

ACES ACADEMIES TRUST

Aspiration Creativity Excellence Success



Policy Statement
on
Whistleblowing

Drawn up by:	HR & Administration Manager
Date:	
Revised:	Every 3 years (HR Committee)
Date adopted by Board:	November 2021

WHISTLEBLOWING POLICY AND PROCEDURE

This policy should be read in conjunction with the Trust Code of Conduct for All Adults.

1. Purpose

The purpose of this policy is to set out the Trust's policy and procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work (see paragraph 3). Allegations of child abuse against teachers and other staff and volunteers is to be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges.

2. Background

2.1 As employees are often the first to realise that there may be something wrong within a school, it is important they feel able to express their concerns without fear of harassment or victimisation otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (1998) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

2.2 The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and any other parties engaged by the Trust, with serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or alerting anyone external to the organisation. It is recognised that cases may have to proceed on a confidential basis.

2.3 This policy does not form part of any employee's contract of employment, and it may be amended at any time.

3. Aims and Scope of the Policy

3.1 This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course and receive feedback on any action taken.
- provide for matters to be dealt with quickly and appropriately and ensure that concerns are taken seriously.
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- allow employees to take the matter further if they are dissatisfied with the Trust's response.

3.2 This policy describes how any Trust employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g., anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

3.3 A whistle-blower is a person who raises a genuine concern relating to some aspect of the work of ACES and its schools. Some examples are given below but are not exhaustive. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a

whistleblowing concern) he/she should report it under this policy. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.

This may include:

- criminal activity.
- miscarriages of justice.
- Safeguarding & welfare matters (though there are other policies that deal with this area)
- danger to health and safety.
- damage to the environment.
- failure to comply with any legal or professional obligation or regulatory requirements.
- bribery.
- financial fraud or mismanagement.
- Negligence.
- breach of our internal policies and procedures.
- conduct likely to damage our reputation.
- unauthorised disclosure of confidential information.
- examination fraud.
- the deliberate concealment of any of the above matters.

3.4 Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees.
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern.
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.5 All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, directors, volunteers or the Local Authority.

3.6 This policy should not be used for complaints about an employee's personal circumstances, such as the way they have been treated at work. In these cases, an employee should use the Trust's Grievance Procedure (or anti-harassment and bullying policy as appropriate); if the matter relates to salary, the salary review procedures documented in the Trust's pay policy.

4. Safeguards

4.1 Harassment or Victimisation

4.1.1 The 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 alleged malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

4.1.2 This does not mean that, if an employee is already the subject of internal procedures such as disciplinary or redundancy, those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

4.2 Confidentiality

The Trust will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that, should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing their identity. Failure to provide such a statement may mean that further action cannot be taken by the Trust to address the concern and, in some circumstances, the Trust may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

4.3 Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Trust. In exercising discretion, the factors to be considered would include:

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

4.4 Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

4.5 Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate to both the employee(s) raising the concerns and the employee(s) subject to investigation.

5. How to raise a Concern

5.1 As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Headteacher/Principal or, if the Headteacher/Principal is involved, the CEO or Chair of the Board. Employees can by-pass the direct management line and the Trust if s/he feels the overall management of the Board is engaged in an improper course of action. In this case please refer to section 7 below.

5.2 Concerns are best raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the

concern is raised, the employee makes it clear that s/he is raising the issue via the whistleblowing procedure.

5.3 The earlier an employee expresses the concern, the easier it is to take action.

5.4 Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

5.5 In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

5.6 At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

6. The Role of Senior Leaders

A senior leader may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone.

The Senior Leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

6.1 Stage One:

At the initial meeting the Senior Leader should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistleblowing Policy.

The Senior Leader should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unable to do this the Senior Leader will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The Senior Leader should make notes of the discussions with the employee. The employee's letter and/or Senior Leader's notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Leader should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Senior Leader should follow the policy as set out above and explain to the employee:

- what steps s/he intends to take to address the concern.
- how s/he will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result.
- that a written response will be sent out within ten working days.
- that their identity will be protected as far as possible but, should the investigation into the concern require the employee to be named as the source of the information, this

will be discussed with the employee before their name is disclosed.

- that the Trust will do all that it can to protect the employee from discrimination and/or victimisation.
- that the matter will be taken seriously and investigated immediately.
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

The Senior Leader should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them.
- the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

6.2 Stage Two:

Following the initial meeting with the employee, the Senior Leader should consult with the CEO/Headteacher or Chair of the Board to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

With an anonymous allegation it may be necessary to consider whether it is possible to take any further action. When making this decision, Senior Leaders should take the following factors into account:

- the seriousness of the issue(s) raised.
- the credibility of the concern(s).
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. Where an allegation is reviewed and concluded to be a "Low Level Concern" it will be addressed in accordance with Keeping Children Safe in Education, Part 4, and the Trust Procedure for Dealing with Allegations of Abuse Against Teachers and Other Staff and Volunteers.

However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally.
- be referred to the police.
- be referred to the external auditor.
- form the subject of an independent inquiry.

In cases of safeguarding, Senior Leaders should note that:

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Senior Leaders should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the Trust's personnel advisors.

6.3 Stage Three:

Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- acknowledging that the concern has been received.
- indicating how they propose to deal with the matter.
- giving an estimate of how long it will take to provide a final response.
- telling the employee whether any initial enquiries have been made.
- telling the employee whether further investigations will take place, and if not, why not.
- letting the employee know when s/he will receive further details if the situation is not yet resolved.
- the employee with details of whom to contact should s/he be dissatisfied with this response.

7. Raising Concerns outside the Trust

The aim of this policy is to provide an **internal** mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Trust's response, the manager should ensure that s/he is made aware with whom s/he may raise the matter externally:

- Protect
Tel no: 0203 117 2520*.
- a recognised trade union.
- a senior LA officer.
- the external LA auditor.
- relevant professional bodies or regulatory organisations.
- a solicitor.

The manager should stress to the employee that if s/he chooses to raise a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

**Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

Concerns about safeguarding practices can also be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email help@nspcc.org.uk.

8. Monitoring and Review

The CEO will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Trust as necessary.