



Whistleblowing Policy

Policy

This policy has been introduced to enable employees, and other persons working for the Trust on School or Trust premises, together with suppliers and those providing services under a contract with the Trust, to confidentially voice serious concerns over malpractice and wrong doing within the Trust.

1. Introduction

Ad Astra Academy Trust is committed to ensuring that all its activities are lawful and that the highest possible standards are observed. A number of rules, regulations and procedures exist which are intended to promote high standards and to investigate and rectify any shortcomings.

The 2017 Academies Financial Handbook states within clause 2.3.7 '*Academy Trusts must have appropriate procedures in place for whistleblowing, including making sure all staff are aware to whom they can report their concerns, and the way in which such concerns will be managed.*'

Employees are often the first to realise when something is wrong within an Academy Trust but may not always voice their concerns. This might be because they fear reprisals or harassment or because they think speaking up is disloyal to colleagues.

This procedure provides a way in which concerns about malpractice or wrongdoing may be raised and investigated when other procedures are not sufficient or are inappropriate. It is intended to encourage employees to raise serious concerns and to protect them from any form of reprisal.

This policy applies to all employees of the Academy Trust. This includes permanent, fixed term and temporary staff. It also covers agency personnel and staff seconded to a third party. Any concerns relating to the third party, if relevant to the individual's secondment, can also be raised under this procedure. It also covers suppliers and those providing services under a contract with the Trust.

Contractors working for the School/Trust may also use the provisions of these procedures to make the School/Trust aware of any concerns that the Contractor's staff may have with regard to any contractual or other arrangement with the Trust.

The Public Interest Disclosure Act 1998 protects workers who 'Blow the Whistle' about wrongdoing. It makes provision about the kind of disclosures, which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the Act protect most workers from being subject to detriment from their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

The Whistleblowing policy exists to help individuals raise concerns over any wrongdoing within the Trust relating to unlawful conduct, financial malpractice, or dangers to the public or the environment. It does not apply where employees are aggrieved about their own personal position, in such instances the Trusts grievance procedure applies.

2. Aims of the Whistle Blowing Policy

The policy aims to:

Encourage employees to feel confident in raising serious and to question and act upon their concerns.

Provide ways for employees to raise those concerns and get feedback on any action as a result.

Ensure that employees get a response to their concerns and that they are aware of how to pursue them if they know what to do if they are not satisfied with any actions.

Reassure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

This policy does not replace the Trusts complaints procedure. There are also existing procedures in place relation to Disciplinary, Grievance and Capability etc. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of these procedures e.g. malpractice or wrongdoing.

Thus any serious concerns that the complainant may have regarding the suspicion of malpractice or wrongdoing in any aspect of the Trust provision, or the conduct of staff within the Trust, or others acting on behalf of the School/ Trust, can and should be reported under this policy. Employees are expected to report malpractice and wrongdoing. They may be liable to disciplinary action if they knowingly and deliberately do not disclose information relating to malpractice or wrong doing in any aspect of the Trust's provision or the conduct of staff or others acting on behalf of the School/Trust.

3. Existing Procedures

The Trusts grievance procedure exists for employees to raise complaints about their employment. Copies of this are available for all employees.

The Grievance Procedure exists to enable an employee to lodge a grievance relating to his/her own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. This includes:

- Conduct which is an offence or breach of the law
- Disclosures related to miscarriages of justice
- Serious health and safety risks, including risks to the public as well as other employees
- Serious damage to the environment
- The unauthorised use of public funds

- Unethical Conduct

Any serious concerns that an employee may have about any aspect of conduct by employees of the School /Trust or others acting on behalf of the School/Trust may be reported under this policy. This policy does not replace the Trust's complaints procedure.

4. What is Malpractice or Wrongdoing?

Employees are encouraged, and expected, to report malpractice or wrongdoing and could in certain circumstances be subject to disciplinary action if they know of this and do not report it. Malpractice or wrongdoing might include any of the following. This is not a comprehensive list but gives examples of the sorts of things which could be raised, under the procedures listed in Section 3, where appropriate, or under this procedure:-

- Unlawful acts or omissions, acts which are criminal or in breach of civil law or statutory duty
- Failure to comply with appropriate professional or other established standards
- Corruption or fraud
- Actions which are likely to cause physical danger to any person
- Failure to take reasonable steps to report and rectify any situation which is likely to cause a significant avoidable cost, or loss of income, to the School/Trust or would otherwise seriously prejudice the School/Trust
- Failure to draw relevant matters to the attention of Trustees, Governors or superior officers, or failure to comment appropriately on matters within an employee's responsibilities which might significantly affect an action or decision of, or on behalf of, the School/Trust
- Abuse of power, or the use of the Trusts powers and authority for any unauthorised or ulterior purpose
- Unfair discrimination in the Trust's employment or services
- Action against the Trust's Policies
- Action that is not in accordance with established standards of practice
- Action that amounts to improper conduct by an employee
- Other unethical conduct.

5. Safeguards against harassment or victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make. If what the employee is saying is true, or they have a reason to believe that it is true, the employee will have nothing to fear because they will be doing their duty to the School/Trust and pupils of the Trust.

The Trust will not tolerate any harassment or victimisation, including informal pressure, and will take appropriate action to protect employees when concerns are raised in good faith.

Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect an employee.

Anonymous allegations are necessarily difficult to investigate and, for that reason, cannot always be given the same consideration as attributed allegations. In considering whether any action is to be taken the seriousness and credibility of the allegations will be taken into account as will the feasibility of investigating them and the reason(s) for anonymity being requested.

6. Confidentiality

It is much easier to investigate concerns when those raising them are willing for their names to be disclosed if necessary in the investigation. However if employees specifically ask for their names not to be disclosed then this will be respected subject only to any requirement to disclose having the force of law. This may, in some situations impede the investigation. If the only evidence of wrongdoing or malpractice is that of the complainant as an eyewitness of the complainant then he/she will usually need to be prepared to make a statement.

7. How to raise a concern

If an employee suspects wrongdoing in the workplace:

- **They must not** approach or accuse the individuals directly
- **They must not** try to investigate the matter themselves
- **They must not** convey their suspicions to anyone other than those with the proper authority but **they must do** something

In most circumstances the employee should raise concerns with the Headteacher or Chair of the Governing Body. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if the employee believes that senior management is involved, the employee should approach the CEO of the Trust.

Concerns may be raised verbally or in writing. A whistle-blower raising the concern verbally will normally be expected to substantiate their concerns in writing unless there are circumstances deeming this inappropriate.

The whistle-blower can be accompanied by a trade union rep or a colleague, who is not involved in the area of work which the concerns relates, at meetings subsequently held to formally discuss and investigate the disclosures made.

It is helpful for the following information to be provided:

- The background and history of the concern (giving relevant names and dates)
- The reason why the employee is particularly concerned about the situation

The earlier the employee expresses the concerns, the easier it will be to take action.

In order to protect individuals and the School/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 capability issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Although the employee is not expected to prove beyond reasonable doubt the truth of an allegation, the employee should demonstrate to the person contacted that there are reasonable grounds for the concern.

Upon investigation the matter will be subject to one of the following actions:

- Investigation by CEO
- Investigation by another officer of the Trust as appropriate
- Referral to the Police
- Referral to the External Auditor
- Need to be subject of a referral to the National College for Teaching and Learning (NCTL)
- Need to be the subject of a referral to the Disclosure and Barring Service (DBS)
- Referral for independent enquiry
- Referral for consideration under another HR procedure (disciplinary, grievance, etc.)
- Any combination of the above

The decision will be based upon the information provided, and an interview with the employee raising the concern (off site if necessary) if appropriate. In respect of a written report, or a verbal report accepted by the CEO, the CEO will advise the employee in writing within 10 days of what is to happen, information will include:

- An acknowledgement that the concern has been received
- An indication of how long the Trust proposes to deal with the matter
- Providing an estimate of how long it will take to provide a final response
- An indication of any initial enquires that have been made
- An indication of whether further investigation will take place and if not, then reasoning for this

Where a whistle-blower is unwilling to identify themselves, the person receiving the complaint about malpractice should log the incident and consult the CEO, or seek advice from the Trusts HR & Governance Manager to consider whether any investigation should be undertaken.

If urgent action is required this will be taken before any investigation is conducted.

The School/Trust will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example, if they are required to give evidence in criminal or disciplinary proceedings the School/Trust will advise them about the procedure.

The School/Trust accepts that the complainant needs to be assured that the matter has been properly addressed. Therefore, subject to any legal restraints, the complainant will receive as much information as possible about the outcomes of any investigation.

8. Links to other procedures

Unproven Allegations

If an employee makes an allegation in good faith and this is not confirmed in the investigation no action will be taken against him/her. The School/Trust will also try to minimise any negative effects of an allegation being investigated and not confirmed.

Deliberately False Allegations

The School/Trust will take disciplinary action against any employee deliberately making allegations they know to be false or unfounded, whether frivolously or maliciously. Action will also be taken against any employee inventing or otherwise falsifying facts in order to make a complaint.

Other Procedures

If a matter is raised under the Whistle-Blowing procedure which could more appropriately be dealt with under another procedure the CEO will consult the appropriate senior officer who would operate the other procedure and, if this is agreed, refer the matter on, advising the complainant accordingly.

9. How the matter can be taken further

This policy is intended to provide employees and other persons with an avenue to raise concerns within the School and/or Trust and it is hoped that they will take this option in the first instance. The School/Trust hopes they will be satisfied but if not, they may raise their concerns direct to the Trusts Board of Trustees. If the employee wishes to take the matter outside of the organisation then following the below link, details the various bodies to do so. In addition to the below the employee could also blow the whistle to their legal advisor and local MP.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

If the employee chooses to take the matter outside of the Trust then the employee should ensure that they do not disclose confidential information. In addition, if the complainant wishes to secure the protections afforded by the Public Interest Disclosure Act, they must

ensure that their disclosure is protected within the meaning of the Act and that it complies with a set of specific conditions which vary according to whom the disclosure is made. An employee should not take concerns directly to the media, in most cases this will mean the whistle-blower will lose their whistleblowing law rights.

If necessary the complainant may wish to seek advice from the HR & Governance Manager or their Trade Union or Professional Association.

In the case of an issue where an individual does not feel comfortable raising concerns within a School, officers have been nominated for the purpose of dealing with concerns raised under this policy.

The Nominated Officer is currently as follows:

Head of Operations

10. Records of Complaints

The CEO of the Trust will be responsible for maintaining records of concern raised and of outcomes. Records will be kept in a form, which does not compromise confidentiality.

11. Responsibility for this Policy

The responsibility for the effectiveness and efficiency of this policy rests with the Trust. The Trust will be advised about and maintain records of concerns raised and the outcome (but in a form which does not endanger the complainants confidentiality).

12. Review of this policy

The Board of Trustees through its HR Sub-Committee will review this policy every 2 years.

It may however review this policy earlier than this if the government produces new regulations, or if it receives recommendations on how this policy might be improved.