

## Whistleblowing Policy

This policy applies across all partner schools in the Stephen Sutton Multi-Academy Trust (SSMAT). It is available on the SSMAT website and is accessible from our schools' websites.

### **POLICY APPROVAL and REVIEW**

Review date: ***November '20***

Approval needed by: ***Trust Board***

Adopted: ***Jul. '18***

Next review date: ***Jul. '22***

## **1. Introduction**

- 1.1. The Stephen Sutton Multi Academy Trust (SSMAT) is committed to ensuring, as far is reasonably possible, that there is a safe and supportive environment for its employees. This policy enables colleagues to report, in confidence, serious concerns about any aspects of the Trust's work, which they suspect may involve criminal behaviour or other forms of malpractice.
- 1.2. Colleagues who use this procedure in good faith are protected, by law, from victimisation or dismissal. The law in question is the Public Interest Disclosure Act (PIDA) 1998. The policy, like the Act, covers all employees of the Trust, contractors and agency staff.
- 1.3. The policy does not apply to complaints relating to a colleague's own treatment at work or their contract of employment. Such matters are addressed through the Trust's HR policies, including its Staff Grievance Policy, unless they concern treatment as a consequence of raising a matter through the whistleblowing procedure.

## **2. Whistleblowing - Definition**

- 2.1. In this policy, whistleblowing is the term used to describe the practice of reporting wrongdoing at work. Examples of wrongdoing that could be reported through this procedure include:
  - criminal offences;
  - miscarriages of justice;
  - damage to the environment;
  - breaches of legal obligations;
  - dangers to health and safety; and/or
  - deliberate concealment of any of the above.

## **3. Making a Disclosure**

- 3.1. In order for a disclosure to be made under this procedure: the disclosure must be in the public interest and there must be reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur. The whistleblower must also believe, honestly and reasonably, that the information they provide, and any related allegations, are substantially true.
- 3.2. In order to make a disclosure, a colleague should write to the Executive Headteacher or the Chair of the Trust Board, marking the envelope 'PIDA – Strictly Private and Confidential'.

- 3.3. The Executive Headteacher or Chair of the Trust Board will acknowledge (in writing) receipt of the disclosure and will then gain any further information they may need. Where the colleague making the disclosure is invited to meet with them, the colleague is entitled to be accompanied by a trade union representative or a fellow employee.
- 3.4. When the precise nature of the malpractice has been established, a decision is taken regarding what further action, if any, is needed. As appropriate, this may comprise:
- an internal investigation;
  - reporting the matter to the police;
  - an independent enquiry; or
  - any combination of the above.
- 3.5 Throughout the process, the whistleblower will (subject to legal constraints) be kept informed of progress by the Executive Headteacher or Chair of the Trust Board.

#### **4. Appeal**

- 4.1. Where, at the end of the process, the whistleblower (or any other person covered by the Act) is not satisfied with how the disclosure has been handled, they may refer the matter to the most appropriate person/body listed on the gov.uk website:

<http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- 4.2 As with internal disclosure, before referring the matter on to one of these bodies, colleagues should consider carefully whether, or not, they honestly and reasonably believe that the concerns are well founded and that the allegations they are about to make are substantially true.

#### **5. Legal Protection**

- 5.1. Exceptionally, the Act provides protection with regard to disclosures made to people or bodies that are not included in the prescribed list. However, this only applies where it is considered reasonable to do this and the disclosure has not been made for personal gain. In addition, one of the following must apply:
- The matter must already have been raised with the employer and/or the relevant regulatory body; or
  - The whistleblower had reason to believe that they would be victimised if they raised the matter internally; or

- There is no relevant regulatory body and the whistleblower believes that the evidence is likely to be concealed or destroyed; or
- The concern is of an 'exceptionally serious' nature (as judged by the whistleblower).

## 6. Confidentiality

- 6.1. Where possible, the Trust will treat disclosures in confidence, only revealing the identity of a whistleblower where this is absolutely necessary, e.g. if this is required in connection with legal action that is being taken.

## 7. Responsibilities

- 7.1. Stephen Sutton Multi-Academy Trust has overall responsibility for this policy and generally determines the actions to be taken with regard to disclosures.
- 7.2. Trade unions are also well placed to support their members.
- 7.3. Regulators and other external bodies deal with concerns in particular circumstances.

## 8. Victimisation

- 8.1. Victimisation of someone who makes a protected disclosure is subject to disciplinary action.

## 9. Further Advice and Guidance

- 9.1. This policy document is for general guidance only. For further advice, colleagues should:
- contact their line manager or Head of School; or
  - get support and guidance from their trade union; or
  - (if they prefer to seek external, independent advice) contact the charity, Public Concern at Work or the Audit Commission.

The contact details for independent advice are as follows:

Protect (Speak up, Stop Harm)

The Green House  
244-254 Cambridge Heath Road  
London E2 9DA

Helpline: 020 3117 2520 (opt. 1)

Audit Commission

1 Vincent Square  
London SW1P 2PN

Tel: 020 7828 1212



E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

E-mail: [enquiries@audit-commission.gov.uk](mailto:enquiries@audit-commission.gov.uk)

Website: <https://protect-advice.org.uk>

9.2 Further background information on protected disclosure is also available from the following sources:

[www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy](http://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy)

[www.acas.org.uk](http://www.acas.org.uk)

***Stuart Jones; November '20***