

Whistleblowing Policy

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POLICY YET TO BE REVIEWED AND FORMALLY APPROVED BY THE STAMFORD PARK TRUST



Introduction

The Board of the AspirePlus Educational Trust is committed to achieving the highest possible standards of service and the highest possible standards in public life within a culture of openness and accountability. Accordingly, the Board encourages members of staff to use the procedure outlined in this protocol in order to raise concerns of internal malpractice, illegal acts or omissions without fear of harassment or victimisation.

The Board is aware that, more often than not, it is members of staff who first become aware of areas of potential malpractice in relation to the way in which the Board carries out its business. This protocol and plan sets out the way in which such concerns can, and should, be raised by members of staff without fear of reprisal.

The aim of the plan is to allow members of staff to take matters further if they are dissatisfied with the management and Board responses; and to reassure members of staff that they will be protected from reprisals or victimisation for “whistleblowing” in good faith.

The objectives of the plan are:-

- To demonstrate that the school is committed to ensuring its affairs are carried out ethically, honestly and to a high standard;
- To ensure good employment practice;
- To demonstrate that the school has introduced procedures to protect public safety and public money;
- To help develop a culture of openness, accountability and integrity;
- To encourage staff to raise matters internally, making wider disclosures less likely;
- To contribute to the efficient running of the school and the delivery of services;
- To curb corruption, fraud and mismanagement;
- To uphold the reputation of Longdendale High School and maintain public confidence.

Scope of Plan

The plan is designed to enable employees of the school to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety referred to within the Public Interest



Disclosure Act 1998. The Act was effected in order to give protection to employees who report concerns falling within the following definitions:-

- A criminal offence;
- Failure to comply with a legal obligation;
- A miscarriage of justice;
- Danger and/or damage to the health and safety of an individual or the environment;
- Financial malpractice or impropriety or fraud;
- Attempts to conceal any of the above matters.

In the event that a member of staff has concerns, there is a range of policies and procedures adopted by the Board covering discipline, grievance, capability, harassment and recruitment and selection that can be used before the whistleblowing mechanism is activated. However there may be times when the matter needs to be handled in a different way and this plan is intended to cover those concerns that fall outside the scope of adopted procedures:-

- Malpractice or ill treatment of a student by a member of staff;
- Where a criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, particularly in relation to health and safety at work;
- Breach of standing financial instructions;
- Showing improper conduct in matters related to appointment;
- A breach of code of conduct and/or any of the above which has been, or is likely to be, concealed.

Safeguarding

In making such disclosures, as laid out above, the member of staff will only be afforded protection by the Act in the event that any such disclosure is made:-

- In good faith;
- If it is believed that the disclosure is substantially true;
- If the Whistleblower has not acted maliciously, and/or
- The disclosure is not for personal gain.



Provided that the disclosure is of a kind described above and, additionally, it is made properly in accordance with those matters referred to in the first and last bullet points, then the member of staff will be legally protected from suffering any detriment in relation to their employment as a result of having made that disclosure.

Confidentiality

The Board will do its best to protect the identity of a member of staff who decides to make a disclosure in accordance with this protocol. However, if a consequent investigation is initiated, it may be necessary to reveal the source of the complaint, and the Whistleblower may be asked to provide a relevant statement.

Designated Officer

The Board has appointed Mr Matthew Bowler as the Designated Officer and is the point of contact for concerns raised under the Whistleblowing plan and protocol.

Anonymous Allegations

The Board encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Designated Officer. In exercising this discretion, the factors to be taken into account may include:-

- The seriousness of the issues raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources.

Allegations which do not appear to be motivated by personal animosity and which, if true, would have serious implications for the Board, are more likely to be considered, despite the fact that they have been made anonymously.

Untrue Allegations

If an individual makes an allegation in good faith, but is not confirmed by the investigation, no action shall be taken against that individual. If however the allegation is considered to have been made either vexatiously or maliciously, then disciplinary action may be taken.





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Procedures for Making a Disclosure

A member of staff with a concern should usually raise these with his/her line manager in the initial stages. The manager would then refer the matter to the Headteacher. If the line manager is involved in the concern, then the member of staff should refer directly to the Headteacher. If the Headteacher is involved in the concern, then the line manager should raise this with the Designated Officer. If the Designated Officer is involved, the member of staff should raise the concerns with the Chair of the Board. If the Chair of the Board is involved, the concerns should be raised with a Founder Member of the Board.

Concerns should be confirmed in writing setting out the background and history of the concern, giving names, dates and places where possible, and the reason for concern. Members of staff who do not feel able to put their concerns in writing should meet the designated officer. Advice and guidance how matters of concern may be pursued can be obtained from trade unions or professional associations who may raise the matter on behalf of the member of staff. Trade unions and professional association representatives will themselves have the protection given to complainants under the procedure, provided they act in accordance with the procedure regarding to the information disclosed.

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The Headteacher or line manager, if requested, will arrange an initial interview. At this stage, the whistleblower will be reassured that he/she will be protected from possible victimisation, and will be asked if he/she wants to make a written or verbal statement. In either case the designated officer or line manager will then write a brief summary of the interview, which will be agreed by both parties. As far as possible, the confidentiality of the whistleblower will be protected, but cannot be guaranteed. The Headteacher or line manager will report to the Designated Officer or Chair of the Board who may want to set up further investigations, that may include an external investigation.

The Investigation Procedure

In order to protect individuals and the Board, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedure, eg child protection, discrimination issues, will normally be referred for consideration under those procedures. It may be necessary for an investigation to take place in strict confidence, with the employee under investigation not being informed until necessary. If it is necessary to suspend a member of staff while the investigation takes place the procedure in the



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Disciplinary Policy will be used. Some concerns may be resolved by agreed action without the need for investigation, others may have to be referred to the police, an external audit or form the subject of an independent enquiry.

The Board recognises the contribution that trade unions can make to an inquiry and agrees to consult, where appropriate, with the recognised trade unions about the issues, such as the scope of any inquiry and the implementation of the recommendations of the inquiry.

The Headteacher or Designated Officer will endeavour to:-

- Confirm receipt in writing, within 5 working days, of a concern being received, acknowledging that the concern has been received;
- Write, within 10 working days, indicating how he/she proposes to deal with the matter, where possible giving an estimate of how long it will take to provide a response, detailing whether any initial enquiries have been made and whether further investigations will take place, and if not, why not.

The matters raised may:-

- Be disposed of without further action;
- Be investigated internally;
- Be referred to the police;
- Be referred to an external auditor;
- Form the subject of an independent inquiry.

In order to protect individuals and the Board, initial enquiries will be able to decide whether an investigation is appropriate and, if so, what form it should take.

Board Response

Following the investigation, the Headteacher or Designated Officer will, subject to legal constraints, inform the Chair of the Board and the whistleblower of the result of the investigation. This will not include any details of any disciplinary action, which will remain confidential to the individual concerned.

If the investigation shows there is a case to answer, the disciplinary or capability procedures may be used.





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If there is no case to answer, the Headteacher or Line Manager will inform the Designated Officer of this fact.

Disciplinary action will be taken against the whistleblower where a false allegation is made maliciously.

Records

A note of concern raised, how it was resolved and copies of any records associated with the investigation will be stored confidentially for at least 12 months following resolution.

Further Recourse

This plan and protocol is intended to provide members of staff with a way in which to raise concerns within the Board if the whistleblower is not satisfied with the outcome of the investigation, the whistleblower may make a disclosure to a prescribed person, such as the HSE, Audit Commission, the Environmental Agency, OFTEL, OFFER, OFWAT, OFGAS, Rail Regulator, Serious Fraud Squad, Inland Revenue, Customs and Excise, DTI, Office of Fair Trading, Trade Union Certification Officer, Charity Commissioners, Data Protection Register, the LA, notwithstanding the result of the investigation.

If the whistleblower chooses to take the matter outside the school, the whistleblower will need to ensure that he/she will not disclose confidential information; in this regard the whistleblower should first check with the designated officer.

The Designated Officer

The designated officer has overall responsibility for the maintenance and operation of this plan and protocol. The designated officer will maintain a record of concerns raised and the outcomes, in a way which does not endanger confidentiality, and shall report as necessary to the Board.



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