Sheffield South East Trust

Whistleblowing Policy

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

CONTENTS

PAGE

1. Introduction
2. Aims and Scope
3. Raising a Concern
4. How the Trust will Respond
5. Implementation of this Policy

Annex 1 Protected Disclosure Guidance

Annex 2 List of Prescribed Persons

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

1. INTRODUCTION

1.1 Sheffield South East Trust is committed to the highest possible standards of conduct and encourages individuals, (refer to 1.5 below for details of who the policy applies to), with concerns about wrongdoing within the Trust to come forward and report those concerns. This process is commonly referred to as "whistleblowing" and the aim of this policy is to give detailed advice and reassurance to persons who wish to "blow the whistle" by reporting wrongdoing to those who can make a difference.

1.2 This policy acknowledges and incorporates the specific statutory rights and protection given to employees by the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998, which applies to certain kinds of disclosure termed "Protected Disclosure".

The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 protects workers who make a "protected disclosure" from dismissal, selection for redundancy or from being subjected to any other detriment in employment as a result of raising a concern about wrongdoing. Consequently, if concerns are raised which fall into one of six categories of wrongdoing, this will be a "protected disclosure" provided that the specific requirements for that category of wrongdoing are met in that the concern is raised to the proper person or organisation. These six categories are:

- Crimes;
- Failure to comply with legal obligations;
- Miscarriage of justice;
- Risks to Health & Safety;
- Damage to the environment;
- Covering up any of the above.

The legal requirements of making a "protected disclosure" about each of these categories of wrongdoing are different for each category. Further information about these requirements is set out in the attached Protected Disclosure Guidance (Annex 1).

1.3 Provided that you are acting in good faith when making a disclosure and you have a reasonable belief that the information disclosed tends to show that wrongdoing has occurred, is occurring or is likely to occur in the future, it does not matter if you subsequently realise that you are mistaken. You do not have to specifically prove anything in order to have your concerns about wrongdoing investigated - the message the Trust wishes to give to you is **'if in doubt – raise it'**. Employees are expected to co-operate fully with any resulting investigation.

1.4 The Trust will consider the information received from a whistleblowing disclosure, however the decision as to whether or not to investigate, and the extent of that investigation will remain the Trust's.

1.5 This policy applies to all employees, Directors, Governors, contractors acting under the control of the Trust and supply / agency workers and Partnership organisations, which chose to adopt this policy. The provisions of this Policy are not directly available to members of the

public. Members of the public, who wish to raise a concern about any aspect of the Trust's work, including wrongdoing, should follow the Complaints Procedure.

2. AIMS AND SCOPE

2.1 The aim of this Policy is to:

- Encourage the internal reporting of wrongdoing in a safe and constructive manner;
- Provide venues for you to raise concerns about wrongdoing and receive feedback on any action taken by the Trust in response to your concerns;
- Allow you to take the matter further if you are dissatisfied with the Trust's response to your concerns;
- Reassure you that provided you disclose your concerns appropriately and in accordance with this policy, you will be protected from possible reprisals or victimisation.
- Identify ways to report concerns to the appropriate regulator or outside body;

2.2 All organisations face the risk of things going wrong or of unknowingly harbouring wrongdoers. The Trust believes it has a duty to identify such situations and take the appropriate measures to remedy the situation. By encouraging a culture of openness, the Trust believes it can help prevent wrongdoing occurring both now and in the future.

2.3 The Trust has existing procedures in place to enable you to raise complaints about a variety of issues relating to **your own employment through the Grievance Procedure**. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of the Grievance Procedure and you do not need to raise a grievance in order to disclose a concern about wrongdoing.

Any concern that you have about wrongdoing within the Trust can and should be reported under this Policy. If you fail to report your concerns, you could by your silence become implicated in the wrongdoing.

Your concern may be about:

- any unlawful activities, whether criminal or a breach of civil law;
- fraud, theft or corruption;
- breach of, or failure, to implement, or comply with any School policy and/or City Council policy where it is adopted by the School or applicable to the school;
- any abuse of position;
- taking gifts or inducements;
- any decision making for personal gifts;
- serious breaches of School procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest)
- harassment, discrimination, victimisation or bullying of employees and/or individuals whom the School exists to serve;

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

- poor or unprofessional practice which results in an individual not getting the same quality of service which is available to others;
- leaking confidential information in respect of School activities and/or records;
- improper/unacceptable behaviour towards people which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- inappropriate contact with members of the public within School facilities, or whilst carrying out School duties or outside of working time;
- concerns regarding possible breaches of Health and Safety Regulations;
- breach of any statutory Code of Practice;
- inappropriate use of external funding;
- inappropriate use of School assets or funds, including computer hardware and software, buildings, stores, vehicles, School Private Fund;
- undertaking of undisclosed private work which may conflict with duties and responsibilities of staff at the school, or which are being carried out during working time.

The above list is not exhaustive.

If your concern is in relation to any wrongdoing to Children and/or Vulnerable Persons, further information and guidance on how to raise such concerns can be found in **Trust's Safeguarding Policy** and procedures.

By knowing about wrongdoing at an early stage, the Trust has the chance to take the necessary steps to safeguard its interests. The message the Trust wishes to give you is that you must not hesitate to "blow the whistle" on wrongdoing.

3. RAISING A CONCERN

3.1 The earlier the concern is raised, the easier it is to take action and will stop the repetition of the matter of concern. As a first step, you should raise concerns with the Headteacher / Line Manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If it is felt that management in the school is not appropriate then the following alternatives should be approached, either:

- The Chair of Governors for the specific school or;
- If the whistleblower considers the matter to serious or sensitive to raise within the internal environment of the school the matter should be directed in the first instance to the Trust CEO.

3.2 Although concerns about wrongdoing can be raised orally or in writing, the Trust would encourage you to put them in writing, setting out the background and history of the concern and giving names, dates, places and amounts where possible, providing as much information as you have available. You must fully co-operate with any investigation that is instigated.

3.3 The Trust also encourages you to put your name to your concerns. Concerns expressed anonymously will be considered at the discretion of the Trust and in exercising this discretion; the Trust will take into account the seriousness of the issues raised, the credibility of the concern and the likelihood of corroboration from other sources.

3.4 The Trust does not expect you to prove that the wrongdoing has occurred is occurring or is likely to occur in the future but you will need to show to the person you contact that you have sufficient grounds for your concern and that the information disclosed tends to show the wrongdoing. Advice and guidance on how to pursue matters of concern may be obtained from the Headteacher, The Chair of Governors, a union representative, CEO or Chief Financial Officer.

3.5 Any concerns about wrongdoing within the Trust which you do not raise in good faith, for example **concerns that you raise maliciously, for revenge or for personal gain, may result in action taken against you in accordance with the Disciplinary Procedure**. You help to show your good faith by telling the Trust all that you know about the matters you raise.

3.6 If you are already the subject of any other employment procedure this will not be affected as a result of you raising a concern about wrongdoing under this Policy.

3.7 If you feel unable to raise your concerns about wrongdoing internally or feel dissatisfied with an internal investigation into your concerns, the Trust acknowledges that you may be justified in contacting a relevant external organisation.

3.8 The Secretary of State has prescribed a number of external organisations (see Annex 2) for the purpose of raising a concern about wrongdoing, in the event that the more stringent conditions regarding external disclosure are met.

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

3.9 If you choose to disclose your concern outside the Trust, you must take care to ensure that you do not disclose confidential or privileged information. Examples of information that was given to the Trust in confidence (either explicitly or where it is clear from the circumstances that there is an expectation that the information will not be passed on are

- information that would enable a child or other vulnerable client to be identified
- commercially sensitive information
- third party personal financial information
- information that is held as part of court proceedings where the information has not been made public
- information that could affect national security
- legal advice given to the Trust

Where confidential or privileged information is inappropriately disclosed, you may be subject to disciplinary action in accordance with the Disciplinary Procedure.

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

4. **HOW THE TRUST WILL RESPOND**

4.1 The action taken by the Trust will depend upon the nature of the concern that is raised.

4.2 In most instances, it is expected that in order to protect individuals and the Trust, initial enquiries will be made to decide whether a formal investigation is required and, if so, what form this investigation will take. At this stage, the person dealing with the initial whistleblowing disclosure, in consultation with the CEO where deemed appropriate, will then take the decision to:

- Complete the investigation internally using an independent and impartial governor or senior leader.

They will also determine the terms of reference for the investigation; or

- Refer the matter to an external body for them to investigate;
- Refer the matter to the Trust's external Auditor; or
- Refer the matter directly to the Police; or
- Organise an independent inquiry; or
- Refer the matter for consideration under any other existing Trust procedure as may be appropriate in the circumstances; or
- Take no further action

If the disclosure has been made directly to the CEO (s)he will take the decision set out above, unless (s)he considers that it should be referred to the Monitoring Officer.

4.3 The Trust would also wish to point out that some concerns about wrongdoing may be resolved by agreed action without the need for further investigation.

4.4 Within **10** working days, or if this is not possible as soon as reasonably practicable, on receipt of your concern about wrongdoing, the Trust will write to you, at your contact address, with the following information:

- An acknowledgement that your concern has been received;
- An indication of what happens next;

And when practically possible

- An estimate of how long it will take to provide you with a final response and why it
- will take this long;
- If applicable, an explanation as to why it may not be appropriate to carry out a formal investigation.

4.5 The amount of contact between you and the Investigating Officer will depend on the nature of the concern about wrongdoing you have raised, the potential difficulties involved and the clarity of the information provided. If it is necessary to seek further information from you, a meeting will be arranged with you, at which you will have the right, if you wish, to be accompanied by your Trade Union representative or work colleague who is not involved in the area of work to which the concern about wrongdoing relates or another advisory body such as the citizens advice bureau. At your request, any meeting may be held away from your workplace and / or outside working hours if appropriate.

4.6 The Trust will attempt to resolve the matter within **20** working days, or if this is not possible as soon as reasonably practicable, of your concern being raised. If the matter cannot be resolved within this time scale, the Trust will keep you regularly informed of how the concern you raised is being dealt with.

4.7 The Trust accepts that employees raising a concern about wrongdoing need to be assured that the matter has been properly addressed. Consequently, subject to legal constraints, the person raising the concern will be notified of the outcome of any investigation.

4.8 The outcomes of all formal Whistleblowing investigations will be reported to the Finance, Audit and Risk committee by the CEO who will ensure a record of all Whistleblowing cases are collated.

4.9 It is recognised that instances may arise where a concern has been raised but not proven, that results in the whistleblower and accused person resuming a working relationship together. This in turn may give rise to concerns of potential victimisation or harassment.

4.10 The Trust recognises that the decision to raise a concern about wrongdoing can be a difficult one to make. The Trust will not tolerate harassment or victimisation as a result of you raising a concern and will take action to protect you when your disclosure was made in good faith and you had a reasonable belief that the information disclosed tended to show the wrongdoing.

4.11 If you feel that you have suffered harassment, either directly or indirectly, as a result of raising a concern under this policy, you should refer to the Harassment and Bullying at Work Procedure.

4.12 Equally, if you feel that the allegation has not been appropriately investigated, then employees have a right of appeal. This must be raised with the Chief Executive Officer or, Chair of the Board of Trustees if the matter relates to the CEO within 20 days of the original decision being made.

5. IMPLEMENTATION OF THIS POLICY

5.1 All Directors, Headteachers, Governors, and Senior Leaders within the Trust are responsible for ensuring that all employees are made aware of this Policy.

5.2 A comprehensive training programme will be established by the Trust.

The Whistleblowing Policy will be reviewed periodically taking account of all incidents of whistleblowing to ensure that it continues to uphold the highest standards of conduct and openness.

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

ANNEX 1 **PROTECTED DISCLOSURE GUIDANCE**

The Six Categories of Wrongdoing – Requirements for Raising a Concern

• **Crime**
You must have a reasonable belief that your concern tends to show that a criminal offence has been committed, is being committed or is likely to be committed.

• **Failure to Comply with Legal Obligations**
You must have a reasonable belief that your concern tends to show that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject. The legal obligation must exist - it is not enough that you merely think the legal obligation exists.

• **Miscarriage of Justice**
You must have a reasonable belief that your concern tends to show that a miscarriage of justice has occurred, is occurring or is likely to occur.

• **Risks to Health & Safety**
You must have a reasonable belief that your concern tends to show that the health and safety of any individual has been, is being or is likely to be endangered.

• **Damage to the Environment**
You must have a reasonable belief that your concern tends to show that the environment has been, is being or is likely to be damaged.

• **Covering up any of the above**
You must have a reasonable belief that your concern tends to show that information tending to show any of the above has been is being or is likely to be deliberately concealed.

Notes:-

If by raising your concern, you commit an offence, this will not be a protected disclosure.

If you raise a concern in the course of obtaining legal advice and a claim of legal professional privilege could be maintained in legal proceedings, this will not be a protected disclosure.

You must raise your concern in good faith and have a reasonable belief that your concern is substantially true. You must not raise your concern for personal gain.

You must raise your concern in accordance with this policy.

ANNEX 2 LIST OF PRESCRIBED PERSONS

The following is an extract from the full list of Prescribed Persons containing the external organisations relevant to raising concerns into wrongdoing within the Trust.

The Charity Commissioners for England and Wales

Matters in respect of which the person is prescribed: The proper administration of charities and of funds given or held for charitable purposes.

Contact:

Charity Commission
Liverpool Head of Operations
2nd Floor
20 Kings Parade
Queens Dock
Liverpool
L3 4DQ
Tel: 0870 3330123
Fax: 0151 703 1556

Chief Executive of the Criminal Cases Review Commission

Matters in respect of which the person is prescribed: Actual or potential miscarriages of justice (The Commission has responsibility for these matters in respect of England, Wales and
Northern Ireland).

Contact:

Criminal Cases Review Commission
5 St Philip's Place
Birmingham
B3 2PW

DX: 715466 Birmingham 41
Tel: 0121 233 1473
Fax: 0121 232 0899

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

OFSTED

Matters in respect of which the person is prescribed: To inspect and regulate care for children and young people, and inspect education and training for learners of all ages.

Contact

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

T: 0300 123 1231
E: enquiries@ofsted.gov.uk
W: www.ofsted.gov.uk

The Commissioners for Her Majesty's Revenue and Customs

Matters in respect of which the person is prescribed: Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods. Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax,
stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.

Contact:

Her Majesty's Revenue and Customs
Cross Cutting Policy
Room 1E/04
1 Parliament Street
London
SW1A 2BQ
Tel: freephone 0900 595000
Fax: free fax 0800 523 0506
Email: customs.confidential@hmrc.gov.uk

Comptroller and Auditor General of the National Audit Office

Matters in respect of which the person is prescribed: The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services

Contact:

The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road

Victoria
London
SW1W 9SP
Tel: 020 7798 7000

Last reviewed on:	24/11/2022
Next review due by:	23/11/2024

The Director of the Serious Fraud Office

Matters in respect of which the person is prescribed: Serious or complex fraud

Contact:

The Director of the Serious Fraud Office
Elm House
10-16 Elm Street
London
WC1X 0BJ
Tel: 020 7239 7272
Fax: 020 7837 1689

The Environment Agency

Matters in respect of which the person is prescribed: Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout

Contact:

Environment Agency Head Office
Horizon House
Deanery Road
Bristol
BS1 5AH
United Kingdom

Food Standards Agency

Matters in respect of which the person is prescribed: Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.

Contact:

Personnel and Establishments Division
Food Standards Agency
Room 111C
Aviation House
125 Kingsway
London
WC2B 6NH
Tel: 020 7276 8120
Fax: 020 7276 8132

Financial Services Authority

Matters in respect of which the person is prescribed: The carrying on of investment business or of insurance business. The operation of banks and building societies, deposit-taking businesses and wholesale money market regimes. The operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies and industrial and provident societies. The functioning of financial markets, investment exchanges and clearing houses. Money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority.

Contact:

Director, Authorisation
Financial Conduct Authority
25 The North Colonnade
Canary Wharf
London
E14 5HS
Tel: 020 7676 4646
Fax: 020 7676 9727

Health and Safety Executive

Matters in respect of which the person is prescribed: Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Contact

Health and Safety Executive
Redgrave Court
Merton Road
Bootle
Merseyside L20 7HS

Local authorities
(The local authority which under section 18 of the Health and Safety at Work etc Act 1974 is
responsible for the enforcement of the relevant statutory provisions)

Matters in respect of which the person is prescribed: Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Contact
The appropriate local authority

Information Commissioner

Matters in respect of which the person is prescribed: Compliance with the requirements of legislation relating to data protection and to freedom of information*
(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)
(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold)

Contact

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545700
Fax: 01625 524510
Email: mail@ico.gsi.gov.uk

The Pensions Regulator

Matters in respect of which the person is prescribed: Matters relating to occupational pension schemes and other private pension arrangements

Contact

The Pensions Regulator
Napier House
Trafalgar Place

Brighton
BN1 4DW
Tel: 0870 6063636
Textphone: 0870 2433123
Fax: 0870 2411144
E-mail: customersupport@thepensionsregulator.gsi.gov.uk
Website: www.thepensionsregulator.gov.uk

The Office of Communications

Matters in respect of which the person is prescribed: the provision of electronic communications networks and the use of the electro-magnetic spectrum, broadcasting and the provision of radio and television services, media ownership and control and competition in communications markets

Contact

Chairman
The Office of Communications
Riverside House
2a Southwark Bridge Road
London
SE1 9HA
Tel: 020 7981 3000
Fax: 020 7981 3333

Office of Fair Trading

Matters in respect of which the person is prescribed: Matters concerning the sale of goods or the supply of services, which adversely affects the interests of consumers. Competition affecting markets in the United Kingdom

Contact

Office of Fair Trading
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX
Tel: 020 7211 8000
Fax: 020 7211 8800

HM Treasury

Matters in respect of which the person is prescribed: The carrying on of insurance business

Contact

HM Treasury
1 Horse Guards Road
Westminster
London
SW1A 2HQ

Tel: 0207 2705000

Secretary of State for Trade and Industry

Matters in respect of which the person is prescribed: Fraud and other misconduct in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing

Contact

Vetting Section
Companies Investigation Branch
Department of Trade and Industry
Kingsgate House
66-74 Victoria Street
London
SW1H 0WU
Tel: 020 7215 3120
Fax: 020 7215 3112

Consumer safety

Contact

Consumer Affairs Directorate
V418
Department of Trade and Industry
1 Victoria Street
London
SW1H 0ET
Tel: 020 7215 5496
Fax: 020 7215 0339

Local authorities which have responsibility for enforcement of consumer protection Legislation

Matters in respect of which the person is prescribed: Compliance with the requirements of consumer protection legislation

Contact

The appropriate local authority

Local authorities which are responsible for the enforcement of food standards

Matters in respect of which the person is prescribed: Compliance with the requirements of food safety legislation

Contact

The appropriate local authority

ADVICE AND INFORMATION

Advisory, Conciliation and Arbitration Service (Acas)

Acas operates a nationwide network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge. Any worker who contacts Acas will
wish to bear in mind the distinction between seeking information about the provisions of the
Public Interest Disclosure Act 1998, and the requirements attached to making a protected Disclosure.

Public Concern at Work

This is an independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to employees unsure whether or how to raise a concern about workplace wrongdoing.