



## **WHISTLEBLOWING POLICY DOCUMENT**

**February 2018**

# WHISTLEBLOWING POLICY

## 1.0 Introduction

This policy applies to the Aspire Schools Trust (herein after known as the “Trust” or “AST”). People who work for or on behalf of the Trust are often the first to realise that there may be something seriously wrong within the Trust. They may not, however, 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.

- 1.1 AST is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, the Trust will encourage those people with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. In return the Trust will provide a structure which is safe and acceptable, recognising that certain cases will have to proceed on a confidential basis.
- 1.2 AST's Trust Board places the responsibility for advising on the development of the Trust's Whistleblowing Policy with the Senior Leadership Team - thus, demonstrating commitment to the policy at the highest level.
- 1.3 This Whistleblowing Policy has been agreed to maintain and improve standards across the Trust as a corporate organisation through the modernising agenda for Local Government. It is an overarching document for other procedures on complaints, grievances and standards across the Trust.
- 1.4 This policy document is intended to encourage and enable anyone who works for or on behalf of the Trust e.g. a contractor or agency workers to raise serious concerns within the Trust rather than overlooking a problem and to make it clear that reporting will happen without fear of reprisal.
- 1.5 This policy provides for the following stakeholders to raise concerns arising from reasonable suspicion of malpractice within or relating to the Trust:  
  
Employees, Trust governors, members, partners and those contractors working for the Trust on Trust premises, eg. agency staff, builders, and drivers.
- 1.7 AST encourages its partners and contractors to operate within their own ethical framework, which would be expected to be comparable to that of the Trust. This policy does not form part of an employee's contract of employment and it may be amended at any time.

## 2.0 Aims and scope of this policy

### This policy aims to:

- encourage employees to feel confident in reporting suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- provide avenues for employees to raise concerns and receive feedback on any action taken;
- allow employees to take the matter further if you are dissatisfied with the Trust's response; and

- reassure employees that the Trust will seek to protect them from reprisals, or victimisation for raising concerns in good faith, even if they turn out to be mistaken.

**Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Examples of issues that might be raised could include, but are not limited to, the following:**

- any unlawful act, whether criminal or a breach of civil law;
- miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- failure to comply with any financial or legal obligation or regulatory requirements;
- bribery;
- the unauthorised use of public funds;
- loss of income to the Trust;
- suspected fraud, corruption or dishonesty;
- unethical conduct and/or any failure to comply with appropriate professional standards;
- abuse of power, or the use of the trust's powers and authority for any unauthorised or ulterior purpose;
- discrimination in employment or the provision of education;
- the deliberate concealment of any of the above matters, or any other matter that staff consider they cannot raise by any other procedure.

**Or it may be something that:**

- makes you feel uncomfortable in terms of known standards;
- is against the Trust's policies or procedures;
- is unlawful;
- amounts to improper conduct.

- 2.1 A whistleblower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities, you should report it under this policy.
- 2.2 This policy will come into immediate effect regardless of the date when any reported incident occurred.
- 2.3 This policy is not intended to replace other established policies. The two key policies which interrelate to the Whistleblowing policy are the grievance and conduct procedures.
- 2.4 The grievance procedure enables concerns to be raised by employees about their work, working environment or working relationships. Some common areas that may give rise to a grievance involve terms and conditions of employment, relationships at work (including any type of harassment and bullying), new working practices, organisational change and fair treatment.

## 2.5 Harassment is:

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

Details of these policies and how to apply them are in the trust's policies file and should be used in cases such as those described above.

## **SAFEGUARDS**

### **3.0 Harassment or Victimisation**

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 malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect you if you raise a concern in good faith.

3.1 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy or contract procedures that may already affect you.

### **4.0 Employee Support and Counselling**

AST will help the employee to find a trained counsellor, who can offer discreet, confidential, and non-judgmental support and counselling to any employee.

### **5.0 Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At an appropriate time however you may need to come forward as a witness and this will be fully discussed with you. In very exceptional circumstances, for instance where life is threatened or ongoing child abuse is disclosed, appropriate disclosure will be made to the regulatory authorities.

### **6.0 Anonymous Allegations**

This policy encourages you to put your name to your allegation, as concerns expressed anonymously can be less powerful. However, the absence of a name will not prevent an investigation taking place into the concern. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to follow up the allegation or obtain more details.

### **7.0 Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations or are motivated by personal gain, disciplinary action may be taken against you.

## **8.0 Raising a Whistleblowing concern**

As a first step, you should normally raise concerns with your immediate manager or supervisor. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Whistleblowing Officer, who is Mr Mark Guest (CEO).

- 8.1 The person the staff member chooses to approach depends, however, on the nature, seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example if you believe that senior management is involved, you should approach the AST Trust Board, or where there is a belief that resources have been misused contact the Senior Leadership Team.
- 8.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. The earlier you express the concern, the easier it is to take action.
- 8.3 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 8.4 You may invite your trade union to raise a matter on your behalf.
- 8.5 If you feel you need to take advice before raising the concern you may contact the independent charity, Public Concern at Work. They provide free confidential legal advice on whistleblowing matters.

The ESFA may also handle financial and non-financial whistleblowing complaints in open academies where the complainant does not wish to contact the academy first, although complainants will be encouraged to do so. Complainants will also be encouraged to submit the complaint confidentially rather than anonymously, as anonymity can hinder the ESFA's ability to progress the complaint.

## **9.0 How will the Trust respond**

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

- investigated internally by management or the AST Trust Board through the investigation process;
  - referred to the Police;
  - referred to an external auditor;
  - the subject of an independent inquiry.
- 9.1 In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example child protection or discrimination issues), will normally be referred for consideration under those procedures.
  - 9.2 Some concerns may be resolved by agreed action without the need for investigation.

- 9.3 Within ten working days of a concern being received, the Trust will contact you, ideally in writing:
- acknowledging that the concern has been received;
  - indicating how it proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling you whether any initial enquiries have been made;
  - telling you whether further investigations will take place. (If not, the Trust will outline why not);
  - giving you details of support mechanisms.
- 9.4 The amount of contact between the managers considering the issues and you, 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 from you.
- 9.5 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union representative or a friend who is not involved in the area of work to which the concern relates. Any companion must respect the confidentiality of a staff member's disclosure and any subsequent investigation.
- 9.6 The Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the trust will advise you about the procedure.
- 9.7 The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations. If you are not satisfied with the outcome of the investigation then based on the detail of the concern you will be advised of further channels that you can use to raise your concern – usually an appeal to the Trust Board Appeals Committee, or an external panel if the Trust Board heard the initial complaint.
- 9.8 Where a case is investigated the detailed course of action will be determined by the Trust Board, as appropriate in line with the steps set out above. They will decide whether to publish any details of the concern and any action plan. If details are published they will discuss this with you and seek to address any concerns you have about anonymity.
- 9.9 In the case of allegations against the CEO or other SLT members in any school, the initial course of action will be determined by the Trust Board.

## **10.0 The Responsible Officer**

The CEO has overall responsibility for the maintenance and review of this policy and for providing regular reports to the Trust Board. The Trust's Chief Financial Officer will keep a record of concerns raised, action taken (eg nature of onward referral) and outcomes (in a form which does not endanger your confidentiality)

## 11.0 External Disclosures

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

11.1 The law recognises that in some circumstances it may be appropriate for the employee to report any concerns to an external body. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

**Ratified by Governors:**     *date*

**Review Date:**             *date*