



St Mary's Academy Trust

Whistleblowing Policy

Date Agreed by HR Committee: February 2021

Date to be Reviewed: February 2022

1. Introduction

- 1.1 This policy applies to all employees/governors/members of the Trust
- 1.2 St Mary's Academy Trust is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, employees and others with concerns about any aspect of the Trust's work have a duty to come forward and voice those concerns.
- 1.3 Employees and others who work with/support the Trust are often the first to realise that there may be something wrong within the organisation. However, they may not express their concerns because they feel speaking up would be disloyal to their colleagues or to The Trust. Indeed, it may also be the case that someone with a concern is not aware how best to raise their concerns. It is important to stress that any concern raised through this Policy will be treated confidentially.
- 1.4 This Policy also makes it clear that legitimate concerns can be raised without fear of reprisals. It is human nature to be apprehensive about raising a concern as often there is also fear of harassment or victimisation. Many, therefore, may feel it is easier to ignore the concern rather than report their suspicion of wrongdoing.
- 1.5 This Policy is intended to encourage and enable employees to raise serious concerns within The Trust irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally. It does not override workers' legal rights to make a protected disclosure to certain third parties under the Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996.
- 1.6 This Policy should be read in conjunction with the Trust's Anti-Fraud, Corruption and Bribery Policy which states that there is a duty on individuals to report any suspicion or concern they may have that other employees, Governors, Trustees or Members are involved in actual or potential fraudulent or corrupt activities. Once a concern has been raised, the procedure within this policy must be followed.
- 1.7 The provisions of this Policy are for those individuals referred to above. These arrangements are not directly available to members of the public. The Trust's Complaints Procedure should be used where a member of the public wishes to raise a concern.

2. Policy Aims

- 2.1 This policy aims to: -
 - Describe the kind of activity that employees should report through this mechanism;
 - Explain how an employee or stakeholder should raise a concern within the Trust;
 - Provide safeguards to protect and support individuals raising concerns and those the subject of concerns;

- Describe how the Trust will respond to concerns brought to its attention;
- Describe how employees will receive feedback on the action taken; and
- Describe how an employee can take the matter further if they are dissatisfied with the response.

3. What Should be Reported?

3.1 There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment, including issues relating to bullying. This Policy is intended to cover concerns that fall outside the scope of other procedures. These include serious concerns about:

- A criminal offence (actual or potential)
- A failure to comply with a legal obligation
- A miscarriage of justice
- A misuse or theft of public money and/or physical assets
- Abuse of working arrangements, time recording or other policies e.g. recruitment procedures
- A misuse or abuse of The Trust's computer, its systems, data or information
- An act that breaches The Trust's financial regulations or policies
- Actions which endanger the health and safety of staff, pupils or the public
- An abuse of power or position
- Actions which cause damage to the environment
- Suspicions of bribery
- Improper conduct by a member of staff

4. Whistleblowing Contacts

4.1 The initial points of contact to report concerns are:

Melanie Priestley, Chief Executive Officer, telephone 01226 282721, email m.priestley@smat.org.uk

Sharon Cook, Chair of Trust, telephone 01226 282721, email s.cook@smat.org.uk

4.2 Staff can choose from any one of the above Whistleblowing Officers to raise their initial concerns. The Whistleblowing Officers will seek to assist an employee to raise a concern effectively and any subsequent changes in the named Officers will be communicated accordingly.

5. How to Raise a Concern

5.1 Employees are encouraged to raise concerns as early as possible to make it easier to take effective action.

5.2 When reporting a concern, employees are urged to consider who, given the nature of the concern, they should report it to.

5.3 When raising a concern, it is helpful to set out the background and history of the concern, providing names, dates, places and amounts where possible and giving reason for their concern. Absolute proof is not required; however, you will need to demonstrate reasonable grounds for the allegation.

5.4 **The concern can be raised as follows:**

- Contacting one of the above-named officers by telephone or email
- Clicking [here](#) or if you have a QR Scanner by scanning the image at the end of the policy
- Writing to the above officers at:

St Mary's Academy Trust
1 Fountain Parade
Mapplewell
Barnsley
S75 6FW

5.5 Employees are encouraged to provide their name when raising a concern, as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at The Trust's discretion.

5.6 In exercising their discretion, the factors considered would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources
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6. How the Trust will Respond

6.1 The action taken by The Trust will depend on the nature of the concern. The matters raised may:

- Be investigated solely by the recipient, either the Chief Executive Officer or the Chair of Trust in the first instance
- The recipient may be required to further investigate the concern in conjunction with other Trust employees or with representatives of the Board where applicable
- Be investigated internally by an appropriately skilled and experienced individual, knowledgeable in the area concerned
- Be referred to an External Auditor or Ombudsman
- Form the subject of an independent enquiry

- 6.2 In order to protect individuals, The Trust's initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination) will normally be referred for consideration under those procedures.
- 6.3 Some concerns may be resolved by agreed action without the need for investigation.
- 6.4 Within ten working days of the concern being received (excluding anonymous concerns) the individual with whom the employee raised the matter will write to the employee:
- Acknowledging the concern has been raised;
 - Indicating how it is proposed that the matter be dealt with;
 - Giving an estimate of how long it will take to provide a final response;
 - Telling the employee whether initial enquiries have been made, and
 - Telling the employee whether further investigations will take place, and if not, the reason why.
- 6.5 The amount of contact between the individual(s) considering the issues and the employee who raised the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided, if necessary, further information will be sought from the employee in a discreet manner.
- 6.6 When any meeting is arranged, the staff member has the right to be accompanied by a union or workplace representative. The meeting can be 'off site', if requested.
- 6.7 The Trust will take steps to minimise any difficulties which the staff member may experience as a result of raising a concern and provide any appropriate support. For instance, if the employee is required to give evidence in disciplinary or criminal proceeding, The Trust will advise/provide support as required.
- 6.8 The Trust accepts that the employee needs to be assured that the matter has been addressed. Thus, subject to legal constraints, he/she will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.

7. Safeguards

7.1 Harassment or Victimisation

- 7.1.1 The Trust will not tolerate harassment or victimisation and will take the appropriate action to attempt to protect employees who raise a concern in good faith. However, this does not mean that if an employee raising a concern is already the subject of other employment procedures e.g. disciplinary or redundancy, that those procedures will be halted or suspended.

7.2 Confidentiality

- 7.2.1 The Trust will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process, however, an employee's identity may have to be disclosed if legal proceedings are undertaken. In no circumstances will an employee's identity be revealed before he or she is consulted.

7.3 Allegations

- 7.3.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee.
- 7.3.2 If, however, an employee makes malicious or vexatious allegations, disciplinary action may be taken against them.
- 7.3.3 In determining whether an employee has acted maliciously and/or in a vexatious manner the investigator will consider whether the employee was motivated to make the allegation(s) simply out of a desire to pursue a personal vendetta or grudge.

8. The Public Interest Disclosure Act 1998

- 8.1 This Act became Law on 2nd July 1999. Its purpose is to protect employees from victimisation that may result from raising a concern in good faith. It does this by affording protection to employees who raise concerns in accordance with certain criteria. Similarly, the Act also describes where protection will not be available when a disclosure is made in certain ways.

8.2 Protected Disclosures

- 8.2.1 Protection will be afforded to an employee where the concern is made in good faith and has been raised in the first instance within the Trust or to a Solicitor in the process of obtaining legal advice.
- 8.2.2 Any concern raised in good faith to one of the Whistleblowing Officers or to an employee's own management will, all things being equal, qualify as a protected disclosure. Other circumstances where protection through the Act is applicable are where a disclosure is made to a prescribed Regulatory Body (i.e. Health and Safety Executive).
- 8.2.3 Protection would also be afforded albeit in exceptional circumstances, where the employee raised a concern outside the Trust where they have a real and reasonable fear that they would suffer victimisation or that the information would be concealed or indeed the matter is exceptionally serious. In the event of an employee being dismissed or victimised, the Act allows that employee the right to compensation at an employment tribunal.

8.3 Unprotected Disclosures

- 8.3.1 Any disclosure not meeting the criteria for protection will be unprotected. This means for example that an employee making a malicious disclosure or one made hastily to the media will not be protected.
- 8.3.2 This Act is a complicated piece of legislation. Employees are however encouraged to seek specific advice from their Trade Union or own solicitor.
- 8.3.3 The provisions of the 1998 Act address the implications that an employee may otherwise face under their contract of employment from making a disclosure. Employees should also be aware that any person about whom a disclosure is made may have rights under the common law of defamation if that disclosure contains anything that is not accurate. However, the common law defense of defamation will normally apply where any person in making a disclosure that is not accurate acts in good faith and without malice. Again, any specific legal advice as to an employees' own position should be obtained independently.

9. How the Matter can be Taken Further

9.1 This Policy is intended to provide staff with an avenue to raise concerns within The Trust. We hope anyone invoking this procedure will be satisfied with the response given. If not, the employee should indicate this to the Chair of The Trust. If the staff member feels it is right to take the matter outside the organisation, the following are possible contact points:

- Relevant professional bodies or regulatory organisations;
- The relevant ombudsman;
- The employee's solicitor; and
- The Police.

10. Data Retention

10.1 In accordance with the General Data Protection Regulations 2018 at all stages of this procedure data obtained will be used only for the purpose for which is it intended and will be stored securely with restricted access to those involved in the process. Data will be destroyed securely and in accordance with the Trust's retention policy.

11. The Modern Day Slavery Statement

11.1 The Trust has noted the requirements of the Modern Slavery Act 2015. We are determined that there shall be no modern slavery or human trafficking in St. Mary's Academy Trust. Our policies evidence our commitment to act ethically and with integrity throughout the organisation. A report of concern in relation to those matters can be made under the protection of the Whistleblowing Policy.

12. Data Impact Assessment

12.1 At all stages of this procedure data obtained will be used only for the purpose for which it is intended and will be stored securely with restricted access to those involved in the process. Following the process data will be stored on the electronic personal file for the duration of the employees' employment with the Trust and for 6 years thereafter. The data will be destroyed at this time using a confidential shredding service.

13. Equality and Diversity

13.1 This policy has been impacted assessed by the HR Committee, if on reading this policy you feel there are any equality and diversity issues, please contact HR who will if necessary ensure the policy is reviewed.

14. The Audit Committee

14.1 In accordance with its Terms of Reference for the oversight of the internal control and governance framework of The Trust, the Audit Committee will review this Policy and consider its effectiveness through a process of annual review.

Note: St Mary's Academy Trust comprises: St Mary's CE Primary, All Saints Academy, Queens Road Academy, West Meadows Primary, Darton Primary, The Mill Academy, Royston St John Baptist CE Primary, Dodworth St John Baptist CE Primary, and Elsecar Holy Trinity CE Primary.

