

Ashley Hill Multi Academy Trust

Whistleblowing Policy & Procedure



Date: 5th November 2019

Review 12th October 2018

Bisham C of E Academy Head of School: Mrs Laura Morel
Knowl Hill C of E Academy Head of School: Mrs Nichole Bournier
White Waltham C of E Academy Head of School: Mr Matt Thompson

Encourage one another and build each other up

Thessalonians 5:11

Together we learn, love, achieve and succeed. Within our school family, each individual is encouraged to flourish by discovering and growing their God-given talents to their fullest potential. We believe by encouraging, inspiring and building each other up, we secure the best outcomes for every member of our community.



VISION STATEMENT FOR AHMAT

Ashley Hill Multi Academy Trust is committed to securing the best outcome for every child in its schools within a learning environment characterised by a distinctive Christian ethos.

We value the uniqueness and individuality of every school in the Trust, encouraging each to develop to meet the particular needs of all its pupils and the community it serves, underpinned by a common commitment to work together, making full use of all the Trust's resources, to enhance the experience and opportunities of all.

In line with our core Christian beliefs and principles, we want each school to be an educational community where:

- all are welcome, whatever their cultural, ethnic or religious background;
- all will flourish, with a particular focus on supporting any who are disadvantaged culturally, socially, economically, physically, or in any other way;
- all will have a life-enhancing encounter with the Christian faith;
- each individual is encouraged and helped to discover and develop their God-given gifts and talents to the fullest extent;
- all will fulfill their potential in a way appropriate for their age, both academically and as well-rounded, independent, emotionally mature individuals.

WHILSTLEBLOWING - RAISING CONCERNS AT WORK

Background

As employees are often the first to realise that there may be something wrong within an Academy, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

Introduction

The Ashley Hill Multi Academy Trust Directors are committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust/Academy rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

Purpose

The purpose of the policy is to:

- encourage employees to feel confident in raising concerns and to question and act upon their concerns
- provide avenues for employees to raise these concerns and receive feedback on any action taken
- allow employees to take the matter further if they are dissatisfied with the school's response
- reassure them that they will be protected from reprisals or victimisation for whistle blowing in good faith in accordance with the procedure

This policy applies to all employees including those working on a temporary or casual basis. There are existing procedures in place to allow staff to lodge a grievance relating to their own employment within the Trust's Discipline, Conduct and Grievance Procedures.

This Policy is intended to cover reasonably serious concerns that fall outside the scope of other procedures. That concern may be about any of the following:

- A Criminal conviction that has been, is being or is likely to be committed
- Fraud and Corruption
- Unauthorised use of public funds
- A failure to comply with a legal obligation
- A health and safety risk relating to any individual
- A miscarriage of justice
- Damage to the environment
- Actions that are contrary to any of the school's policies
- Actions or behaviour that falls below established standards of practice
- Abuse and welfare of students or staff
- Harassment or victimisation of students or staff
- Any actions or concerns regarding practice that could result in a financial loss to the school
- The deliberate concealment of information relating to any of the above matters
- Other unethical conduct
- Untrue allegations

This list is not exhaustive.

Procedure

Making a disclosure – initial action:

As soon as an employee becomes reasonably concerned about a matter, they should first raise the issue with their Head of School unless the disclosure concerns them, in which case the employee should write to the CEO. The employee may feel that they would rather report directly to the CEO, which is acceptable.

Disclosures involving the CEO should be raised with the Chair of Directors. In this case, the Chair of Directors may appoint an independent investigator to consider the case and whether there are grounds for proceeding. Disclosures concerning a member of the Senior Leadership Team [SLT] should be raised with the CEO. This can be done via the employee's HoS.

All managers have a responsibility to act on the concerns raised, in accordance with this procedure. Failure to do so in accordance with the policy and procedure may lead to disciplinary action.

Concerns should be raised in writing and should give the background, the nature of the malpractice that is alleged; relevant dates where possible; the reasons for the concern and the names of individuals against whom the allegations are made.

Once a concern is raised the receiving manager, should report the matter to the CEO who will appoint an appropriate manager to investigate [the "investigating manager"]. This could be the receiving manager. The CEO will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure [the employee will be informed of this]. If the matter is dealt with under the Whistleblowing policy then the employee will then be informed of the name of the investigating manager. If the matter relates to the CEO, the Chair of Directors will appoint the investigating manager. Due to the nature of the disclosure the CEO may appoint an independent external investigator to look into the matter. If the matter relates to the CEO then decisions for proceeding will be made by the Chair of Directors.

The receiving manager will then inform the employee in writing of the process to be followed.

The receiving manager will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days. However this may be delayed if it is likely to jeopardise the investigation.

Handling a disclosure:

The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy.

Where appropriate, the matters raised may:

- be investigated by the investigating manager or internal auditors
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry by an outside body

This will be determined by the investigating manager in conjunction with the CEO and the Chair of Directors.

Within four weeks of a concern being raised, the investigating manager will write to both parties:

- indicating how the Academy proposes to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response
- indicating whether further investigations will take place and if not, why not

Appendix 1 provides details of the role of the investigating manager.

Any internal investigation should take no longer than three months to complete from the date of receipt of original disclosure. As part of the investigation, the investigation manager will decide:

- whether disciplinary action be taken against any employee
- whether changes should be recommended to any Academy procedure
- whether any other action should be recommended
- These will be detailed in a final report

The investigating manager will send a copy of the final report, including recommendations, to the CEO or Head of School, who will consider the recommendations and determine what action, if any, to take.

The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.

The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

Appeal

An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision to a more senior manager within the school. An appeal should be made to the CEO within five days' of receipt of the outcome letter.

The CEO will determine who should hear the appeal. The appeal should be completed within one month.

After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied they may raise the matter further by contacting an outside agency.

An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, within five working days, to the CEO about the outcome of the report. The CEO will consider these representations and may direct further investigation or review as appropriate.

In the event that the complaint is against the CEO, the appeal should be addressed to the Chair of Directors.

Timescales Action

Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed

Confirm in writing to the person complained of that a disclosure has been received and that it is being considered. Outline the process to be followed

Confirmation of whether the matter is to be investigated, and if so, how it will be investigated
Letters sent to employee and person complained of

Written confirmation of outcome of investigation and action to be taken. Report sent to the CEO /Head of School recommendations and determines what action to take. Letters sent to employee and person complained of

Appeal against outcome of investigation

Appeal carried out

Appeal to CEO

Timescale

Within 10 working days

Within 10 working days

Within four weeks of receipt of disclosure

Within three months of receipt of disclosure

Within five working days from receipt of outcome

Within one month of appeal

Within five working days from receipt of outcome

By Who

Person who receives the disclosure - **the receiving manager**

Person who receives the disclosure - **the receiving manager**

Person appointed to investigate - **the investigating manager**

Person appointed to investigate - **the investigating manager**

Employee who makes the disclosure

Manager appointed to hear the appeal

Employee subject to the disclosure

While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress.

Recording and monitoring

The CEO or Head of School will maintain a register containing all concerns that are brought to the organisation's attention. These will be reported on a quarterly basis to the Chair of Governors.

All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 2018. Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be withheld to protect a third party.

Resources

APPENDIX 1

The role of the investigating manager:

The investigating manager will have the following responsibilities to the Academy:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague
- Establish the facts/obtain statements/collect documentary evidence
- Maintain detailed records of the investigation process
- Make any recommendations for action to be submitted to a more senior manager

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague
- Keep the employee up to date with progress on the matter and agree timescales for action
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview
- Give details of employee support mechanisms available

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence

- Advise in writing of the procedure to be followed
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague
- Give details of employee support mechanisms available
- The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required
- Where necessary the Academy will provide support, counselling or mediation in order to ensure normal working relationships are resumed as effectively as possible

Reviewed: 5th November 2019

12th October 2018

December 2015

September 2013 Suzie Henwood - Governor - White Waltham CE Academy

Signed by:

_____	CEO AHMAT	Date: _____
_____	AHMAT Chair of Directors	Date: _____
_____	Bisham Head of School	Date: _____
_____	Bisham Chair of governors	Date: _____
_____	Knowl Hill Head of School	Date: _____
_____	Knowl Hill Chair of governors	Date: _____
_____	White Waltham Head of School	Date: _____
_____	White Waltham Chair of governors	Date: _____