

Abbey Academies Trust



Every Child Matters

POLICY For

Whistleblowing

Amended

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|----------------|----------------|--|
| September 2016 | September 2019 | |
| September 2017 | September 2020 | |
| September 2018 | September 2021 | |

Every Child Matters within a loving and caring Christian environment

Introduction

'Let all that you do be done in love.' 1 Corinthians 16:14

Our Vision

We have a vision of a community in which each person is offered the opportunity to fulfil their potential and to understand themselves to be valued for who they are. Through a stimulating and challenging learning environment, we pursue academic excellence and seek the flourishing of all members of the school community. As inclusive and caring church schools, our commitment is to help pupils become thoughtful, open-minded and compassionate human beings who have the knowledge, skills and motivation they need to bring about positive transformation in the world.

“Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as you ever can.”

John Wesley

Head Teachers, Trustees and Governors will recognise that a member of staff may be the first to realise if something is wrong within the School. However staff may not want to express their concerns because they feel that speaking up would somehow be disloyal to their colleagues or to Abbey Academies Trust (AAT).

It is important for staff to know that AAT is committed to the highest possible standards of openness, probity and accountability. Part of meeting that commitment is for the management of our Academy Trust, Trustees and Governors, to encourage employees and others with concerns about any aspect of the Academy Trust's work to feel able to come forward and voice those concerns. AAT should recognise the need for confidentiality and the fact that the majority of cases will have to proceed on a confidential basis.

SCOPE OF THIS POLICY

Aims of the Policy

The policy is designed to ensure that staff can raise their concerns about wrongdoing or malpractice within the School without fear of victimisation, subsequent discrimination or disadvantage. It is also intended to encourage and enable them to raise serious concerns within the school rather than ignoring a problem or 'blowing the whistle' outside.

This policy aims to:

- encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice

- provide avenues for them to raise those concerns and receive feedback on any action taken
- ensure that they receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

Range of the Policy

The policy is intended to enable those who have concerns regarding wrongdoing or malpractice to report those concerns at the earliest possible opportunity so that they can be properly investigated. The policy is not, however, intended to replace existing procedures, for example:

- if the concern relates to someone's own treatment as a member of staff, they should raise this under the existing grievance or harassment procedure, as appropriate
- if a parent or other user of the School has a concern about services provided, they should raise this as a complaint following the School's Complaints Procedure
- some areas of service have their own specific procedures, e.g. Child Protection procedures

Where concerns are raised, the subsequent investigation may take the form of any appropriate procedure, either internal or external, e.g. an internal audit enquiry or a Police investigation.

The person who has raised the concerns should ordinarily be kept informed of progress and of the outcome of any investigation.

If a concern is raised about a supply teacher the Trust will take the lead in any investigation because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have the relevant information required by the LADO as part of the referral process. (KCSI September 2021)

Who can raise a concern under this Policy?

The provisions of the policy apply to all:

- employees at the Academy Trust
- trustees and governors of the Academy Trust
- employees of contractors working for the Academy Trust e.g. agency staff
- employees of suppliers
- voluntary workers within the Academy Trust

What should be reported?

Staff should report any concerns that they have about service provision or about the conduct of Employees or Trustees and Governors of the Academy Trust or others acting on behalf of AAT that:

- make them feel uncomfortable in terms of known standards, or
- are not in keeping with the Academy Trust's regulations and policies, or
- fall below established standards of practice, or
- are improper behaviour

These concerns might relate to:

- conduct which is an offence or a breach of the law
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public/Academy Trust funds
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct
- behaviour outside of school that indicates they may not be suitable to work with children ('transferable risk') KSCIE September 2021

SAFEGUARDS

The Legal Framework

The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice.

The Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Harassment or Victimisation

Adopting the whistleblowing policy is an acknowledgement by the Executive Head Teacher/CEO, Trustees, Governors and management of the Academy Trust that AAT is committed to good practice, high standards and is supportive of its staff.

It should be made clear to staff that AAT recognises that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should be reassured they have nothing to fear because they will be doing their duty to the School, their colleagues and those for whom they are providing a service.

It should also be made clear that AAT will not tolerate any harassment or victimisation (including any informal pressures) and will take the appropriate action to protect staff when they raise a concern in good faith.

Support for the Person Raising Concerns

Throughout the process the member of staff should be assured that:

they will be given full support from the management, Trustees and Governors of the Academy Trust;

their concerns should be taken seriously;

AAT will do all it can to help them throughout the investigation e.g. provide access to advocacy services where the individual has no access to Trade Union Support.

A request for redeployment will not be unreasonably refused, and where refused, reasons will be given.

Confidentiality

All concerns must be treated in confidence and every effort should be made not to reveal the identity of the member of staff who raises concerns, should that be their wish.

If disciplinary or other proceedings are to follow an investigation, it may be that it is not possible to take the appropriate action on the disclosure without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If they agree to this, they should be offered the appropriate advice and support.

Anonymous Allegations

AAT's policy should encourage staff to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but they should be considered at the discretion of the School. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issue raised;

- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

Untrue Allegations

Some concerns raised may, when investigated, prove to be groundless. If a concern is raised or an allegation made in good faith by someone reasonably believing it to be true and their concerns are not confirmed by investigation, the member of staff should have nothing to fear as the School should recognise their genuine motives. However, it needs to be stated in this AAT policy, that should someone make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

RAISING A CONCERN

Who should a concern be raised with?

As a first step, staff should normally raise concerns with their immediate Line Manager, Year Leaders, SLT, Head of School or Executive Head Teacher/CEO. This might depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing.

If this is not appropriate, for example, if they are the person or persons about whom the concerns relate, staff should raise their concerns with the Chair of Trustees.

If an individual is unsure whether or how to raise a concern or wants confidential advice, they may wish to consult their Trade Union. Alternatively, they can contact the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk Their lawyers can give individuals free confidential advice on how to raise a concern about serious malpractice at work. It is possible for employers to register for assistance with Public Concern at Work, for a fee. For additional information on Public Concern at Work and how it might help you, please visit www.pcaw.co.uk

How to raise concern(s)

Staff may raise their concern by telephone, in person or in writing. In the interests of confidentiality, staff may also raise concerns via their Trade Union. The earlier they express their concern, the easier it is to take action. They will need to provide the following information:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation.

Although they are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Staff may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

They may invite their Trade Union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns they have raised.

HOW THE ACADEMY TRUST SHOULD RESPOND

The Academy Trust should take their concerns seriously and respond to them.

In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries should be made to decide whether an investigation is appropriate and, if so what form that investigation should take.

Where concerns or allegations fall within the scope of specific School procedures, then they would normally be referred for consideration under those procedures.

As a result of this, where appropriate, the concerns raised may:

be investigated by management, internal audit or through the discipline/grievance/harassment process

- be referred to the external auditors
- be referred and dealt with under the established child protection procedures
- form the subject of an independent inquiry.

Within ten working days of the concern being raised the Executive Head Teacher/CEO/Head of School (or Chair of Trustees if internally raised with him) should write to the person raising the concern:

- acknowledging that their concern has been received
- indicating how the Academy Trust propose to deal with the issue
- telling them whether any further investigations will take place (and if not, explaining why this is the case)
- supplying them with information on staff support mechanisms.

The amount of contact between the person raising the concern and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the person raising concern will be interviewed to ensure that their disclosure is fully understood.

A meeting should be arranged away from the workplace, if they wish, and a union or professional association representative or a friend may accompany them in support.

The Academy Trust should do what it can to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the Academy Trust should arrange for them to receive appropriate advice and support.

They need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they should be kept informed of the progress and outcome of any investigation.

THE RESPONSE OFFICER

The Executive Head Teacher/CEO has overall responsibility for the maintenance and operation of this policy. She should maintain a record of concerns raised and the outcomes. Records must be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns.

The Executive Head Teacher/CEO should report to the Board of Trustees and Local Governing Body as necessary.

Where the issue directly involves the Executive Head Teacher/CEO, the Chair of Trustees should assume this responsibility or delegate it as appropriate.

HOW THE MATTER CAN BE TAKEN FURTHER

The aim of the policy is to provide staff with an appropriate way to raise their concern and hopefully, will be satisfied with any action taken as a result of their raising issues. However, should this not be the case and they feel it necessary to take the matter outside the Academy, the prescribed contacts are:

- the County Council's Director of Education
- the External Auditor
- the relevant Trade Union
- the Police

This does not prevent staff from seeking their own legal advice.

If the member of staff raises their concerns outside the School, they should ensure that it is to one of the above prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy.

They should not disclose information that is confidential to the School or to anyone else, such as a client or contractor of the Academy except to those included in the list of prescribed contacts.

REVIEW OF POLICY

The contents of this policy are subject to on-going consultation with the relevant Trade Unions. It is recommended that the school should also monitor the policy every 12 months.

In the meantime, should any member of staff suggest any addition/revision to the policy, the Executive Head Teacher/CEO may wish to consider their suggestions and if necessary put them forward at the time of the overall review.

The Local Education Authority will continue to review the issues surrounding confidential Reporting/Whistleblowing and issue any revised advice to schools and academies where necessary. As part of this process, views may be sought from employees and relevant Trade Unions, with regard to how effectively the policy has operated and whether any further revision is needed.

Policy written: September 2021

Next review: September 2022

