SHEFFIELD UTC ACADEMY TRUST
MAKING THE FUTURE

WHISTLEBLOWING POLICY AND PROCEDURE

Status: Statutory

Member of Staff Responsible: Executive Principal / Business & Operations Director

Related Policies:

- Financial Administration & Management Policy
- Staff Handbook
- Financial Probity Policy

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Whistleblowing Policy

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Whistleblowing Policy

1. **Introduction**

1.1. The Sheffield UTC Academy Trust is committed to achieving the highest possible standards of service and ethical standards.

1.2. Whistleblowing is the reporting by workers/employees, or ex-workers/employees, of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law, child safeguarding concerns or any other illegal or unethical act on the part of management, the governing body, the Trust, Members or by fellow employees.

1.3. Some examples of malpractice or illegal or unethical practice that may be reported under the Whistleblowing Procedure include:

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- A miscarriage of justice has been/is likely to occur;
- The health or safety of any individual has been/is likely to be endangered;
- The environment has been/is likely to be damaged;
- Public funds are being used in an unauthorised manner;
- The Academy/Trust's governance arrangements have or are not being observed or are being breached by students or staff;
- Sexual or physical abuse of any employee or student is taking place (subject to the Child Safeguarding Procedure in the case of children);
- Discrimination is occurring to any member of staff or student as defined within the Equalities Act 2010;
- Any other form of improper action or conduct is taking place;
- Public examination maladministration;
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

1.4 This policy does not remove a worker/employee's rights to raise their concerns directly with the Police, or other external body, if they become aware, or suspect, illegal activity is taking place within the Trust, including the abuse of a child or children. Nor does this policy negate the statutory rights of a worker/employee.

However, workers/employees would be encouraged to also raise this with someone at an appropriate level within the Trust so that the Trust is able to offer full co-operation to the Police. In the case of child safeguarding this matter should be referred to the Local UTC's Designated Safeguarding Person.

1.5 The Trust has prepared this policy and procedure so as to enable workers/employees to raise their concerns about such malpractice(s) at an early stage and in the right way. The Trust would rather that workers/employees raise the matter when it is just a concern rather than wait for concrete proof.

1.6 If something is troubling a worker/employee, which they think the Trust should know about or look into, then they should use the policy. If, however, the worker/employee is aggrieved about their personal position, the Trust's Grievance Policy should be

used. The Whistleblowing Procedure is primarily for concerns where the interests of others or of the organisation itself are at risk.

2. Aims

2.1 The Whistleblowing Policy and Procedure aims to:

- Encourage workers/employees in the Trust and its academies to feel confident in raising serious concerns and to question and act upon their concerns;
- Establish a fair and impartial investigative procedure;
- Provide ways for employees in the Trust and its academies to raise those concerns and get feedback on any action taken as a result;
- Ensure that workers/employees in or working in the Trust and its academies get a response to their concerns;
- Ensure that workers/employees working in the Trust and its academies are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure workers/employees in the Trust or its academies that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation. These assurances are set out in Section 4 below.

2.2 It is not intended to be used where other more appropriate procedures are available, for example:

- Grievances
- Harassment or Discrimination
- Child Safeguarding
- Parental Complaints

If a worker/employee is unsure of which procedure to use, advice can be sought from the Business & Operations Director or the worker/employee's trade union representative.

3. Scope of the Policy and Procedure

3.1. This policy and procedure may be used by all workers/employees of the Trust. The term worker/employee broadly includes employees, contractors, agency worker/employees, trainees, volunteers and a person who is or was subject to a contract to undertake work or services for the Trust. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this procedure.

3.2 Local UTC Governors and Trust Board members may also use this policy to raise concerns.

4. Assurances to Workers/Employees

4.1 To ensure worker/employees have the right to disclose a concern

4.1.1 Workers/employees have the right to disclose a concern/issue if the Trust does not deal with a matter they have raised. However, the duty of fidelity is implied by the law in every contract of employment and prohibits workers/employees from disclosing employers' confidential information, unless it is the public interest that information is disclosed or unless the Trust fails to properly consider or deal with the issue.

4.2 To protect and safeguard workers/employees

4.2.1 If a worker/employee makes a disclosure, either internally or externally, on one or more of the matters listed in this policy and they have a reasonable belief that the concern is real and they are acting in good faith, the worker/employee will not suffer any detriment, even if after investigation it transpires that the concern is unfounded.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers/employees who raise a concern in good faith.

4.2.2 If a worker/employee requests that their identity is protected, the Trust will not disclose it unless required to do so in law. If the situation arises where the Trust is unable to resolve the concern without revealing the worker/employees' identity (for instance because the worker/employee's evidence is needed in court), the Trust will discuss with the worker/employee how the matter should proceed. However, it must be stated that if a worker/employee chooses not to disclose their identity it will be much more difficult for us to look into the matter or to protect your position or to give the worker/employee feedback. Accordingly, while we consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

4.2.3 No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation. However, this policy does not provide protection to workers/employees who disclose information to the media or the press under the guise of 'Whistleblowing'. It is important that if the worker/employee has a genuine concern, you follow the stages of this policy to ensure its resolution.

4.2.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee/worker.

4.2.5 Support will be provided to the worker/employee in order to minimise any difficulties, which the worker/employee may experience. This may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with the worker/employee and the worker/employee has the right to be represented, if the worker/employee so wishes.

Whistleblowing Procedure

1. **How to Raise Concerns**

1.1 If the worker/employee is unsure whether to use this Whistleblowing Procedure or the worker/employee wants independent advice at any stage, the worker/employee is advised to contact:

- If applicable the workers/employees relevant trade union; or
- The independent charity Protect (formerly Public Concern at Work) on 020 3117 2520. Their lawyers can give the worker/employee confidential advice at any stage about how to raise a concern about serious malpractice at work.

1.2 As soon as the worker/employee becomes reasonably concerned the worker/employee should firstly raise the issue either orally or in writing with the workers/employees' line manager or Local Principal (unless they are the potential transgressor, in which case write to one of the following individuals:

- Chief Executive
- Business & Operations Director
- Chair of the Trust Board
- Clerk to Trust Board / Company Secretary

All of the above individuals are contactable at 111 Matilda Street, Sheffield, S1 4QF marking your correspondence 'Confidential'.

2. How the Trust will respond

2.1 Once the worker/employee has informed the Trust (Principal or Chief Executive Officer) of their concern, an investigating officer (someone who has no previous involvement) will be appointed who will look into it to assess initially what action should be taken. They will aim to interview the worker/employee within 10 working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury or illegal activity that need immediate Police involvement and will:

- Obtain as much information as possible from the worker/employee about the grounds for the belief of malpractice;
- Consult with the worker/employee about further steps which could be taken;
- Inform the employer of appropriate routes if the matter does not fall within the Whistleblowing Procedure;
- Report all matters under this procedure to the Executive Team or Chair of the Trust.

2.2 At this meeting, the worker/employee may be accompanied by a trade union representative or a work colleague. There will also be a note taker present at the meeting.

2.3 Within 10 working days of the above meeting the investigating officer will recommend to the Chief Executive Officer one or more of the following:

- The matter should be investigated within the Trust's internal procedures;

- The matter should be investigated by the external auditors appointed by the Trust;
- The matter should be reported to an external agency e.g. DfE, EFA, exam board;
- The matter should be reported to the Police;
- The matter should be reported to the Local Authority Designated Officer;
- No further action is required.

However, please note that this list is not exhaustive.

2.4 The grounds on which no further action is taken may include:

- The investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The investigator is satisfied that the concern has not been raised in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the DfE or other public authority.

2.5 Usually, within 10 working days of a concern being raised, the person investigating will write to the person raising the concern:

- Confirming that the concern has been investigated (or a timescale for this if complex);
- Confirming (where appropriate) what action the Trust intends to take;
- Supplying information on support available to you.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

3. How Concerns can be taken further

3.1 Worker/employees of the Trust and its academies who are not satisfied, at any stage of the process, with the action taken by the Trust and feel that it is right to question the matter further, may consider the following possible contact points:

- The employee's Trade Union;
- The Citizens Advice Bureau and/or law centre/firm;
- Relevant professional bodies or regulatory organisations (e.g. exam boards);
- The Information Commissioner;
- A relevant voluntary organisation;
- The Police;
- The Health and Safety Executive;
- The Local Authority Designated Officer or Safeguarding Children's Board;
- Ofsted;
- The Department for Education;
- Her Majesty's Revenues and Customs (HMRC).

Please note that this is not an exhaustive list.