

ASTON TOWER MULTI-ACADEMY TRUST

ASTON TOWER COMMUNITY PRIMARY SCHOOL



WHISTLE BLOWING POLICY AND PROCEDURE

DATE	APPROVING BODY	REVIEW DATE
28 th June 2021	Full Trust Board	June 2022

CONTENTS

Overview

What is whistleblowing?

Raising a whistleblowing concern

Confidentiality

External disclosures

Investigation and outcome

Protection and support of whistle blowers

Review

Overview

Aston Tower Multi-Academy Trust is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations under the Trust's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge their concerns will be taken seriously and investigated as appropriate and, that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear or reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of any employee's contract of employment and is not intended to have a contractual effect. It is provided for guidance to all members of staff within the Trust and the Trust reserves the right to amend its content at any time. This policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including Headteacher, members of the Senior Leadership Team, Members, Trustees, employees, contractors, home-workers, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity
- Child protection and/or safeguarding concerns
- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal or professional obligation or regulatory requirements

- Financial fraud or mismanagement
- Negligence
- Breach of our internal policies and procedures including our Code of Conduct
- Breach of the school's COVID-19 risk assessment
- Conduct likely to damage the School's reputation
- Unauthorised disclosure of confidential information
- The deliberate concealment of any of the above matters.

A whistle blower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If the member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy. All staff members should be aware of systems which support safeguarding and these should be explained to them as part of staff induction. Employees should not conceal any matter which is their duty to report to the Trust or appropriate public body. This includes their duties in relation to the safeguarding and welfare of children – see Keeping Children Safe in Education 2020 guidance document.

This policy should not be used for complaints relating to staff's own personal circumstances, such as the way they have been treated at work. In those cases, they should use the Grievance Policy and Procedure or Anti-Harassment and Bullying Policy, as appropriate. If staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher.

Raising a whistleblowing concern

Aston Tower Multi-Academy Trust hopes that in many cases staff will be able to raise any concerns with their line manager and/or Deputy Headteacher speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving the concern quickly and effectively. In some cases they may refer the matter to the Board of Trustees.

However, where the matter is more serious, or the line manager/Deputy Headteacher has not addressed the concern, or the member of staff would prefer not to raise it with them for any reason, then they should contact one of the following:

- The Headteacher
- The Chair of Trustees, Alex Smith, at a.smith@astontower.bham.sch.uk

The Trust will arrange a meeting with the member of staff as soon as possible to discuss their concern. Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The Trust will take down a written summary of the concern raised and provide the member of staff with a copy as soon as practicable after the meeting. The Trust will also aim to give the member of staff an indication of how we propose to deal with the matter.

Confidentiality

The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the Trust will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know their identity, the Trust will discuss this with the member of staff first.

The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistle blowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If a member of staff is in any doubt they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect

Helpline: (020) 31172520

(independent whistleblowing charity)

email: whistle@pcaw.co.uk

Website: www.protect-advice.org.uk

External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage a member of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of Trust staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for advice.

Investigation and outcome

Once a member of staff has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. The Trust will inform the member of staff of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In some cases, the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

The Trust will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the Trust concludes the whistle blower has made false allegations maliciously or with a view to personal gain, the whistle blower will be subject to disciplinary action under Aston Tower Multi-Academy Trust's Disciplinary Policy and Procedure.

Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the Trust will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the key contacts outlined above.

Protection and support for whistle blowers

It is understandable that whistle blowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied the member of staff should raise it formally using the Trust's Grievance Policy and Procedure.

Staff must not threaten or retaliate against whistle blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

Review

The Trust Board reviews this policy annually. The trustees may however, review the policy earlier than this, if the government introduces new regulations, or if the Trust Board receives recommendations on how the policy might be improved.