Aspire Academy Trust

(CAPH Model Policy)

Whistleblowing Policy

Approved December – 2017

Key Information:

- This policy was developed and adopted on: January 2018
- The policy will be reviewed on: December 2019
- The designated member of staff for Whistleblowing is: Head of School/Senior Head of School
- The Whistleblowing Directors are: Sally Olford – Rachel Warwick – Andrew Earnshaw
- Aspire Trustee with responsibility for Whistleblowing: Michael Larson
- External contact for Whistleblowing: Steve Burgess – Neo People Management

This policy is based on the template sent to academies by CAPH (Cornwall Association of Primary Heads) in September 2017. It was written on behalf of CAPH by Helen Trelease (Independent Safeguarding Trainer and Advisor). **Revision date September 2019.**

Local Authority and useful contact details and further information are contained within Appendix 1

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Key Documents:

This is an overarching policy it has been developed within the following legislative and policy framework:

'Working Together to Safeguard Children' (2013) pending revisions for 2015, which is statutory guidance to be read and followed by all those providing services for children and families, including those in education. The guidance is available via the following link: http://www.workingtogetheronline.co.uk/index.html

"Keeping Children Safe in Education" (Sept 2016), which is the statutory guidance for Academys and Colleges. The guidance is available via the following link: https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

Additional information which has been considered from:-

Cornwall Council Whistle Blowing Policy Approved July 2015 (date of review 2018)

Whistleblowing Procedure for maintained academies Guidance – Department of Education (Published August 2014)

Derbyshire County Council Exemplar Whistleblowing Policy (October 2016).

Andrew Hall Specialist Safeguarding Consultant (guidance on Whistleblowing policy)

Five Rivers Multi Academy Trust – Policy on Whistleblowing 2016

Introduction:

Every academy* should have a Whistleblowing Policy that protects staff members who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties. This policy is a key part of 'Keeping Children Safe in Education' and should be considered in conjunction with our Child Protection and Safeguarding Policy and other relevant safeguarding policies e.g. Confidentiality, Health and Safety and Code of Conduct.

Board of Trustees of academies* are responsible for agreeing the academy's Whistleblowing Policy. Keeping Children Safe in Education (2016) Part 1 Paragraphs 32 -34 reinforces this, and Working Together to Safeguard Children (2015) Chapter 2, paragraph 4 says that 'organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including';

'clear whistleblowing procedures, which reflect the principles in Sir Robert Francis's Freedom to Speak Up review'. (www.freedomtospeakup.org.uk)

**Since Working Together (2015) and Keeping Children Safe in Education (KCSIE) applies to all academys, this means all academys must have a whistle blowing policy.*

Purpose:

Employees are often the first to realise that there may be evidence of malpractice within the academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the academy. They may also fear harassment or victimisation.

In line with the academy's commitment to high standards of openness, integrity and accountability, the academy, expects employees who have a reasonable belief that malpractice is taking place within the academy to come forward and voice those concerns internally. This may be an awareness of suspected irregularity, wrong doing or a failure of standards. This policy provides the means for employees to make such disclosures.

It is in the interests of all parties that disclosures are dealt with properly, quickly and discreetly. The overriding consideration for the Academy and the employee is that it would be in the public interest for any malpractice found to be corrected and, where appropriate, sanctions applied.

The policy provides employees with a procedure to make disclosures of irregularity or wrongdoing without fear of adverse treatment as a result. The Academy will not tolerate any harassment or victimisation of employees making disclosures (including informal pressures) and will take action to protect employees when they make a disclosure in good faith.

The policy addresses major concerns that fall outside the scope of other procedures and where the interests of others or of the Academy are at risk. It has been developed within the following legislative and policy framework:

It takes into account the requirements of the Public Interest Disclosure Act 1998.

It is complementary to the Academy's Code of Conduct which makes clear the standards of propriety and good practice expected of employees.

It is complementary to the Academy's Discipline, Grievance and Harassment Procedures. Together they form a framework which allows employees to be disciplined, to seek personal redress, to raise personal complaint and to disclose malpractice where appropriate.

The policy is in addition to the Academy's complaints procedures and other reporting procedures, for example child protection procedures.

Scope:

This code applies to all staff* in the academy. It is also applicable to:

- Contractors working for the Academy on academy premises, for example, agency staff, builders, drivers.
- Suppliers and those providing services under a contract with the Academy in their own premises.

*Staff' - *for the purposes of this document staff refers to all those involved with the academy on a paid or unpaid basis including volunteers, hub councillors, supply staff, non-teaching staff, students*

Context:

Whistleblowing is the term used when a member of staff reports suspected 'wrong doing' at work. 'Wrong doing' covered by this policy includes:

- Causing a risk/ danger to children, young people and vulnerable adults
- Damage to staff, the public or the environment
- A criminal offence
- Unlawful conduct
- Financial malpractice
- Contravening the Board of Trustees policies or the academy's code of conduct
- Deliberate concealment of any of the above

Where staff have concerns they should aim to report it internally first before using an external 'prescribed person or body'. Making a report to an external person may only be taken where the staff member thinks the academy will cover it up, would treat them unfairly if they complained or have raised the matter before, but the concern was not dealt with.

It is important not to delay passing on any concerns.

Which concerns do not fall within the remit of the policy?

The whistleblowing policy is primarily concerned when the interests of other people or those of the academy are at risk. It only applies if you are raising a concern in public rather than your own individual interest.

If your concern is about your personal position in academy or the way you as an individual have been treated, please raise it through the Grievance Procedure. A copy of this is available in academy.

Our assurances to you:

Your safety:

The academy recognise that the decision to report a concern can be a difficult one to make and the academy, are fully committed to the assurances given in this policy. If you raise a genuine concern under the Whistleblowing policy, you will not be at risk of losing your job or suffering any form of reprisal as a result.

The Board of Trustees will not tolerate harassment, bullying or victimisation and will take action to protect you.

Confidentiality:

All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal your identity. However, you may need to come forward as a witness and you will be given every support from management at that time.

No code of confidentiality should prevent you from passing on any concerns that may impact on the safety and welfare of a child.

Anonymous Disclosures

You should put your name to your disclosure whenever possible. Disclosures made anonymously will still be considered at the discretion of the Academy. However, it is helpful to have your name in case further information is required.

In exercising its discretion, the Academy will take into account:

- the seriousness of the issues raised.
- the credibility of the disclosure.
- the likelihood of confirming what is alleged from attributable sources.

Untrue Disclosures

If you make a disclosure in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, your allegation is frivolous, malicious or for personal gain, you may be subject to disciplinary action.

What to do:

Procedures for making a disclosure:

As a first step, you should normally raise your concerns with your Headteacher. If you believe your Head of School is involved, you should approach your Whistleblowing Director or relevant person on the Trust Board – Michael Larson. Anna Corbett will also be available to support in an advisory role. You can also contact our external link – Steve Burgess. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to take action. You should provide:

- details of your concerns, including the nature, dates and location of any

relevant incidents.
- Reasons why you feel concerned about the situation.

Although you are not expected to prove beyond doubt the truth of an allegation you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. You may also discuss your concerns with your trade union representative on the staff of the academy.

- Complaints will be investigated by the Head of School unless the complaint is against the Head of School or is in any way linked to the actions of the Head of School. In such cases the concern should be passed to the Whistleblowing Director (or named designated person in the Trust).
- If you believe that the Head of School or Hub Councilor are involved you should contact the identified person with the Trust.
- If there is evidence of criminal activity, then the police will be informed.

Investigating Procedure:

- The investigating person will gather as much detailed written information as possible.
- They should inform the member of staff against who the complaint has been made as soon as is practicably possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing under the provision of these procedures.
    - Immediate advice should be sought from Neo People Management.
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- If the concerns are linked to safeguarding then the LADO will be contacted for guidance and advice. They will advise if a referral needs to be made via MARU.
- The Designated Whistleblowing lead will fully investigate with the assistance of other relevant bodies as appropriate.
- Once a judgement has been reached on the validity of the concern/allegation a written report will detail the findings of the investigation and the judgement.
- If the complaint is shown to be justified they will invoke the disciplinary or other relevant academy procedures.
- If the LADO is involved then the procedures for managing allegations against staff will be followed.
- The complainant should be kept informed of the progress of the investigations, and if appropriate the final outcome.
- In any meetings that have a connection to the whistleblowing concern the complainant has the right to be accompanied by their trade union representative or a colleague (providing they are not involved in the issue and would not be called as a witness).

Action taken by the academy:

- In order to protect individuals and those accused of malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle the academy will have in mind is the public interest. Disclosure for which there are other specific procedures e.g. child protection or discrimination issues and will normally be referred to for consideration under those procedures.

- Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will be taken before any action is conducted.

- Within 10 days of a concern being raised you will receive a response:
  A) Acknowledging that the concern has been received
  B) Telling you whether any initial enquiries have been made
  C) Indicating how the matter is going to be dealt with
  D) Giving an estimate of how long it will take to provide a final response
  E) Supplying with details of staff support mechanisms
  F) Telling you why if there is going to be no further action taken

- The academy will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the academy will arrange for you to receive advice about the procedure
- You will need to assure that the matter has been properly addressed. Therefore, subject to any legal constraints you will be informed of the outcomes of any investigation. You would be expected to keep this information confidential.

How the matter can be taken further:

This policy is intended to provide you with a route within academy to pass on your concerns /make a disclosure of malpractice. The academy hope is that you will be satisfied with the action they take. If however you are not satisfied and believe that your information has not been dealt with appropriately you can contact one of the following.

- Public Concern at Work
- NSPCC Whistleblowing helpline
- The External Auditor
- Your trade union
- Ofsted
- The Police
- Local Authority Designated Officer (LADO) (safeguarding concerns)
- Education Funding Agency.

If you do take the matter outside of the academy you should ensure that you do not disclose confidential information.

Contact details are in Appendix 1.

Appendix 1.

Useful Contact Details:

Sally Olford	sally.olford@aspireacademytrust.org	07736468738
Rachel Warwick	rachel.warwick@iaspire.net	07809701405
Andrew Earnshaw	andrew.earnshaw@mounthawke.org	07730139166
Steve Burgess	steve@neopeople.net	07767870438

Public Concern at Work: An independent charity whose lawyers are available to give you free confidential advice at any point in the process. Helpline: 020 7404 6609 or www.pcaw.org.uk/contact-us.

NSPCC Whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 08.00 am to 08.00 pm, Monday to Friday and email help@nspcc.org.uk

The External Auditor: academy specific, e.g. Trust Accountant

Your trade union

- National Union of Teachers (NUT) Tel: 0870 2407714
- National Association of Head Teachers Tel: 0300 3030333
- Unison Tel: 0114 2736307
- Unite: Tel: 0114 3210702
- Association of Academy and College Leaders (ASCL) Tel: 0116 2991 122
- Association of Teachers and Lecturers – The Education Union (ATL) Tel: 07748 351775
- The Teachers Union (NASUWT) Tel: 0114 2757015

Ofsted: Tel: 0300 123 4666 or www.ofsted.gov.uk

The Police: 999 or non-emergency 101

Local Authority Designated Officer LADO (safeguarding concerns) 01872 326536

Education Funding Agency: https://www.gov.uk/government/publications/complain-about-an-academy.

Further Information:

Freedom to Speak Report: www.freedomtospeak.org.uk

Academy complaints and whistleblowing: https://www.gov.uk/education/academy-complaints-and- whistleblowing

Whistleblowing for employees: www.gov.uk/whistleblowing.