



WHISTLEBLOWING POLICY

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1. ABOUT THIS POLICY

1.1 Hasmonean Multi-Academy Trust (“the Trust”) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff, governors and others that we deal with, who have serious concerns about any aspect of the Trust are encouraged to voice those concerns.

1.2 This policy covers all staff, governors, consultants, contractors, volunteers, interns, casual workers and agency workers (“hereafter defined as Staff”).

1.3 Staff and governors at the Trust are often the first to realise that there may be something seriously wrong within the Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This document makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage.

1.4 We are committed to conducting ourselves with honesty and integrity and we expect all Staff to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. WHAT IS WHISTLEBLOWING?

Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to our activities. This includes bribery, fraud or other criminal activity, miscarriages of justice, health and safety risks including Staff, members of the public and students, damage to the environment and any breach of legal or professional obligations. It also includes the following matters specific to this workplace such as a breach of safeguarding provisions under the Keeping Children Safe in Education Statutory Guidance, the unauthorised use of Trust funds and other unethical conduct.

3. HOW TO RAISE A CONCERN

3.1 We hope that in many cases you will be able to raise any concerns with your manager. However, where you prefer not to raise it with your manager for any reason, you should contact either of the Headteacher or the CEO who is the Responsible Officer. This may be done orally or in writing via their PAs.

3.2 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

4. CONFIDENTIALITY

We hope that Staff will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If you want to raise your concern confidentially, we will make every effort to keep your identity secret and only reveal it where necessary to those involved in investigating your concern.

5. EXTERNAL DISCLOSURES

5.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

5.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external. Public Concern at Work operates a confidential helpline. Their contact details are at the end of this policy.

6. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 6.1 We aim to encourage openness and will support whistleblowers, who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 6.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Responsible Officer immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.
- 6.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue you personally for compensation in an employment tribunal.
- 6.4 However, if we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.
- 6.5 Public Concern at Work (an independent whistleblowing charity) operates a confidential helpline.

Helpline: (020) 7404 6609

E-mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

7. WHISTLEBLOWING IN RELATION TO SAFEGUARDING

- 7.1 Staff should feel able to raise concerns about poor or unsafe practice and potential failures in the Trust's safeguarding regime. Concerns should be raised with the Designated Senior Person, the Headteacher or the CEO before escalating to the Board of Trustees / Local Governing Board depending via the Clerk to the Governing Body who can be contacted by email at l.oskis@hasmonean.co.uk
Where Staff feel unable to raise an issue with the Trust or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them. General guidance can be found at: <https://www.gov.uk/whistleblowing>.
- 7.2 The NSPCC whistleblowing helpline is available for Staff who do not feel able to raise concerns internally regarding child protection issues. Staff can call: 0800 028 0285 – this line is available from 8am to 8pm, Monday to Friday or email: help@nspcc.org.uk.

8. THE PROCEDURE

All parties need to agree that the issue raised will be kept confidential while the procedure is being used.

The Representor (the person raising the concern) should:

- Raise their concern with either of the Headteachers or the CEO. This may be done orally or in writing. The Representor has the right to have the matter treated confidentially.

- If the Headteacher believes it is appropriate to use the Whistleblowing procedure, the Headteacher should contact the Clerk to the Governing Body who will act as the Assessor. If the Headteacher believes it is not appropriate to use the whistleblowing procedure then the Headteacher should tell the Representor how they should raise their concern and how it will be dealt with. The concern should not just be dismissed.
- Should it be alleged that the Clerk is involved in the alleged malpractice, another senior manager should be appointed to act as Assessor.
- If the Representor feels unable to raise their concern with their line manager, either Headteacher or the CEO, they may contact the Clerk to the Governing Body directly. If the Representor feels they cannot contact any staff member including the Clerk, then they should contact one of the trustees / governors via email at Gary.swabel@gmail.com or roisynevies@hotmail.co.uk
By discussing the issue with the Representor, one or more governor will assess whether an Assessor can be appointed from among the staff of the school or whether an external Assessor is required.

The Assessor should:

- interview the Representor within seven working days (unless there are compelling reasons for it to be longer such as the Representor being unavailable), in confidence, or earlier if there is an immediate danger to loss of life or serious injury;
- Obtain as much information as possible from the Representor about the grounds for the belief of malpractice;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under the Trust's Whistle blowing Procedure;
- Report all matters raised under this procedure to the Trust Trust's Responsible Officer.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Trust staff to take notes.

Unless there are compelling reasons for it taking longer and these have been communicated to the Representor, within ten working days of the interview, the Assessor will recommend to the CEO one or more of the following:

- The matter be investigated internally by the Trust;
- The matter be investigated by the external auditors appointed by the Trust;
- The matter be reported to the Department for Education
- The matter be reported to the Police;

- The route for the member of staff to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by the Trust.

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting 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 Department for Education or other public authority.

Should it be alleged that the CEO is involved in the alleged malpractice; the Assessor's recommendation will be made to the Responsible Officer of the Trust or the Chairman of Trustees.

The recipient of the recommendation (CEO or Responsible Officer or Chairman of Governors) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Trust.

The Trust will use all reasonable efforts to ensure that the Representor's identity is kept confidential unless the Representor otherwise consents. In the absence of such consent, the Assessor will not reveal the identity of the Representor except as necessary to seek confidential legal, accounting, HR or other professional advice.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty-eight days unless there are reasonable grounds for it taking longer and these have been communicated to the Representor.

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limits, they may appeal to the Trust's external auditors, but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

The Trust will ensure the Representor is protected from any form of victimisation or discrimination.

Reviewed by Stone King April 2019
 Approved by the Trustees May 2019
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