



Ambition
Education Trust

Whistleblowing Policy

Policy Group	D	People and Culture
Title	D29	Whistleblowing
Trust sub-committee		Resources
Last reviewed		September 2024
Next scheduled review		August 2025
Co-ordinated by		Director of People



1 Introduction

- 1.1 Ambition Education Trust (AET) expects the highest standards of conduct from all staff. It is therefore important to the Trust that any fraud, misconduct or wrongdoing by staff is reported and properly dealt with. The Board of Trustees will treat seriously any concern raised about illegal or improper conduct and respond to all raised concerns properly and fairly.
- 1.2 This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- 1.3 This policy and procedure applies to all individuals at all levels of the AET including officers, members, trustees, governors, employees, consultants, contractors, casual workers, agency staff and volunteers (collectively referred to as staff in this policy).
- 1.4 This policy and procedure has been produced in consultation with professional associations/trade unions.
- 1.5 Staff who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.
- 1.6 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 Background

- 2.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
 - 2.1.1 A criminal offence
 - 2.1.2 A miscarriage of justice
 - 2.1.3 An act creating risk to health and safety
 - 2.1.4 An act causing damage to the environment
 - 2.1.5 A breach of any legal obligation
 - 2.1.6 Bribery
 - 2.1.7 Financial fraud or mismanagement
 - 2.1.8 Breach of Trust internal policies and procedures
 - 2.1.9 Negligence
 - 2.1.10 Conduct likely to damage the School/Trust reputation
 - 2.1.11 Unauthorised disclosure of confidential information
 - 2.1.12 Concerns about the harm or risk of harm to children
 - 2.1.13 The deliberate concealment of any of the above
- 2.2 This policy covers an act which is being, has been, or is likely to be, committed. It is not necessary for the whistleblower to have proof that such an act is being, has been, or is likely to be committed, - a reasonable belief is sufficient. Staff have no responsibility for investigating the matter; it is the Trusts responsibility to ensure that an investigation takes place.
- 2.3 Where the concerns are about safeguarding children or young people, the school's Designated Senior Lead for Child Protection should be notified (see 7 below).
- 2.4 This is a procedure in which the Trust will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

2.5 Concern about a colleague's professional capability should not be dealt with using this procedure, but should be referred to the Trust's Performance and Capability Policy.

2.6 **Protections for whistle blowers**

2.6.1 This policy has been written to take account of the Part IVA of the Employment Rights Act 1996 which protects workers making protected disclosures.

2.6.2 A qualifying disclosure made to the worker's employer is a protected disclosure. A qualifying disclosure made by a worker under this policy will also be a protected disclosure.

2.6.3 A whistle blower who makes a protected disclosure has the right not to be dismissed (if they are an employee) or subjected to any other detriment, because they have made a protected disclosure.

2.6.4 Dismissing, or subjecting a whistle blower to any other detriment for raising a protected disclosure will be a disciplinary offence.

2.6.5 Neither the Trust nor the CEO/Headteacher/Principal will decide that anyone should cease to work at a setting within the trust on the basis that they have made a qualifying disclosure in accordance with the law and this policy.

2.6.6 Whistle blowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS (www.acas.org.uk).

2.7 **When should it be used**

2.7.1 A whistleblower is a person who raises a genuine concern relating to any of the above. If a 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.

2.7.2 This policy should not be used for complaints relating to a member of staff's own personal circumstances, such as the way they have been treated at work. In those cases, the staff member should use the Grievance Procedure or Bullying & Harassment Policy as appropriate.

2.7.3 If a member of staff is uncertain whether something is within the scope of this policy or are unsure about how to proceed, they should seek advice from the named contacts (located at the end of the document) the CEO/Head Teacher/Principal, Director of People or their professional association/trade union.

2.7.4 This policy and procedure is not designed to replace or be used as an alternative to the Trust's Grievance Procedure, which should be used where staff are only aggrieved about their own situation. This policy and procedure will also not apply where staff simply disagree with the way the Trust/school is run.

2.7.5 Staff must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.

2.7.6 Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to the Chief Operating Officer or Chief People and Finance Officer for possible investigation. Normally staff must first report any suspicion of such an irregularity to the CEO/Head Teacher/Principal or named contacts, who will in turn

report it to the Funding Agency.

3 Principles

- 3.1 Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially. Whilst the Trust/school will aim to keep the whistleblower informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed.
- 3.2 No member of staff will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or training of whistleblowers will not be prejudiced because they have raised a legitimate concern.
- 3.3 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 3.4 If misconduct is discovered as a result of any investigation under this policy the matter will be considered under the Trust's disciplinary procedure, in addition to any appropriate external measures.
- 3.5 Maliciously making a false allegation is a disciplinary offence.
- 3.6 An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, staff should not agree to remain silent.

4 Procedure

- 4.1 In the first instance, unless the whistleblower reasonably believes their CEO/Head Teacher/Principal to be involved in the wrongdoing, in which case concerns should be raised with named contacts in section 8, any concerns should be raised with the employee's CEO/Head Teacher/Principal.
- 4.2 They will arrange an investigation into the matter (either by investigating the matter themselves or immediately passing the issue to someone in a senior position or external to the organisation). The investigation may involve the whistleblower and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above.
- 4.3 Staff who want to use the procedure but feel uneasy about it may wish to consult their professional association/trade union initially and bring a colleague/ professional association/trade union representative along to any discussions. This is permitted as long as the third party is not involved in the issue.
- 4.4 Staff are not encouraged to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from the whistleblower. It is also more difficult to establish whether any allegations are credible.
- 4.5 Staff who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed in this policy and appropriate measures can be taken to preserve confidentiality although no guarantee can be given that this will always be possible.
- 4.6 The person who carried out the investigation will then report to the Chair of Trustees/Trust Board who will take the necessary action, including reporting the matter to any appropriate

department or regulatory agency. If disciplinary action is required, this will be taken forward by the CEO/Head Teacher/Principal/Trust Board in consultation with the Trust's HR advisory team. At the conclusion of any investigation, the whistleblower will be told the outcome of the investigation and what the next steps will be (subject to issues of confidentiality). If no action is to be taken the reason for this will be explained.

- 4.7 The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the Trust. In most cases staff should not find it necessary to alert anyone externally and employees are strongly advised to seek advice before reporting a concern in this way. Staff who feel unable to follow this route, for whatever reason, have the option of contacting a prescribed person and the Public Interest Disclosure Prescribed Persons list and the matters within their remit. For education issues this is likely to include Her Majesty's Chief Inspector of Children's services and skills, the Secretary of State for Education and the Office of Qualifications and Examinations Regulator. A full list can be obtained from the charity, Public Concern or the BEIS website

5 Obligations for the Trust

- 5.1 It is a requirement under the Academies Financial Handbook that academy trusts must have procedures for whistleblowing, and trustees must agree the whistleblowing procedure. The trust will appoint at least one trustee and one member of staff who other staff can contact to report concerns and must ensure all staff are aware of the process and how concerns will be managed.
- 5.2 The Academies Financial Handbook sets out a requirement that the board of trustees must notify the Education and Skills Funding Agency (ESFA) as soon as possible, of any instances of fraud, theft and/or irregularity exceeding £5k individually, or £5k cumulatively in any financial year. Unusual or systematic fraud, regardless of value, must also be reported.

6 Contacts

AET nominated Trustee
Chair of Finance
Paul Webster
websterp@trustee.aetrust.uk

AET nominated Staff
Chief Operating Officer
Phil O'Neill
oneillp@aetrust.uk
Tel: 01727 799560

Chief People and Finance Officer
Amy Barclay
barclaya@aetrust.uk
Tel: 01727 799560

Or via your professional association or trade union representative

Or the independent whistleblowing charity Public Concern at Work;
Helpline (020) 7404 6609
E-mail: whistle@pcaw.co.uk

