

Whistleblowing policy



ADVANTAGE
S C H O O L S

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1. Purpose

- 1.1 To set out Advantage Schools policy and procedures for dealing with concerns raised by employees which relate to suspected wrongdoings or dangers at work. 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
- 1.2 This procedure shall apply to all employees of Advantage Schools.
- 1.3 The purpose of the procedure is to give a structure to employees who have serious concerns about an aspect of the Trust/school's functioning. (For the purpose of this document school refers to any school/academy which is part of Advantage Schools multi academy Trust)
- 1.4 The Trust delegates its authority in the manner set out in this procedure.

2. INTRODUCTION

- 2.1 Employees are often the first to realise that there may be something seriously wrong within the school/Trust. Normally, employees would be expected to raise any concerns initially with their Principal/Head of School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school/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.
- 2.2 All our schools and the Trust are committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the school/Trust's activities or those who work for the school/Trust, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis and the Public Interest Disclosure Act 1998 protects anyone who raises a concern. The Public Interest Disclosure Act of 1998 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.
- 2.3 This policy document makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the school/Trust rather than overlooking a problem or "blowing the whistle" outside.
- 2.4 The policy also applies to contractors working for the school/Trust or on school/Trust premises. It also covers suppliers and those providing services under a contract with the school/Trust.
- 2.5 If you would like to speak to someone informally about a concern, prior to raising an issue under the Whistleblowing Policy you may contact the Chief Financial & Operations Officer on 01234 332295 or 07458 641050
- 2.6 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 THIS POLICY

- 3.1 This policy aims to:
 - Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice

- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Provide for matters to be dealt with quickly and appropriately ensuring that concerns are taken seriously and treated consistently and fairly
- Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- Reassure employees that they will be protected by the School/Trust from possible reprisals or victimisation.

3.2 A whistle-blower is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) s/he should report it under this policy. Whistleblowing is the disclosure of information, which relates to suspected wrong doings or dangers at work. The Whistleblowing Policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within, the scope of other procedures. These may include:

- Conduct, which is an offence or a breach of the law. (criminal activity)
- Failure to comply with any legal or professional obligation or regulatory requirements
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of public funds;
- Bribery
- Possible fraud and corruption;
- Negligence
- Breach of our internal policies and procedures
- Conduct likely to damage our reputation
- Unauthorised disclosure of confidential information
- Public examination fraud
- Other unethical conduct.
- Deliberate covering up of information relating to the above

It should be noted, that this Policy is intended to assist employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or management decisions taken by the school/Trust, nor should it be used to consider any matters, which have already been, or are currently being addressed under other procedures such as Complaints procedure, Disciplinary and Grievance and Equality Policies.

3.3 Thus, any serious concerns that you have about any aspect of the school/Trust's provision or the conduct of colleagues/employees of the school/Trust or members of the Board or others acting on behalf of the school/Trust can be reported under the Whistleblowing Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the school/Trust subscribes to; or
- Is against the school/Trust's policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

3.4 This policy does not replace the Trust's Complaints Procedure.

3.5 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

4. SAFEGUARDS

4.1 HARASSMENT OR VICTIMISATION

- 4.1.1 The school/Trust is committed to good practice and high standards and wants to be supportive of employees.
- 4.1.2 The school/Trust recognises that the decision to report a concern can be a difficult one to make especially for staff who are new to the school/Trust. If what you are saying is true, or your suspicions are reasonable, you will have nothing to fear because you will be doing your duty to your employer and to those for whom you are providing a service. In fact, you may be making yourself vulnerable if you do not raise the alarm.
- 4.1.3 The school/Trust will not tolerate or allow any form of harassment, victimisation or discrimination (including informal pressures) and will take appropriate action to protect any employee who raises a concern. If there are, any intimidating threats or instances of harassment/victimisation/discrimination against a 'whistle-blower' the school/Trust will take appropriate disciplinary action against the individual(s) concerned.
- 4.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4.2. CONFIDENTIALITY

- 4.2.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal the employee's identity if they so wish. However, if the concerns require any further action and the employee may at some future date have to act as a witness and/or provide evidence and the employee is required to be named as the source of the information that will be discussed with the employee before their name is disclosed.

4.3. ANONYMOUS ALLEGATIONS

- 4.3.1 This policy encourages you to put your name to your allegation whenever possible. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible
- 4.3.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school/Trust.
- 4.3.3 In exercising this discretion the factors to be taken into account 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

- 4.4.1 If an employee makes an allegation where h/she has a genuine concern, 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 an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

4.5. UNFOUNDED ALLEGATIONS

4.5.1 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 Advantage Schools Trustees deems the matter to be concluded and that it should not be raised again unless new evidence becomes available

4.6. SUPPORT TO EMPLOYEES

4.6.1 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 concern and any 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 the Principal/Head of School. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee believes that the Principal/Head of School is involved, you should approach the Chief Finance and Operations Officer (CFOO), Director of Operations or Executive Principal of the Trust. An employee (including the Principal/Head of School and members of the leadership team) can bypass the direct management line and Advantage Schools Trustees if s/he feels that the overall management and Advantage Schools Trustees are engaged in an improper course of action. In this case please refer to section 7 below. The person to whom the employee discloses will be for the purpose of this document be called the senior manager
- 5.2 Concerns are better raised in writing and identify:
- The background and history of the concern, giving names dates and places where possible
 - The reason why s/he is particularly concerned about the situation
- 5.3 If an employee does not feel able to put the concern in writing, s/he should telephone or meet with the relevant manager/Principal/Head of School or any other person they deem appropriate in the circumstances. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure
- 5.4 The earlier an employee expresses the concern the easier it is to take action.
- 5.5 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
- 5.6 Advice/guidance on how to pursue matters of concern may be obtained from the Principal or an Executive Officer of the Trust.
- 5.7 In some instances it may be appropriate for an employee to discuss their concern with a trade union representative and if appropriate ask the trade union to raise a matter on the employees behalf
- 5.8 At each meeting under this policy, the employee may bring a trade union representative or a colleague the companion must respect the confidentiality of the disclosure and any subsequent investigation.

6. How the school/Trust will respond

- 6.1. The School/Trust will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 6.2 Where the allegation is sent to the Principal/Head of School, s/he will immediately inform the Executive Principal that a concern has been raised and its nature prior to proceeding.
- 6.3 Where appropriate, the matters raised may:
- Be investigated by appropriate representatives, internal audit, or through the disciplinary process;
 - Be investigated under another procedure i.e. Child Protection/Safeguarding
 - Be referred to the Police;
 - Be referred to the external auditor;
 - Form the subject of an independent inquiry
 - Or a combination of these
- 6.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the school/Trust will have in mind, is the public interest.
- 6.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 6.6 Within ten school days of a concern being raised, the Principal/Executive Principal or member of the Executive Team will write to you in confidence:
- Acknowledging that the concern has been received;
 - Indicating how we propose 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;
 - Supplying you with information on staff support mechanisms, and
 - Telling you whether further investigation will take place and if not, why not.
- Every effort will be made to ensure that your concerns are dealt with as speedily as possible and you are kept informed of progress made.
- 6.7 The amount of contact between the person considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school/Trust will seek further information from Where any meeting is arranged, off-site if the employee wishes, a trade union representative or a colleague can accompany them.
- 6.9 The school/Trust will take steps to minimise any difficulties, which the employee may experience as a result of raising a concern. For instance, if h/she is required to give evidence in criminal or disciplinary proceedings the school/Trust will arrange for them to receive advice about the procedure.
- 6.10 The school/Trust accepts that the employee raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform the employee of the outcome of any investigation.

7. Raising Concerns outside the School

- 7.1. 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.

7.2. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the school/Trust, the following are possible contact points, (this list is not exhaustive):

- The Health and Safety Executive
- The Trust's Auditors
- The Education & Skills Funding Agency
- HM Revenue and Customs
- The Inland Revenue
- The Police
- 'Public Concern at Work' Telephone number: 0207 404 6609*;
- Recognised Trade Union;
- Senior LA Officer;
- Relevant professional bodies or regulatory organisations;
- Solicitor.

7.3. The senior manager should stress to the employee that if s/he chooses to take a concern outside the school/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.

**Public Concern at Work 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.*

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

8. THE RESPONSIBLE OFFICER

8.1 The Executive Principal has overall responsibility for the maintenance and operation of this Policy. S/he will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Trust Board.

9. Monitoring and Review

9.1. The Chief Executive Officer will be responsible for monitoring the implementation and effectiveness of this policy/procedure. This policy/procedure will be reviewed by Advantage Schools Trust Board as necessary

Whistleblowing procedure

1. A senior manager (for the purpose of this document the person to whom the whistleblowing complaint is made) 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.
2. The senior manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.
3. When any meeting is arranged, the employee has the right to be accompanied by a trade union representative or work colleague. The meeting can be 'off site' if requested.

3.1. Stage One:

3.1.1. At the initial meeting, the senior manager should establish that:

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

3.1.2. The senior manager 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 manager will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

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

3.1.3. The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager 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.

3.1.4. The senior manager should follow the policy as set out above and in particular explain to the employee:

- who he/she will need to speak to in order to determine the next steps (e.g. Principal/Head of School/Executive Principal);
- 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 the employee will receive a written response within ten school 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, that this will be discussed with the employee before their name is disclosed;
- that Advantage Schools Trustees 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 as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- 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; and

- the investigation may confirm their allegations to be unfounded in which case the Advantage Schools Trustees will deem the matter to be concluded unless new evidence becomes available.

3.2. Stage Two:

- 3.2.1. Following the initial meeting with the employee, the senior manager should consult with the Principal, Executive Principal, or CFOO 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.
- 3.2.2. It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should consider the following factors:
- the seriousness of the issue(s) raised;
 - the credibility of the concern(s); and
 - the likelihood of confirming the allegation(s) from attributable sources.
- 3.2.3. 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. 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.
- 3.2.4. Senior managers should have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

3.3. Stage Three:

- 3.3.1. Within ten school days of a concern being received, the manager receiving the concern (at paragraph 5.1 above) 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; and/or
 - telling the employee whether any initial enquiries have been made; and
 - telling the employee whether further investigations will take place, and if not why not; and/or letting the employee know when s/he will receive further details if the situation is not yet resolved