



Whistle-blowing Policy

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Contents

Introduction	3
Aims and scope	3
Legislation	4
Definition of whistle-blowing	4
Safeguards	5
How to raise a concern	6
How the Trust/academy will respond	6
Outcome of the investigation	7
How the matter can be taken further	8
The Responsible Officer	8
Monitoring, evaluation and review	8
Links with other policies	8

Whistle-blowing Policy

GLOSSARY

ABM	Academy Business Manager
ACBP	Anti-Corruption and Bribery Policy
CEO	Chief Executive Officer
LGB	Local Governing Body
MAT	Aspire Multi-Academy Trust

This policy should be read in conjunction with the Anti-Corruption and Bribery Policy.

1. Introduction

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly, and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the Aspire Multi-Academy Trust (MAT) and its academies.

This policy does not form part of any employee's contract of employment and may be amended at any time.

The policy applies to all employees or other workers who provide services to the trust in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers. This includes teachers, including supply teachers, other staff, volunteers, and contractors as well as to the trustees, Governors and management.

Employees are often the first to realise that something seriously wrong may be happening within an individual academy. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to their employer or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages employees and others with serious concerns about any aspect of the work of the Trust or one of its academies to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within an academy, rather than overlooking a problem or publicly disclosing the matter.

2. Aims and scope

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
- Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust.

- Set clear procedures for how the Trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)
- Provide avenues for you to raise concerns and receive feedback on any action taken.
- Allow you to take the matter further if you are dissatisfied with the response of the Trust or academy.

3. Legislation

- The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.
- This policy has been written in line with the above document, as well as government guidance on whistle-blowing. We also take into account the Public Interest Disclosure Act 1998.
- This policy complies with our funding agreement and articles of association.

4. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but are not limited to)::

- Unlawful or a criminal offences, such as fraud or corruption.
- Pupils’ or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement.
- A miscarriage of justice.
- Mistreatment or abuse of a client or a member of the public for whom the Trust/academy has a responsibility.
- Seeking undue favour over a contractual matter or a job application.
- Breaches of financial management procedures.
- Amounts to improper conduct or unauthorised use of public funds.
- Has led to or could lead to damage to the environment.
- A deliberate cover up of information tending to show any of the above.

(The list above is for guidance only and is not intended to be comprehensive)

A whistle-blower is a person who raises a genuine concern relating to the above.

This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust or one of its academies. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other Trust policies for dealing with complaints.

Not all concerns about the Trust, or individual schools in the Trust, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.
- A free and confidential advice line.

5. Safeguards

5.1 Harassment or victimisation

The MAT Board 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 Board will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

5.2 Confidentiality

All concerns will be treated in confidence and the Trust Board will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

5.3 Anonymous allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concern anonymously, this may best be done through your trade union.

5.4 Untrue, malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

6. How to raise a concern

6.1 When to raise a concern

Staff should consider the examples in section 4 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

6.2 Who to report to

Staff should in the first instance raise a concern with their headteacher or CEO. If the concern is about the headteacher/CEO or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the chair of the Trust Board.

Trust central team staff should report their concern to the CEO. If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the central team staff should report the concern to the chair of the Trust Board.

6.3 How to raise the concern

Concerns should be made in writing wherever possible at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record.

The earlier you express the concern, the easier it is to take action.

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.

You may of course wish to seek advice from your trade union representative on how best to raise your concern.

7. How the Trust/academy will respond

The action taken by the Trust/academy will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues) or referred to another agency.

If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

In any event within ten working days of a concern being received, the Trust/academy will write to you at your home address:

- 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, and if not, why not.
- Naming an independent person to support you during any investigation e.g., your trade union official.

This named person will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The named person should then arrange a further investigation into the matter, involving the CEO, local governing body and/or chair of the Trust Board if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed

The amount of contact between investigating officers 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.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the Trust/academy).

The Trust Board 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 and/or proceedings.

8. Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the CEO, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

9. How the matter can be taken further

This policy is intended to provide you with a way to raise concerns within the Trust and / or one of its academies. The Trust Board hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with your trade union official, who in return will liaise with the Trust on your behalf.

Alternatively, you may feel it is right to take the matter outside the Trust/academy and, if so, you should take advice from an appropriate external body. A list of prescribed bodies appropriate for issues in schools to whom staff can raise concerns with is available on the [Gov.uk website](https://www.gov.uk).

10. The Responsible Officer

The CEO has overall responsibility for the maintenance and operation of this policy. Within his/her duty to ensure that the Trust and its academies acts lawfully he/she will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

11. Monitoring, evaluation and review

The Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust and its academies.

12. Links with other policies

This policy links with our policies on:

- Fraud & Corruption Policy
- Grievance Procedure
- Disciplinary Procedure
- Child Protection and Safeguarding Policy