

# Alexandra Academy Trust Whistleblowing Policy



If you need this in an alternative format  
please contact the Alexandra Academy Trust.

For approval by the Resources committee	Autumn 2021
For Review annually	Autumn 2024

*Signed* \_\_\_\_\_ (*Chair of Resources committee*)

*Dated* \_\_\_\_\_

# **Whistleblowing Policy**

## **Trust Mission statement**

'Working together to create better futures'

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**This policy will be made available to all employees, the Board of Directors, contractors, suppliers and volunteers. It will be displayed within the Academy and on the Academy's website.**

### **1. Introduction**

1.1 Employees are often the first to realise that there may be something seriously wrong within the Academy Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the Academy Trust. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of a serious issue.

1.2 This Whistleblowing Policy is intended to encourage and enable employees, the Board of Trustees, Local governors, contractors, suppliers and volunteers to raise serious concerns within the Academy Trust rather than overlooking a problem or blowing the whistle outside.

1.3 This policy applies to all staff at the Alexandra Academy Trust, Members of the Board of Trustees, Local governors, contractors, suppliers and volunteers, to provide them with a secure basis for reporting suspicions of impropriety, in the knowledge that if requested the matter will be treated confidentiality.

### **2. Aims and Scope of this Policy**

2.1 Whistleblowing can be described as a disclosure made by an employee, a member of the Board of Trustees, Local governors, contractors, suppliers and volunteers who has concerns about a danger or illegality that has a public interest to it, usually because it threatens others.

2.2 A grievance or private complaint is by contrast, a dispute about an individual's own employment or personal position and has no public interest to it.

2.3 The Whistleblowing Policy has been developed in line with best practice and aims to:

- Encourage the individual to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for the individual to raise those concerns and receive feedback on any action taken

- Provide reassurance that the individual will be protected from possible detriment if he/she has a reasonable belief that any disclosure made is true

2.4 The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Criminal offences
- Failure to comply with legal obligations
- Dangers to Health and Safety, including risks to children and the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Other unethical conduct
- Deliberate concealment of any of the above categories

2.5 If an individual's concerns relate to his/her own employment, contractual position, voluntary status or their personal position as a member of the Board of Trustees or Local governors, then they do not fall under the scope of this policy and should be raised via the Academy Trust's Grievance Procedure or Dignity at Work policy.

2.6 This policy does not cover members of the public and any reports received will be dealt with under the Complaints Policy.

2.7 Concerns around Child Protection should be referred through the Academy Trust's Safeguarding Procedure.

2.8 It is recognised 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.

As a result, the Academy Trust will not tolerate any detrimental treatment (including informal pressures) and will take appropriate action to protect a person when a concern has been made which is believed to be true.

2.9 Subjecting a worker to a detriment means subjecting the worker to any disadvantage because they blew the whistle. This could include (but is not limited to) any of the following:

- failure to promote
- denial of training
- closer monitoring
- ostracism
- blocking access to resources
- unrequested re-assignment or re-location
- demotion
- suspension
- disciplinary sanction
- bullying or harassment
- victimisation
- dismissal
- failure to provide an appropriate reference

- failing to investigate a subsequent concern

2.10 If an individual is found to have subjected a bona fide whistleblower to any detriment, this will be dealt with under the Academy Trust's disciplinary procedure.

2.11 Should an individual believe that they have suffered a detriment as a result of raising a concern, this issue should be raised through the Academy Trust's grievance procedure.

2.12 Please be aware however, that should the individual already be the subject of disciplinary or redundancy procedures, the procedures will not be halted as a result of the whistleblowing report.

### **3. Open Disclosures**

3.1 The best culture is one where individuals have sufficient faith in the whistleblowing arrangements and culture of the Academy Trust to allow them the confidence to make open disclosures. This is where those involved know what the issues are along with who raised them.

3.2 This is the aim for the Alexandra Academy Trust and it is hoped that any individual with a whistleblowing concern will feel able to raise their issues openly.

3.3 This openness makes it easier to assess the report, gather additional information and carry out an investigation.

3.4 It also allows any hidden agendas to be identified, helps to prevent witch hunts and reduces the risk of mistrust and paranoia developing within the area being investigated.

### **4. Confidentiality**

4.1 It is, however, recognised that some individuals may not feel that they can make such a report. Where this is the case, the policy provides the whistle blower with the option of requesting that their name remains confidential.

4.2 Where confidentiality is requested, the Alexandra Academy Trust will do its best to ensure that names are not revealed. This cannot, however, be guaranteed as there are certain circumstances where the name of the whistle blower may be made known. For example:

- The report is found to be knowingly false, or
- Disclosure is ordered by the courts
- A formal statement is required as part of a police investigation

### **5. Anonymous Allegations**

5.1 This policy encourages individuals to put their name to any allegation made whenever possible and actively discourages anonymous reports.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Academy Trust.

5.3 In exercising this discretion the factors to be taken into account would include:

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

5.4 Anonymous reports also raise a specific problem with regard to the legal requirement that personal data should only be collected fairly.

5.5 In addition, people making anonymous reports cannot be covered by the safeguards put in place to protect named whistleblowers.

## **6. Untrue Allegations**

6.1 If an individual makes an allegation that they believe to be true, but it is not confirmed by the investigation, no action will be taken against them.

6.2 If, however, an individual makes an allegation that they know to be false, then disciplinary action may be taken against them under the Academy Trust's procedures.

## **7. How to Raise a Concern**

7.1 As a first step, concerns should normally be raised with the Principal. However, depending upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, this may not be appropriate.

7.2 Where this is the case, concerns should be report directly to the Chair of the Board of Trustees.

7.3 There are two ways to formally make a whistleblowing disclosure;

- Verbally, either face to face or by telephone
- In writing, either by sending a letter or email to the relevant person or by completing the form in Appendix 1.

7.4 It is preferable for concerns to be raised in writing and where this is the case the following details are requested;

- Name and contact details
- Background information and history including details of the concern
- Whether the issue has already been reported to management and the outcome of this
- Whether there is a wish for the name to remain confidential
- Whether feedback is requested
- The names and jobs of any other employees who may support the concern.

7.5 Where reports are made verbally to one of the Designated Officers, they should attempt to ascertain the same information.

7.6 The earlier the concern is raised, the easier it is to take action.

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

7.8 Should individuals wish to obtain independent advice in relation to a potential whistleblowing report, Public Concern at Work operate a confidential helpline 02074046609.

Further advice and guidance can also be found on their website [www.pcaw.co.uk](http://www.pcaw.co.uk)

7.9 The individual may wish to consider discussing their concern with a colleague or their trade union first and they may find it easier to raise the matter if there are two (or more) persons who have had the same experience or concerns.

7.10 Individuals may wish to invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised.

## **8. How the Alexandra Academy Trust will Respond.**

8.1 The Alexandra Academy Trust will respond to concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them.

8.2 The Board of Trustees have appointed the Principal or Head of School at each Academy as the Designated Officer to be the first point of contact for concerns raised under the Whistleblowing Procedure. If the concern involves the Principal or Head of School then the Designated Officer will be The Chair of Trustees. The Designated Officer should be impartial and capable of taking an independent view on the concern raised. If this is not appropriate, an Independent Designated Officer may be considered.

8.3 As part of this process, contact will be made with individuals to clarify their concerns and obtain any further information.

8.4 Where appropriate, the matters raised may:

- be investigated internally
- be referred to the police
- be referred to Cheshire East Council Local Authority Designated Officer (LADO) with whistle blowing
- be referred to Human Resources (HR) consultants

8.5 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 Academy 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.

8.6 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.

8.7 The amount of contact between the Designated Officer and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the designated officer will seek further information.

8.8 Where any meeting is arranged off-site, the individual can be accompanied by a union or professional association representative or a friend, if they so wish.

8.9 The Alexandra Academy Trust will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Academy Trust will arrange for them to receive advice and support about the procedure.

8.10 The Alexandra Academy Trust understands that individuals may wish to be assured that the matter has been properly addressed. Therefore, where possible an estimate of the length of any investigation will be provided and, subject to legal constraints, if requested we will keep them updated at least on a monthly basis during the process and will inform them of the outcome of any investigation. This may include where disciplinary action is taken as a result of an investigation but not details of any sanctions that may be issued.

## **9. How the matter can be taken further.**

9.1 This policy is intended to provide individuals with an avenue to raise concerns within the Alexandra Academy Trust and it is hoped that they will utilise it. However, should they feel unable to raise their concerns internally, the following are possible alternative contact points:

- Public Concern at Work 020 7404 6609
- The Director of Children's Services
- Ofsted
- The Police
- To the Department of Education at [www.gov.uk/complain-about-Academy](http://www.gov.uk/complain-about-Academy)

9.2 It is stressed that this list is not exhaustive and individuals are free to contact any organisation they feel will be able to deal properly with their concerns. This may include;

- a solicitor
- other relevant professional or regulatory bodies as prescribed by the Secretary of State

9.3 Individuals should, however, take legal advice before reporting an issue to a body other than those specified above to ensure that they are making a protected disclosure.

9.4 Individuals will be protected under the Public Interest Disclosure Act 1988 if they raise their concerns with any of the above, provided that;

- they believe the disclosure to be in the public interest
- they reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- they do not make the disclosure for personal gain

9.5 If the individuals do take the matter outside of the Alexandra Academy Trust, they should ensure that they do not disclose confidential information.

#### **10. The Law**

This policy has been written to take into account the Public Interest Disclosure Act 1988, which protects workers making disclosures about certain matters of concern, where those disclosures are made within the act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.

#### **11. Review**

The policy will be reviewed in the light of operating experience and/or changes in legislation or further issued guidance from the DfE or every three years if there have been no changes.

#### **12. Outcomes**

This policy will promote the excellent ethos of the Academy Trust. It will promote the high standards and high expectations set out in the Academy Trust's aims, values and Mission Statement.

This policy must be read in conjunction with the following policies:

- Acceptable Use
- Anti-Bullying,
- Child Protection & Safeguarding
- Complaints
- E-Safety
- Grievance
- Health & Safety
- Inclusion
- Positive Behaviour
- S.E.N.
- Single Equality



**APPENDIX 1**



**ALEXANDRA ACADEMY TRUST  
WHISTLEBLOWING COMPLAINT FORM**

<b>Name of person completing this form:</b>		<b>Name of staff the complaint relates to:</b>	
<b>Role:</b>			
<b>Name of child (if applicable):</b>		<b>Date form completed:</b>	
<b>Nature of complaint/incident:</b>		<b>Date of incident:</b>	<b>Time of incident:</b>
<b>Place of the incident:</b>			

**Detail of concerns:** *What you saw, what you heard, in your own words. Include brief, accurate details and who else was present. Was it 1<sup>st</sup> or 2<sup>nd</sup> hand information? Distinguish between fact and opinion.*


<i>Continue on a separate piece of paper and attach as required</i>

**For Completion by Principal:**

Concern shared with:	Signature of referrer:	Date of record:
		Time of record:
Agreed actions with basis for decision	By whom	By when

**Outcome of Concerns for Completion by Principal:**

<b>Principal Signature:-</b>	<b>Date when actions are to be reviewed:</b>