

Whistleblowing Policy

Hallam Schools' Partnership Academy Trust

Approved on:	April 2021
To be reviewed on:	April 2022
Associated policies:	Scheme of delegation Academies Financial Handbook Code of Conduct Employee Contract

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Rationale

The Hallam Schools' Partnership Academy Trust (the MAT) is committed to the highest possible standards of openness, probity and accountability. In line with this, employees and others with concerns about any aspect of the MAT's work have a duty to raise their concerns. This policy is intended to support that duty and seeks to encourage and enable employees to raise concerns without fear of disciplinary action as a result of such a disclosure, and with the assurance that the matter will thoroughly be investigated.

Objectives

The purpose of this policy is to ensure that employees and workers have the employment protection rights afforded by the provisions of the Public Interest Disclosure Act 1998, now incorporated into the Employment Rights Act 1996.

Roles and Responsibilities

The provisions of the Employment Rights Act 1996 protect employees from victimisation as a result of raising a concern in good faith. It does this by affording protection to employees who raise concerns in accordance with certain criteria. The protection is against dismissal or detriment where the reason or ground for that action is that a Protected Disclosure has been made. It should be noted that to be a Protected Disclosure it will be necessary for the discloser to have a reasonable belief in the truth of the disclosure and for the disclosure to be made in good faith.

The policy applies to all employees of the MAT and should be read in conjunction with employees Code of Conduct that state there is a duty on individuals to report any suspicion or concern they may have that employees are involved in actual or potential fraudulent or corrupt activities.

Employees are protected against dismissal or detriment where a Protected Disclosure has been made. It should be noted that to be a Protected Disclosure it will be necessary for the discloser to have a reasonable belief in the truth of the disclosure and for the disclosure to be made in good faith.

The types of matter that can be disclosed are:

- Criminal acts; actual or potential
- Failure to comply with a legal obligation
- A miscarriage of justice
- An act that breaches Financial Regulations, Standing Orders or policies
- Malpractice or mistreatment in dealing with a client of the school
- Health and safety breaches
- Damage to the environment
- Abuse of power or position
- Deliberate concealment of any of the above

In order to provide employees with a recognised and consistent contact point, the following are designated as Whistleblowing Officers – Chair of Trustees, CEO, CFO, Chair of Local Governing Body, Headteacher and Deputy Headteacher.

Approach

If an employee has a concern about any such wrongdoing, he or she can discuss it with a line manager who will have the obligation to listen and respond appropriately.

If this does not achieve a satisfactory resolution or if it is inappropriate to raise the matter with the line manager, the matter should be referred to a whistleblowing officer, who is obliged to conduct a fair and proportionate investigation. This should be done as early as possible.

The MAT recognises that employees may wish to seek advice from their trade union or professional association.

The MAT will exercise the following safeguards:

- The MAT will not tolerate harassment or victimisation of employees who have acted in line with this policy and will take the appropriate action to attempt to protect employees who raise a concern in good faith.
- If an employee raising a concern is already the subject of other employment procedures, e.g., disciplinary or redundancy, these procedures will not be halted or suspended.
- An employee might, as a last resort, be required to give evidence in Court or in disciplinary hearings. Advice and support will be provided, if necessary, to reduce any anxiety they may have.
- Subject to the MAT's Code of Conduct employees acting in line with this policy are entitled to confidentiality. The MAT will do its best to protect the identity of an employee who raises a concern and does not want his or her name to be disclosed to colleagues and / or the person(s) under investigation. Where an investigation takes place, the investigating officers will not disclose the whistleblower's identity unless they are required to do so. This might happen if a formal, written statement is needed as evidence for example, or where the matter is referred to a third party such as the Police for investigation. In no circumstances will the employee's identity be revealed before he or she is consulted.
- The MAT's intention in having a Whistleblowing Policy is to encourage employees to raise legitimate concerns. Consequently, if an employee makes an allegation in good faith, but it is not substantiated by the investigation, no action will be taken against them if the disclosure was Protected.
- Where an employee is shown to have made malicious or vexatious allegations, disciplinary action may be taken.
- A concern may also constitute a grievance, for which different rules apply, staff should when, expressing a concern indicate whether or not they wish it to be treated as a grievance as well.
- Concerns about a colleague's professional capability should be dealt with under the Capability Policy.

- Contracts of employment or other MAT policy may impose a duty of confidentiality on staff.
- That duty is not removed simply because of the protection staff have to make disclosures, but by the same token nothing in a confidentiality clause can preclude colleagues from making a Protected Disclosure.
- If, at the conclusion of the MAT's investigation, concerns remain, there are further steps which can be taken. These could include referring the matter to an outside agency. Staff should seek independent advice before doing this. The MAT also reserves the right to make such a referral if it sees fit to do so.