



AQUINAS Church of England Education Trust

"Life - Transforming - Learning"

Policy Title: Whistleblowing/Raising Concerns
Responsibility: Chief Executive Officer
Review Body: Board of Trustees
Date: May 2018
Review: May 2020

BACKGROUND

The Trust is committed to the highest possible standards of openness, probity 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 Trust or academy's work, to come forward and voice those concerns. It is recognised that in most cases this will have to proceed on a confidential basis.

This policy document makes it clear that staff can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the academy rather than overlooking a problem or "blowing the whistle" outside.

The policy applies to all employees and those contractors working for the Trust on academy premises, for example, agency staff, builders, etc.

Staff are also referred to the relevant academy's complaints procedure and safeguarding procedures where applicable.

In these guidelines, the term 'whistle blowing' means the confidential raising of problems or concerns within Aquinas Church of England Education Trust (the Trust) and its academies by a member of staff. This is not 'leaking' information but refers to matters of impropriety, for example, a breach of law, academy procedures or ethics.

The Public Interest Disclosure Act 1998 provides the supporting legislation for such a policy and is: "An Act to protect individuals who make certain disclosures in the public interest to allow such individuals to bring action in respect of victimisation; and for connected purposes".

When someone blows the whistle they are raising a concern about danger or illegality that affects others. The person blowing the whistle is usually not directly personally affected by the danger or illegality. Consequently, the whistle blower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistle blower should not be expected to prove the malpractice as s/he is a messenger raising a concern so that others can address it.

This is very different from a complaint. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. For this reason, this policy should not be used to pursue a personal grievance and staff should follow the Grievance Procedure.



AIMS AND SCOPE OF THE POLICY

The Trust seeks to run all aspects of its business and activities with full regard for high standards of conduct and integrity. If members of staff, parents, members of the Academy Advisory Council (AAC), or Trust Board, become aware of activities which give cause for concern, the Trust has this Raising Concerns/Whistle Blowing Policy. This acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

The Trust and its academies are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive and we have therefore developed a system which allows for the confidential raising of concerns within the Trust and its academies but also has recourse to an external party outside the management structure of the Trust.

This policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for staff to raise those concerns and receive feedback on any action taken;
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

This policy does **not** replace the Complaints procedure.

APPROPRIATE CIRCUMSTANCES FOR RAISING A CONCERN/WHISTLEBLOWING

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. However, this policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Manipulation of accounting records and finances.
- Inappropriate use of academy assets or funds.
- Decision making for personal gain.
- Any criminal activity.
- Damage to the environment of the academy, to property belonging to the academy or a member of the academy community.
- Dangerous practices.
- Negligence.
- Danger to health and safety.
- Failure to comply with any legal or professional obligations or regulatory requirements.
- Child protection /Safeguarding issues including sexual, emotional or physical abuse of students or others.
- Abuse of position.
- Fraud and deceit or corrupt practices.
- Serious breaches of academy procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest).
- Other unethical conduct, including the circulation of inappropriate e-mails.
- Unauthorised disclosure of confidential information.
- Unauthorised processing of personal data in contravention of the Trust's data protection policy and or the Trust's IT policy and procedures which may or does result in a breach of data security.
- Suppressing information about anything listed above.



Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle blower should ask themselves a few questions about their concern before taking action:

- Is it, or do they believe it to be, illegal?
- Is it, or do they believe it to be, against codes of practice issued by the academy, the Trust, the Diocese of Rochester, the DFE or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?

Thus, any serious concerns that staff have about any aspect of service provision, or the conduct of staff or others acting on behalf of the Trust, can be reported under this policy. This may be about something that:

- makes staff feel uncomfortable in terms of known standards, their experience, or the standards they believe the academy subscribes to; or
- is against the Trust or academy's policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

Financial Whistleblowing is also dealt with in the Trust financial policies and in particular Appendix B of the Trust's Financial Procedure Manual.

SAFEGUARDS

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

Harassment or Victimisation

The Trust is committed to good practice and high standards and wants to be supportive of all employees.

The Trust recognises that the decision to report a concern can be a difficult one to make. If what a member of staff is saying is true, they should have nothing to fear because they will be doing their duty to the Trust and those for whom they are providing a service.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when a concern is raised in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal the identity of staff if they so wish. At the appropriate time, however, they may need to come forward as a witness.

Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the Trust and/or the AAC will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle blower to the person who is the subject of the disclosure



or to others not involved in the investigation unless it is absolutely necessary to do so. Where circumstances allow the Trust/AAC will obtain the prior consent of the individual concerned but cannot guarantee that it will always be possible to do so.

There are circumstances under which complete confidentiality may be difficult for the Trust to maintain. For example:

- If the matter leads to a legal procedure and evidence is required by the court.
- If the issue raised comes within the remit of another academy procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.

ANONYMOUS ALLEGATIONS

This policy encourages staff to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust or academy.

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.

UNTRUE ALLEGATIONS

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, a member of staff makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

DELEGATION

The Trust delegates to the AAC of each academy the responsibility for implementing this policy. The AAC shall follow the procedures detailed in Appendices 1 and 2 save that the Trust acknowledges that these procedures may have to be adapted slightly in the case of each academy in order to meet the internal structure of that academy.

PROCEDURES

Raising a Concern

Please see Appendix 1.

Safeguarding Children

Please see Appendix 2.

HOW WILL THE ACADEMY RESPOND?

The Trust or academy will respond to staff concerns. Where appropriate, the matters raised may:

- be investigated by management, or through the disciplinary process;
- be referred to the police;
- be referred to the auditor;
- form the subject of an independent inquiry.

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 Trust will have in mind is the public interest. Concerns or allegations



which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

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.

EXTERNAL PROCEDURES

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where an employee may be entitled to raise a concern directly with an external body where the employee reasonably believes that:

- It is justified by exceptionally serious circumstances.
- The academy or Trust would conceal or destroy the relevant evidence.
- He or she would be victimised by the academy/Trust.
- The Secretary of State has ordered it.

MONITORING AND REVIEW

The Head of each academy will be responsible for monitoring the implementation and effectiveness of this policy. It will be reviewed by the AAC as necessary.

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CEO

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Chair of Trustees

PROCEDURES

Stage 1

- As the first step, the whistle blower (WB) should raise the matter with an appropriate level of line management (normally their own line manager). Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If the WB believes that his/her immediate manager is involved, a member of the Leadership Team or the Executive Headteacher, Headteacher or Head of School (Head) should be approached.
- If the complaint is such that the WB does not feel able to raise it with the SLT, Head, or the Chair of the AAC, they should approach a Director of the Trust.
- Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone. It is important, however, that when the concern is raised, the WB makes it clear that the issue is being raised under this Policy.
- The WB will be asked to demonstrate that there are sufficient grounds for concern.
- If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. This should be signed and dated.
- If the allegation is made orally, the WB can invite a representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on their behalf.
- If the WB wishes to raise the concern confidentially, this must be made clear to the person who is initially contacted.
- Once the issue has been raised, the WB will be contacted within ten working days by the Head or the AAC Chair, who will arrange to meet to discuss the matter. Again, a trade union/professional association representative may accompany the WB for the purposes of giving support. Notes will be taken of the meeting.
- It is at this point that it may become impossible to retain complete confidentiality, e.g. should the issue be determined to be a matter for the police. The Head/AAC Chair will take advice and inform the Trust's legal service.
- When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to the WB.
- The line manager or Head will also notify the person who is the subject of the disclosure within five working days of the conclusion. Upon receipt of the information, the individual will be able to appeal against any decisions by writing to the Head or AAC Chair.

Stage 2

- If the WB is dissatisfied with the Academy's response, they can raise the matter within 10 working days of the date of the response by writing to the Head, Chair of the AAC or the Chair of the Board of Directors of the Trust.
- The Head, Chair of the AAC or the Chair of the Board of Directors will then write to the WB within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why the WB was dissatisfied with Stage 1. This meeting should take place promptly. Again, the WB may be accompanied by a trade union/professional association representative.
- The Head, Chair of the AAC or the Chair of the Board of Directors may then decide to investigate further and will need to decide what action to take. The WB will be updated with the outcome of the meeting within five working days.

Stage 3

- If the WB is dissatisfied with the outcome of Stage 2, they may opt to take the matter to Stage 3, by raising the matter externally within 10 working days of the date of the decision letter at Stage 2, with any of the following, as appropriate.
 - EFA
 - The Trust's external auditor
 - The relevant professional bodies, regulatory organisations or a recognised trade union
 - A solicitor
 - A local Councillor or your local Member of Parliament
 - The local Government Ombudsman
 - The police
 - 'Public concern at work' on www.pcaaw.co.uk

- In taking the concern outside the Trust, the WB should ensure that, as far as possible, the matter is raised without confidential information being divulged.

SAFEGUARDING CHILDREN

This guidance is written for staff, paid or voluntary, and is in line with Bromley Council's 'Raising Concerns - Something Wrong? - How To Report It!'

All staff should be aware of the Trust's and relevant Academy's child protection/safeguarding procedures, including procedures for dealing with allegations against staff. Staff must acknowledge their individual responsibility to bring matters of concern to the attention of senior management and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk.

You may be the first to recognise that something is wrong but may not feel able to express their concerns out of a feeling that this would be disloyal to colleagues or they may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable child or young person who is targeted. These children need someone like a WB to safeguard their welfare.

Don't think, "What if I'm wrong" - Think, "What if I'm right"

Reasons for whistle-blowing

- to prevent the problem worsening or widening;
- to protect or reduce risks to others;
- to prevent becoming implicated yourself.

What stops people from whistle-blowing

- starting a chain of events which spirals;
- disrupting the work or project;
- fear of getting it wrong;
- fear of repercussions or damaging careers;
- fear of not being believed.

How to raise a concern

- you should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken;
- try to pinpoint exactly what practice is concerning you and why;
- approach your immediate line manager, Head, or the Designated Child Protection/Safeguarding Officer;
- if your concern is about your immediate line manager/Head, or you feel you need to take it to someone outside the academy, contact the Lead Officer for Education Safeguarding on 020 8461 7816.
- make sure you get a satisfactory response - don't let matters rest;
- you should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can;
- a member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

- You should be given information on the nature and progress of any enquiries.
- The academy has a responsibility to protect you from harassment or victimisation.



- No action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self-reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle-blowing can be difficult and stressful. Advice and support is available from your line manager, the Senior Leadership Team, HR department and/or your professional trade union.