

## Whistleblowing policy

### The STAR Multi Academy Trust

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## **1.0 INTRODUCTION**

- 1.1 The STAR Multi Academy Trust is committed to the provision of the highest quality services to its residents and is proud of its track record of probity and high ethical standards. However, it also recognises that irregularities, wrong- doing or serious failures in standards can sometimes occur.
- 1.2 Concerns raised under the Whistleblowing Policy should address wider issues that concern the department, colleagues or public in general.
- 1.3 Personal grievances, for example bullying and harassment are not covered by whistleblowing law unless the case is in the public interest. Personal complaints/grievances should be reported under Trust Resolving Issues at Work Policy.
- 1.4 The greatest deterrent to malpractice or wrongdoing is the probability that it will be reported and investigated under the Trust Whistleblowing Policy and that those who are responsible for it will be punished and that the matter will be promptly remedied. This Policy is therefore intended as a clear statement that any malpractice by members, employees or third parties (including contractors) reported to The STAR Multi Academy Trust will be swiftly and thoroughly investigated. The STAR Multi Academy Trust will also look at ways to ensure that such malpractice or wrongdoing can be prevented for the future.

## **2.0 AIMS AND SCOPE OF THE POLICY**

- 2.1 This Policy provides all employees, agency workers, schools' employees, contractors (including their staff) and Members of The STAR Multi Academy Trust with:
  - avenues to raise concerns and receive feedback on any actions taken;
  - reassurances that they will be protected from victimisation for whistleblowing.
- 2.2 Set out below is a list which is intended to illustrate the types of issues which may be legitimately raised under this Whistleblowing Policy:
  - a criminal offence, such as fraud or corruption, has been committed, is being committed or is likely to be committed;
  - a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
  - conduct is likely to damage the Trust's reputation;
  - is against the Trust's Contract Procedure Rules, Financial Procedure Rules or other policies;
  - falls below established standards or practice;
  - amounts to improper conduct, including serious misuse or abuse of authority;
  - a miscarriage of justice has occurred, is occurring or is likely to occur;
  - the health and safety of any individual had been, is being or is likely to be endangered;
  - the environment has been, is being or is likely to be damaged;
  - bribery

- mismanagement of funds has occurred, is occurring or is likely to occur;
- negligence;
- unauthorised disclosure of confidential information;
- abuse (e.g. physical, sexual);
- discrimination to any worker or service recipient e.g. disability, race etc.; or
- The information tending to show any of the above is being or is likely to be concealed.

2.3 This that are in the public interest and where the interests of others or of the organisation itself are at risk. It is intended to supplement, rather than to replace, the existing grievance procedures whereby employees of The STAR Multi Academy Trust may already raise complaints or matters of genuine concern relating to their own employment.

### **3.0 EMPLOYEE CO-OPERATION AND SAFEGUARDS**

#### Protection from reprisal

3.1 The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Employees who make a disclosure that is deemed to be in the public interest are protected from suffering a detriment in their employment under the Public Interest Disclosure Act 1998 (PIDA). The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you have reasonable belief to be true and to be in the public interest. This will include disciplinary action against those that subject an individual to detriment as a result of the whistleblowing. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.

3.2 Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact your union, the Headteacher, the Chair of the Governing Body, the Chief Education Officer or the STAR MAT Board of Directors.

#### Confidentiality

3.3 The Trust treats the details of all whistleblowers in confidence and will not intentionally divulge your identify without your consent. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and in some circumstances a statement by you may be required as part of the evidence.

#### Anonymous Allegations

3.4 Allegations can be made anonymously. However, this policy encourages you to provide your name and contact details when making your allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.

Anonymous allegations will be considered wherever possible at the discretion of the Trust. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other, attributable sources

### 3.5 Untrue or Malicious Allegations

If you make an allegation in the public interest and which you had a reason to believe was true, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations which you could not have reasonably believed was true, appropriate action may be taken against you including disciplinary action.

3.6 The Whistleblowing Policy will be publicised to all staff, schools' employees, Members and contractors via appropriate communication channels.

## 4.0 **MAIN LEGISLATIVE AND NATIONAL GUIDANCE AND OTHER RELEVANT DOCUMENTS**

The requirement to have clear whistle-blowing procedures in place is set out in the Academies Financial Handbook.

Public Interest Disclosure Act (1998)

Data Protection Act (2018)

Freedom of Information Act (2000)

Employment legislation

Employment policies

The Enterprise and Regulatory Reform Act (2013)

General Data Protection Regulation 2018

This policy has been written in line with [government guidance on whistle-blowing](#).

## 5.0 HOW TO RAISE A CONCERN

5.1 It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the trust with an opportunity to address the associated issues as early as possible. The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.

5.2 As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

5.3 If the issue is regarding an employee's line manager, The Academy Trust has appointed a specific LGB/Trustee Whistleblowing contact. Please contact the Trust office for further details.

- 5.4 You may invite your trade union or professional association to raise a matter on your behalf.
- 5.5 Concerns may be raised in writing and/or by email to the following. All referrals made will be treated in the strictest of confidence.
- Your manager
  - Head Teacher/Executive Headteacher
  - Chief Education Officer
  - Chair of Governing Body
  - Chair of the Trust Board
- 5.6 Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, such as:
- The background and history to the case;
  - The reason why you are particularly concerned
  - Any specific details available including names, dates, times and places;
  - Details of any particular conversations that support the concerns;
  - Details any personal interest that you may have in the matter; and
  - How you think that things may be put right, if possible.
- 5.7 If a concern is discussed with someone directly involved then it creates an opportunity for evidence to be tampered with or removed. Concerns should not be discussed with others who are not involved in an appropriately structured investigation. Doing so may leave you open to accusations of making slanderous or libellous comments should your concerns be unfounded, as these could damage the reputation of individuals and the Trust even if there is no evidence of any wrongdoing.
- 5.8 There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If you are at all unsure about the gathering of evidence, advice is available from the Headteacher / Executive Headteacher / Chief Education Officer / Chair of Governors / or other senior member of STAR MAT Academy Trust.

## **6.0 HOW THE STAR MULTI ACADEMY TRUST WILL RESPOND**

- 6.1 In order to protect both individuals and The STAR Multi Academy Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific policies or procedures (for example child protection or discrimination issues) will normally be referred to the appropriate department for separate consideration under those procedures.

- 6.2 Some concerns may be resolved by agreed action without the need for detailed investigation.
- 6.3 Within 10 working days of a concern being received, the line manager or the officer who is designated to carry out the whistleblowing investigation will write to the whistleblower:
- acknowledging that the concern has been received;
  - indicating how s/he proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - stating whether any initial enquiries have been made; and
  - stating whether further investigations will take place, and if not, why not.
- 6.4 The whistleblower, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the whistleblower.
- 6.5 When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 6.6 The STAR Multi Academy Trust will, as far as it is able, take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, The STAR Multi Academy Trust will, where appropriate and as far as it is able to do so, provide advice about the procedure.
- 6.7 The STAR Multi Academy Trust accepts the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, information about the outcomes of any investigations will be provided.

## **7.0 HOW MATTERS CAN BE TAKEN FURTHER**

- 7.1 This Policy is intended to provide staff with an appropriate avenue to raise concerns within The STAR Multi Academy Trust. If employees have reported a concern in accordance with the Academy Trust Whistleblowing Policy but are not satisfied that the issues have been properly addressed then they may contact:
- Chair or any Member of The STAR Multi Academy Trust's Standards Committee;
  - Chair or any Member of The STAR Multi Academy Trust's Audit Committee;
  - The NSPCC (for concerns about children at risk of abuse);
  - Relevant professional bodies or regulatory organisations
  - The Health and Safety Executive (HSE The Information Commissioner)
  - Your local Council Member (if you live in the area of the Council)

- Your solicitor
- The Police
- Public Concern at Work 020 7404 6609 <http://www.pcaaw.org.uk/>
- (independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)
- The Department for Business, Energy and Industrial Strategy [www.gov.uk/beis](http://www.gov.uk/beis)

7.2 If you do take the matter outside the Trust, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. If you have any queries as to what constitutes confidential information, please seek advice.

## **8.0 INDEPENDENT ADVICE**

8.1 Free, confidential advice on how to raise a concern about malpractice at work can be sought from the independent charity Public Concern at Work on 020 7404 6609.

## **9.0 REVIEW OF THE POLICY**

9.1 The Policy will be subject to review as and when required.