

Whistleblowing Policy

RELATING TO

All Academies of the Shaw Education Trust
for the financial year 1st September 2017 to 31st August 2018

**WAS APPROVED BY THE EXECUTIVE LEADERSHIP TEAM
OR BOARD OF TRUSTEES**

ON

SIGNED BY MEMBER OF THE BOARD

NAME [Print].....

POSITION.....

The Shaw Education Trust is committed to the highest standards of openness, probity and accountability; and to safeguarding the public resources for which it is responsible. We expect all its staff and representatives to operate honestly and with integrity at all times. Fraud and corruption, misconduct, waste or wrongdoing will not be tolerated.

The Shaw Education Trust actively encourages its staff and other stakeholders to offer constructive advice and criticism and to speak up, or “blow the whistle” if they genuinely think something is wrong.

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.

What is Whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing at work.

For example:

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

A colleague can report things that aren't 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.

Whistleblowers are legally protected under the provisions of the Public Interests Disclosure Act (PIDA) 1996 from any harassment or victimisation arising from reports of:

- Financial malpractice, impropriety or fraud.
- Actual or likely commission of a criminal offence
- Failure or likely failure to comply with a legal obligation.
- Miscarriage of justice
- Endangerment of the health and safety of an individual
- Any attempt to conceal any of the above.

Provided that:

- All other avenues to alert the Shaw Education Trust of the issue have been explored,
- The disclosure is made in good faith.
- There is reasonable belief on the part of the person making the disclosure that there has been malpractice.

The Shaw Education Trust will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Shaw Education Trust will also treat every disclosure in confidence, and only reveal the identity of the person if absolutely necessary (e.g. if required in connection with legal action).

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 the named Monitoring Officer.

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

Where the Shaw Education Trust 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 colleagues own treatment at work that is arising from the whistleblowing matter they have raised previously.

Making a Whistleblower complaint

To make a whistleblowing complaint the whistleblower has to meet certain conditions.

If the disclosure is made internally to the Shaw Education Trust, it must be in the public interest and the person making the complaint ("the whistleblower") must have a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.

The Shaw Education Trust also recognises that external disclosure may also be made to prescribed third parties, for example, to the police or non-prescribed regulators such as professional bodies, e.g. the Institute of Chartered Accountants in England and Wales or the Shaw Education Trust's External Auditor (Price Waterhouse Coopers) and will give protection to the Whistleblower provided that:

- The disclosure is made in good faith.
- The whistleblower reasonably believes the information disclosed, and any allegation contained in it, are substantially true.
- The disclosure is not made for purposes of personal gain.

And that the following conditions are met:

- The whistleblower reasonably believes, at the time the disclosure is made, that they will be subjected to a detriment by Shaw Education Trust by making Internal Disclosure or a disclosure to a prescribed person, or;

- In a case where no person is prescribed in relation to the relevant failure, the whistleblower reasonably believes it is likely that evidence relating to the relevant failure will be concealed or destroyed if you make an Internal Disclosure, or;
- The concern has been raised with Shaw Education Trust or a responsible person already but no action has been taken.

If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in an Academy setting could include, for example, the alleged abuse or corruption of children or vulnerable adults in an academy's care, then the whistleblower will not be required to:

- Have raised the matter concerned internally first
- Believe that they will be subject to a detriment for raising the disclosure internally
- Believe that the evidence is likely to be concealed or destroyed.

To "blow the whistle" to a non-prescribed third party, e.g. the media, without first reporting concerns internally and to a prescribed third party could amount to a disciplinary matter and will be dealt with accordingly.

In the first instance the Whistleblower should inform:

The Contact Officer
The Shaw Education Trust
Address / contact

The initial contact can be by telephone or in writing, and if the latter should be in a sealed envelope addressed to the officer concerned and marked: 'PIDA – Strictly Private and Confidential'. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.

The Contact Officer at The Shaw Education Trust who has received a disclosure will:

- (a) acknowledge its receipt, in writing, within 5 working days;
- (b) seek further information if required, which may include a personal interview, at which the colleague (whistleblower) can be accompanied by a representative of their trade union or professional association, or by a fellow employee;
- (c) when the precise nature of the alleged wrongdoing is established, refer the disclosure to the Monitoring Officer ;
- (d) in liaison with the Monitoring Officer keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.

On receipt of a disclosure from a Contact Officer the Monitoring Officer will determine what further action, if any, is needed, which may comprise:

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

The Monitoring Officer will also ensure that the Contact Officer is advised of progress and outcome.

If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or our external auditors. The charity, Public Concern at Work, can advise the colleague about raising the concern externally. This will include advising who the appropriate prescribed regulator is.

The website for Public Concern at Work is <http://www.pcaw.co.uk/>.

The Shaw Education Trust external auditors can be contacted at:

External Auditor
PriceWaterhouseCoopers LLP
Cornwall Court
19 Cornwall Street
Birmingham B3 2DT
121 5956

Why the Shaw Education Trust needs this policy

- To protect the reputation of the Shaw Education Trust, its employees and agents from accusations of bias, partiality or favouritism.
- To discharge the Shaw Education Trust's responsibilities in respect of the Public Interest Disclosure Act (PIDA) 1998
- To ensure compliance with the law including the Fraud Act 2006, the Money Laundering Regulations 2007, the Bribery Act 2010 and the Charities Act 1993.

Who is affected by This Policy?

Trustees, staff, volunteers, and any other agent or supplier working for or on behalf of the Shaw Education Trust.

Responsibilities:

Trustees

- Must ensure that the Shaw Education Trust is compliant with UK law and regulation.
- Set the tone and influence the culture of the Shaw Education Trust.
- Must enable management to implement appropriate procedures to receive and investigate allegations of malpractice
- Must assure themselves of the adequacy of this policy via regular review and at least annual audit
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Executive Management Team/Academy Council

- Must report to the appropriate authorities any perceived or actual attempt to offer or receive a bribe.
- Must ensure that all staff, including temporary staff, consultants and contractors are aware of this Policy and must ensure that the terms of this Policy are included in any contractual arrangements.
- Must provide as many avenues as possible to enable individuals to come forward and "blow the whistle"
- Must protect anyone who blows the whistle internally or externally from any reprisal or victimisation provided that the allegation is made in good faith and in harmony with the Shaw Education Trust's Whistleblowing procedures
- Must ensure that all allegations are thoroughly and objectively investigated to a satisfactory conclusion
- Must extend all relevant protections to genuine "whistle-blowers".

Staff

- Must remain aware of and compliant with this Policy and all associated procedures implemented by management to enable this Policy;
- Should promptly report any actual or suspected fraud or irregularity in accordance with this policy and should cooperate with any subsequent investigation.

The Effect of Non Compliance

For the Shaw Education Trust

Failure to comply with this Policy may result in the Shaw Education Trust breaching UK law, Department for Education regulation, Education Funding Agency regulation, Charity Commission regulation and contractual requirements; and may also expose the Shaw Education Trust to unnecessary commercial or reputational risk.

For the Individual

This policy forms part of the terms and conditions of trusteeship, employment or any other contractual arrangement with the Shaw Education Trust. Failure to comply with this Policy and/or its associated procedures may result in disciplinary action including dismissal. Where appropriate, the Shaw Education Trust may also bring criminal charges and may seek to claim damages through civil proceedings.

Review and Revision

This Policy will be reviewed annually by the Board of Trustees to evaluate penetration, effectiveness and currency. Any revisions will be notified via internal communication, with copies being made available in hard copy where computer access is not available. Independent quality and compliance reviews will be undertaken by the Shaw Education Trust's internal and external auditors and, where necessary, this Policy will be updated or amended to incorporate feedback and/or operational changes.