031647
Public Concern at Work Tel 020 7404 6609
Ofsted Tel: 0300 123 3155

## **8 INDEPENDENT ADVICE**

- 8.1 If you are unsure whether to use this policy or you want independent advice at any stage, you may contact:
- if applicable, your trade 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.

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

- 9.1 The Board of Trustees and the Trust's Headteacher Group has overall responsibility for this policy, and for reviewing the effectiveness of any 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.

## **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 seek 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 additional contact points:-

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