

Aspire Academy Trust



Aspire Whistleblowing Policy

Date: May 2023

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Approved by: Trust Board

Policy Owner: Director of Safeguarding

Policy Type: Statutory

Review period: 3 years

Review date: May 2026

This policy was written alongside consulting the following roles in the Trust:

- HR, Payroll & Wellbeing Manager

Revision Log (last 5 changes)

Date	Version No	Brief detail of change
2019	1	Policy – trust wide
May 2023	1.1	Reviewed in line with statutory guidance

Aspire Vision

Nurturing curiosity, resilience, respect and excellence; our children will thrive and live life well.

Aspire mission statement

By working together and inspiring excellence; we enable our children to excel both academically and in character.

Aspire Strapline

'working together, inspiring excellence'

Aspire Values

Aspiration	We imagine possibilities and make them real
Self-belief	We believe in ourselves - in heart, mind and soul
Passion	We dare to be different and follow our dreams
Integrity	We nurture trust and respect and do what is right
Resilience	We find a way or make a way
Excellence	We strive to achieve our absolute best

Policy Intent

All Aspire Academy Trust policies are written in line with statutory guidance or recommended best practice. These comply with each school's funding agreement, plus ESFA and DfE frameworks or complement Aspire's working practices. We have a centralised approach to policies, so they become Trust wide and include all ages from 0-11.

This policy seeks to ensure there is a mechanism to protect staff who report individuals they believe are doing something wrong or illegal.

Key Information:

- The designated member of staff for Whistleblowing is: Head of School
- The Whistleblowing Directors are: Director of Safeguarding
- Deputy CEO
- Director of Training, Leadership and CPD
- Aspire Trustee with responsibility for Whistleblowing: Michael Larsen
- 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) from Sept 2021.



All Whistleblowing contact details and associated agencies and further information is 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' (2018), 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:

[Working together to safeguard children 2018](#)

"Keeping Children Safe in Education" (Sept 2022), which is the statutory guidance for Academies and Colleges. The guidance is available via the following link:

KCSIE 2022 [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/106569/Keeping-children-safe-in-education-2022.pdf)

Introduction:

Every academy trust must should have a Whistleblowing Policy in line with the requirements of the Academies Trust Handbook and 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.

The Board of Trustees of Aspire are responsible for agreeing the trust's Whistleblowing Policy. Keeping Children Safe in Education (2022) Part 1 Paragraphs 51 -53 reinforces this, and Working Together to Safeguard Children (2018) Chapter 2, paragraph 11 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 (2018) and Keeping Children Safe in Education (KCSIE 2022) applies to all academy's, this means all academy's must have a whistle blowing policy.*

Purpose:

Employees are often the first to realise that there may be evidence of malpractice within the trust. 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 Trust's commitment to high standards of openness, integrity and accountability, the trust, expects employees who have a reasonable belief that malpractice is taking place within the trust to come forward and voice those concerns internally. This may be an awareness of suspected irregularity, wrongdoing 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 trust 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 Trust 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 trust 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 Trust's Code of Conduct which makes clear the standards of propriety and good practice expected of employees.

It is complementary to the Trust's Disciplinary, 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 Trust'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 Trust on academy premises, for example, agency staff, builders, drivers.
- Suppliers and those providing services under a contract with the trust/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 'wrongdoing' at work. 'Wrongdoing' 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
- Harm or risk of harm to children
- Contravening the Board of Trustees policies or the Trust'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 Trust/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 Trust/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 (on the schools website).

Our assurances to you:

Your safety:

The Trust recognise that the decision to report a concern can be a difficult one to make and they 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.

In the event that you believe that you have suffered any such treatment, you should inform the Head of School immediately. If you believe your Head of School is involved, you should approach the relevant person at trust level as per the details on the front of this policy.

You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct, you may be subject to disciplinary action.

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 Trust/academy. However, it is helpful to have your name in case further information is required.

In exercising its discretion, the Trust/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 Head of School. If you believe your Head of School is involved, you should approach your Whistleblowing Director or relevant person on the Trust Board – Michael Larsen. 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 Trust/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 Directors (or named designated person in the Trust). Both parties will always seek HR advice to ensure that the correct procedures and policies are followed.
- If you believe that the Head of School or Hub Councillor 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.
- 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/Director 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. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential
- 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 Trust 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 Trust 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 to pass on your concerns/make a disclosure of malpractice. The Trust 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 Trust you should ensure that you do not disclose confidential information.

Contact details are in Appendix 1.

Appendix 1

Useful Contact Details:

Sally Hannaford	sally.hannaford@iaspire.net	07736468738
Rachel Warwick	rachel.warwick@iaspire.net	07809701405
Andrew Earnshaw	andrew.earnshaw@iaspire.net	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: Bishop Fleming

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.