

SIR GRAHAM BALFOUR MAT POLICIES AND PROCEDURES

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WHISTLEBLOWING POLICY

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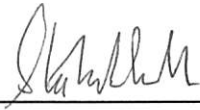
CHANGE CONTROL

<i>Date</i>	<i>Issue</i>	<i>Details of change</i>
17.01.17	0.a	Initial Draft
28.03.17	1.0	Changes agreed and policy approved at Trust Board Meeting
29.11.18	2.0	Approved at Board Meeting 28.11.2018

AUTHORISATION

Approved at Trust Board Meeting held on 28.11.2018

Signed:



28-11-2018

Chair of Board

Date

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Introduction

The Sir Graham Balfour Multi-Academy Trust (SGB MAT) is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the MAT's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

All individuals are responsible for the reporting of serious concerns about any aspects of the Sir Graham Balfour Multi-Academy Trust's work if they suspect wrongdoing at work.

Examples of suspected wrongdoing include:

- A criminal offence
- A miscarriage of justice
- Damage to the environment
- Breach of a legal obligation
- A danger to health and safety
- A deliberate concealment of any of the above

A colleague can report things that are not right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistleblower and is protected under this policy.

Provided that the action is in good faith, and there is a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur, concerns can be disclosed using this procedure. The person making the disclosure will be protected, from victimisation or dismissal, by law, under the Public Interest Disclosure Act, which came into force in 1999.

Aim

The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

The SGB MAT believes that having internal procedures is in everyone's interest.

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Key Elements

Eligibility

This policy, like the Act, covers all employees, Members, Trustees, Governors, Students, agency staff and the school's partners, formal and informal.

Provisions

This policy describes the circumstances in which concerns can be reported confidentially or 'disclosed', and the conditions which must be met if the protection offered by the Act is to apply.

Rights of the Whistleblower

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with a Monitoring Officer (see below for details).

Victimisation of a whistleblower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the MAT believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleague's own treatment at work that is arising from the whistleblowing matter they have raised previously.

Making a Disclosure

To make a disclosure either telephone or write to one of the following **Contact Officers**:

The Headteacher of the academy or the CEO of the MAT

Any Trustee of the MAT

The Chair or Vice Chair of the Local Governing Body of the Academy.

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If writing, mark the envelope: 'Strictly Private and Confidential' and 'To be opened by the addressee only'.

E-mail must not be used as it is not a secure medium.

The Contact Officer will acknowledge receipt of the disclosure in writing, within 5 working days of them receiving the information. They will also gather further information if need be, including by personal interview, at which the person making the disclosure can be accompanied by an official of their trade union or professional association, or by a fellow employee.

When the precise nature of the malpractice has been established the disclosure will be referred to one of the following **Monitoring Officers**:

- The Headteacher of the Academy
- The CEO of the MAT
- Chair of Trustees

for a decision on further action.

The Monitoring Officer will determine what, if any, further action is required.

Further action may comprise:

- internal investigation
- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

Throughout the process the Contact Officer will keep the individual making the disclosure informed on progress and (subject to legal constraints) the eventual outcome.

Further Appeal

If at the end of the process the individual making the disclosure, or any other person covered by the Act, are not satisfied with how a disclosure has been dealt with, the disclosure may be referred to one of the regulatory bodies/other external agencies whose details are listed on Page 7. As with internal disclosure, before referring to one of these bodies the individual making the disclosure should consider:

- Do they honestly and reasonably believe that their concerns are well founded?

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- Are the allegations they are about to make substantially true?

Legal Protection

Exceptionally, the Act offers protection in respect of disclosures made to people or appropriate bodies not listed on Page 7 but only when, all things considered, it is reasonable to do this and the disclosure is not made for personal gain. In addition, one of the following must apply:

- The matter must have been raised already with the Headteacher of the school or the academy, Local Governing Body of the school in which they work or the MAT Board of Trustees.
- There is reasonable belief that the individual making the disclosure will be victimised if they raise the matter internally.
- There is reasonable belief that evidence is likely to be concealed or destroyed.
- The concern of the person making the disclosure is of an "exceptionally serious" nature, which is for them to determine.

Confidentiality

The Headteacher, CEO and Trustees will treat all disclosures in confidence, and only reveal the identity of the individual making the disclosure if absolutely necessary (e.g. if required in connection with legal action).

Responsibilities

The Monitoring Officers have overall responsibility for implementation of this policy and will decide on the action to be taken in respect of all disclosures.

Contact Officers are the first point of contact for 'whistleblowers', and are responsible for keeping them informed regarding the progress and outcome of any investigation.

Unions and professional associations can also support and assist their members.

Regulators and other external bodies can deal with concerns in specified circumstances.

Further Advice and Information

This policy document is for general guidance only. If any further advice is needed about how it applies please contact the Headteacher or member of the Academy's Local Governing Body or a Trustee of the MAT Board.

Alternatively support and assistance can be obtained from recognised trade unions or professional associations or, if it is preferred independent, external advice can be obtained from the charity Public Concern at Work or the Audit Commission at:

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Public Concern at Work

Suite 306

16 Baldwins Gardens

London EC1N 7RJ

Helpline: 020 7404 6609

E-mail: helpline@pcaw.co.uk

Audit Commission

1 Vincent Square

London SW1P 2PN

Telephone: 020 7828 1212

E-mail: enquiries@audit-commission.gov.uk

Further background information on this topic is also available on the following Websites:

www.dti.gov.uk

www.acas.org.uk

www.lg-employers.gov.uk

www.audit-commission.gov.uk

www.pcaw.co.uk

Other contacts

Please note that the MAT takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.

Monitoring and Evaluation

The MAT Board will formally review this policy every 4 years or more frequently if circumstances or legislation suggest it is appropriate.