

Whistleblowing Policy

SMART MULTI ACADEMY TRUST

Classification	External
Version	V1.1
Review Date	10.7.20
Effective from	11.7.18

1. Aims

SMART Multi Academy Trust (the Academy Trust) is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs as a responsible charity taking into account the requirements of the Public Interest Disclosure Act 1998 (updated August 2013). In line with that commitment we encourage employees and others with serious concerns about any aspect of the Academy Trust's work to come forward and voice those concerns without fear of reprisals.

The Public Interest Disclosure Act gives legal protection to employees, trainees, agency staff and contractors against being dismissed or penalised by employers as a result of publicly disclosing certain serious concerns, provided that they are disclosed under procedures identified in the Act. The Act applies to people at work raising reasonably held and genuine concerns in good faith about crime, civil offences (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and the cover up of any of these. It applies whether or not the information is confidential and extends to malpractice occurring overseas.

This policy is designed to enable employees, trainees, agency staff and contractors to raise concerns or disclose information at a higher level than that which the individual believes shows malpractice. A disclosure in good faith to a manager, head teacher, governor, trustee or executive staff member will be protected, if an individual has a reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur.

Disclosures will also be protected if made externally, for example to prescribed regulators such as the Charity Commission, Health and Safety Executive or Her Majesty's Revenue and Customs, provided that they comply with the provisions of the Act. Under the Act, employees of a charity may make a disclosure to the Charity Commission where the matter relates to the proper administration of the charity and of funds given or held for charitable purposes and they have reasonable grounds for concern.

2. Safeguards - Harassment or Victimisation

The Academy Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Academy Trust will not tolerate harassment or victimisation and will take action to protect disclosers when they raise a concern in good faith.

This does not mean that if disclosers are already the subject of procedures such as disciplinary, capability, grievance or managing attendance, that those procedures will be halted as a result of whistleblowing.

Where feasible, disclosers will be contacted when a concern has been investigated, to ascertain whether they have suffered any detriment as a result of their whistleblowing. If at any time, either during or after the investigation, disclosers feel that they have suffered any detriment as a result of whistleblowing they should report this to the, Chief Executive Officer or Chair of the board of trustees.

3. Confidentiality

The Academy Trust treats the details of all whistle blowers in confidence and will do its best to protect their identity. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing a person's identity directly, and a statement by the discloser may be required as part of the evidence.

4. Anonymous Allegations

Allegations can be made anonymously. However, this policy encourages disclosers to put their name to allegations, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact a discloser to obtain further information or verify details. Anonymous allegations will be considered wherever possible at the discretion of the Academy Trust.

The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised;
- the creditability of the concern; and
- the likelihood of confirming the allegation from other, attributable sources.

5. Untrue Allegations

If a discloser makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, a malicious or vexatious allegation is made, appropriate action may be taken against the discloser.

6. How to Raise a Concern

The earlier concerns are raised, the easier it is to take action. As a first step, disclosers should normally raise concerns with their immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should contact the Headteacher, the Chief Executive Officer or the Chair of the board of trustees. Trade union's or professional associations may also be prepared to raise matters on behalf of others.

7. How the Academy Trust will Respond

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

- be investigated internally, (this is the most likely option);
- be referred to the Police;

- be referred to the internal or external auditor;
- be referred to the Department for Education or Education Funding Agency;
- form the subject of an independent inquiry;
- or any combination of the above

In order to protect individuals and the Academy Trust, 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 issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, where appropriate, the Academy Trust will write to the discloser:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- advising whether any initial enquiries have been made; and
- advising whether further investigations will take place and, if not, why not.

The amount of contact between the executive employees or trustees considering the issues and the discloser 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.

When any meeting is arranged, disclosers have the right, to be accompanied by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates. The Academy Trust will take steps to minimise any difficulties disclosers may experience as a result of raising a concern.

If disclosers are required to give evidence in criminal, civil or disciplinary proceedings, the Academy Trust will advise about the procedure. The Academy Trust acknowledges the need to provide disclosers with assurance that the matter has been properly addressed. Thus, subject to legal constraints, appropriate information about the extent and outcomes of any investigations will be provided.

Please also see Appendix A for a flow chart regarding the process.

8.How the Matter can be Taken Further

This policy is intended to provide an avenue to raise concerns within the Academy Trust and feel those concerns have been acted upon. If disclosers are not satisfied with action taken further advice and support can be sought from the following:

- Relevant professional bodies or regulatory organisations;
- DFE (Department for Education) or EFA (Education Funding Agency)
<https://www.gov.uk/government/publications/complain-about-an-academy>
<https://www.gov.uk/whistleblowing>

- The Charity Commission

Email to: whistleblowing@charitycommission.gsi.gov.uk

- Internal Auditors
- External Auditors
- The Police
- Public Concern at Work (an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)

Whistleblowing UK Advice line- (020) 7404 6609

Email: whistle@pcaw.org.uk

Website: <http://www.pcaw.org.uk/>

9. Contact details of Academy Trust Senior Executives

Chief Executive Officer or Chief Financial Officer -0191 285 3895 option 3

Chair of the Board of Trustees- chair.trustees@smartacademies.net (should you wish to speak to the Chair please contact the Clerk to the Board of Trustees- 0191 285 3895 option 3

Vice Chair of the Board of Trustees- vice.chair@smartacademies.net (should you wish to speak to the Vice Chair please contact the Clerk to the Board of Trustees- 0191 285 3895 option 3

Headteachers can be contacted via the school telephone number or via their individual email addresses, which should be made available to you if you contact the school business manager.

Please refer to Appendix A for a diagrammatic representation of the Whistleblowing process.

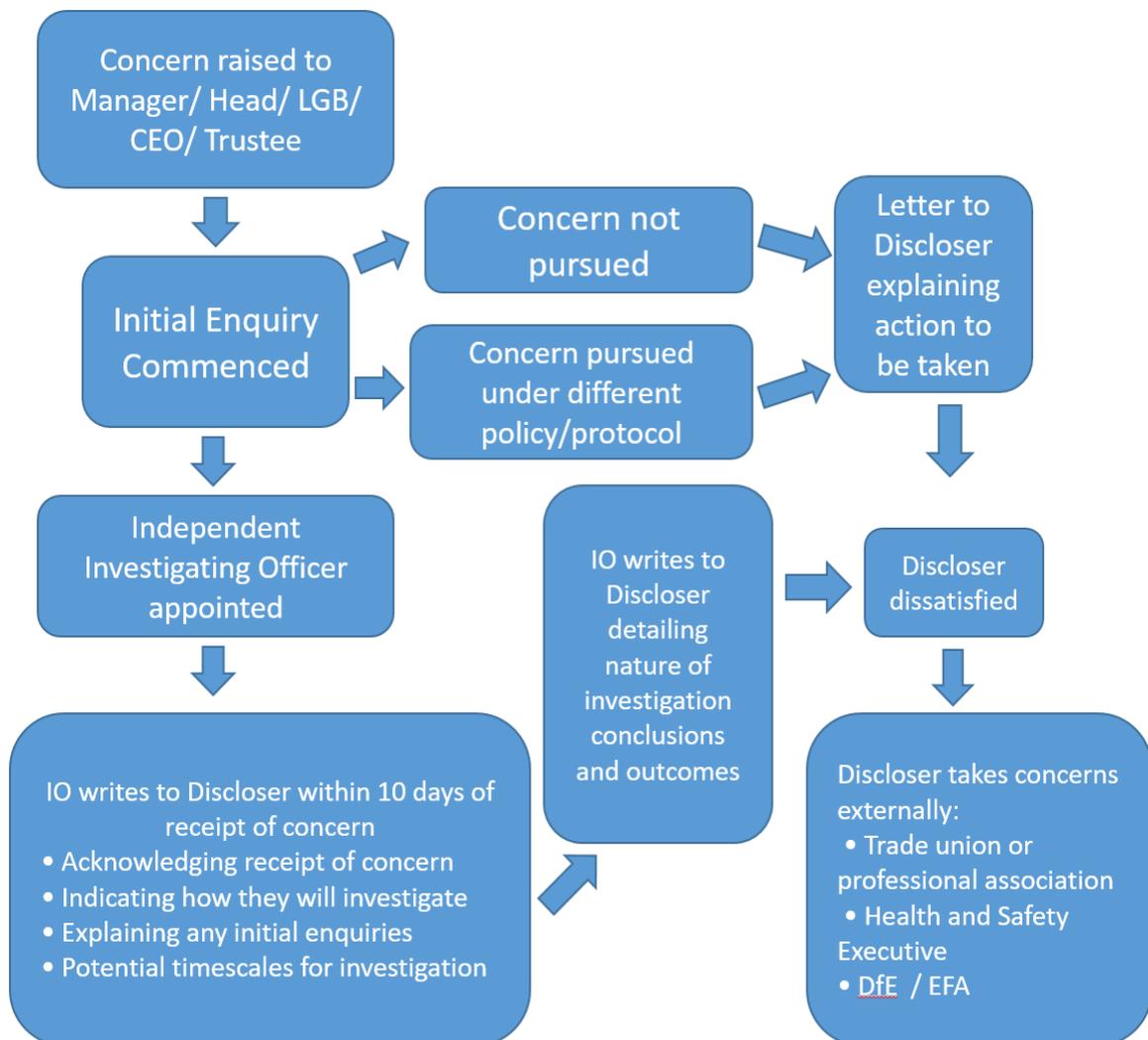
Significant Amendments and Updates to the policy

Date	Amendment Made	Reason	Date
App A	Removal of 'in writing' from the first box of the flow chart	Safeguarding ops group suggested amendment for clarity via I.Clennell.	9.3.18
Section 8.	Inclusion of further whistleblowing links and resources	Academies Financial Handbook 2018	1.7.18
Section 9.	Inclusion of contact details for Senior Executive of the Academy Trust and Board of Trustees Chair and Vice Chair	General update	1.7.18

SMART Multi Academy Trust is an exempt charity and company limited by guarantee registered in England with company number 10257723. The company's registered office is Wyndham Primary School, Montagu Avenue, Newcastle upon Tyne NE3 4SB.

Whistleblowing process Flowchart

Appendix A



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