

**What's this document about?**

This document provides a clear framework for reporting concerns about risk, malpractice and wrongdoing in good faith without fear of reprisal or victimisation.

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**Who does this apply to?**

All employees and contractors and their staff who are working at the Trust and its academies, including Trustees, members of LECCs, volunteers, agency staff, construction workers and drivers; also, providers of works, services and supplies including external contractors and those providing services under a contract with the Trust or Academy of the Trust.

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**Policy Statement**

This policy aims to:

- Encourage colleagues to feel confident to make a disclosure about issues that fall under this policy;
  - Provide avenues for colleagues to raise those concerns;
  - Reassure colleagues that they will be protected from being penalised, victimised or suffering detriment.
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## 1 Introduction

Below are the key points of the Policy:

- Astrea Academy Trust (the Trust) and its academies are committed to the highest standards of openness and expect colleagues to come forward and voice appropriate concerns;
- This policy covers major concerns that fall outside the scope of those procedures, for example the Grievance Resolution Policy and Procedure and Safeguarding Policy;
- All concerns will be treated in confidence and an employee's identity will not be revealed without their prior agreement, and they will not be penalised for making a disclosure
- This policy is informed by the Public Interests Disclosure Act 1998 and the Employee Rights Act 1996 which provide specific rights for workers who disclose information about alleged wrongdoings in certain specific circumstances.

At one time or another, colleagues may experience concerns about what is happening at work. Usually these concerns are easily resolved. However, when the concern feels serious because it involves possible health and safety, or a person's welfare, malpractice or a wrongdoing that might affect others or the organisation, it can be difficult to know what to do.

Colleagues may be worried about raising such a concern and may think it is best not to say anything, or keep it to themselves, perhaps feeling it's none of their business or that it is only a suspicion. Colleagues may feel they would be disloyal to their peers, manager or to the organisation if they raised it. Colleagues may decide to say something but find that they have spoken to the wrong person, they may have raised it before and nothing was done, or they may have raised it in the wrong way and are not sure what to do next.

The Trust is committed to running the organisation in the best way possible. This policy is designed to reassure colleagues that it is safe and acceptable to speak up and raise any workplace concerns they may have and that they are showing loyalty and commitment to the Trust by raising concerns.

Rather than wait for proof, it is preferred that colleagues raise the matter as early as possible and when it is still a concern. Speaking out early could stop the issue from becoming more serious, dangerous or damaging. Any confidentiality obligations in contracts of employment that would prevent an employee making a protected disclosure will be void. Section 43J of the Employment Rights Act 1996 provides that any settlement agreement made between an employee and employer cannot prevent future protected disclosures.

The Whistleblowing Policy is primarily for concerns where the interests of the organisation or others are at risk. Therefore, if something is troubling someone that they think we should know about and look into, they are advised to refer to this policy.

## 2 What kind of concerns would I disclose under this policy?

Whistleblowing is the term used when an employee makes a disclosure concerning wrongdoing. The wrongdoing will typically, although not necessarily, be something they have witnessed at work.

This policy covers any serious concerns about any aspect of service provision or the conduct of employees of the Trust and its academies or others acting on their behalf. This could be something that makes someone feel uncomfortable in terms of known standards; is against Trust policy; falls below established standards of practice or amounts to improper conduct.

To be covered by whistleblowing law, a worker who makes a 'protected disclosure' must reasonably believe:

- That they are acting in the public interest.
- That they are telling the right person.
- That the disclosure shows past, present or likely future wrongdoing falling into one or more of the following categories:
  - Criminal offences (this may include, for example, types of financial impropriety such as fraud);
  - Failure to comply with a legal, including contractual, obligation;
  - Miscarriages of justice;
  - Health and Safety risks, including risks to the public;
  - Damage to the environment;
  - Risk to safeguarding
  - Improper conduct or unethical behaviour
  - Unauthorized disclosure of confidential information
  - Discrimination
  - Covering up wrongdoing in any the above categories

**Safeguarding Harms Threshold** - if a disclosure is alleging that anyone working within the Trust has:

- Behaved in a way that has harmed a child, or may have harmed a child and/or;
- Possibly committed a criminal offence against or related to a child and/or;
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Colleagues are advised to refer to the Safeguarding Policy for guidance on how allegations that may meet the harms threshold should be investigated / handled.

Colleagues are also advised to refer to the Safeguarding Policy for reporting allegations of "low level" concerns where an adult working in or on behalf of the Trust may have acted in a way that:

- is consistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to LADO

This does not mean the concern is not insignificant, it means that the behaviour towards a child does not meet the harm thresholds set out above and no matter how small, if causing a sense of unease or nagging doubt please follow the advice laid out in the Safeguarding Policy for escalation guidance.

If the concern is deemed to be more significant and beyond the threshold set out above, the disclosure should be escalated to the Trust Safeguarding Designated Lead or others as set out in section 4.

The Trust will also consider under this policy disclosures of wrongdoing in relation to other formal obligations (for example, qualification Awarding Body regulations). In these circumstances, the procedure below is likely to be adapted in order to comply with the requirements of the external body.

Not all concerns about the Trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a colleague as an individual, or relates to an individual employment contract, this is likely to constitute a grievance, and should be raised in line with the Astrea Grievance Resolution Policy & Procedure.

### **3 The Trust's commitment to you**

The Trust is committed to this Policy and will ensure that all staff are aware of it through the induction process and reminders to existing staff.

Astrea considers it a professional duty for colleagues to make a disclosure where they are aware of or strongly suspect wrongdoing. The Trust will treat all disclosures in an appropriate and fair way.

Colleagues who make a disclosure ('blow the whistle') will be fully supported and protected by the Trust. If a colleague raises a genuine concern under this policy, they will not be at risk of losing their job or suffering from any form of retribution as a result. Provided they are acting honestly and in good faith, it does not matter if it is found that they are mistaken. If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

With these assurances, we hope that colleagues will raise any concern openly. However, we do recognise that there may be circumstances when colleagues would prefer to speak to someone in confidence first. If this is the case, colleagues are supported to do so from the outset. If a colleague asks for their identity to be kept anonymous we will do so unless the law prevents this, however this may make it more difficult to investigate the matter fully, protect the employees' position, or provide feedback. Please understand that there may be times when we are unable to resolve a concern without revealing a colleague's identity and in such cases, we will discuss this, and how best to proceed, with the colleague directly.

Even where extreme circumstances are thought to exist, an employee should not approach the media with details of the suspected wrongdoing. Any misuse of this policy may be considered under the Trust Disciplinary Policy following a thorough investigation.

If a colleague is unsure about raising a concern, they can obtain independent advice from the independent whistleblowing charity Protect (see section: [Independent information and sources of confidential support](#)).

### **4 How do I raise a concern and make a disclosure?**

Many workplace problems can easily be solved at a local level. Employees are encouraged to raise their concerns to their Principal (if working within an Academy) or Department Head (if working within

Central Team) to provide an opportunity for issues to be resolved without recourse.

However, if the concern is in relation to the Principal of the Academy, colleagues are advised to make a disclosure to the Regional Director. Or if in relation to a Department Head within Central Team, colleagues are advised to make a disclosure to the Executive Director.

The Board of Trustees have appointed the following to be named contacts for reporting concerns which colleagues cannot be resolved at a local level:

Safeguarding Lead	Nicola Law  Deputy Director of Safeguarding  <a href="mailto:Nicola.law@astreaacademytrust.org">Nicola.law@astreaacademytrust.org</a>  07392 866262
Chief Executive Officer	Rowena Hackwood  <a href="mailto:Rowena.Hackwood@astreaacademytrust.org">Rowena.Hackwood@astreaacademytrust.org</a>  07753 606 539
Chair of Pay & Remuneration Committee	c/o Astrea Academy Trust, Unit 21, The Quadrant, 99 Parkway Avenue, Sheffield, S9 4WG

If making a disclosure, colleagues will be expected to give as much background and history as they can and, whilst they are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that they are making the disclosure in good faith and that they reasonably believe that the information disclosed, and any allegation contained within it, are substantially true. None of this policy will apply unless colleagues have acted in good faith.

If a report is received by any other member of staff, then it will immediately be passed to one of the named contacts as outlined above.

Appendix A contains a Whistleblowing Notification Form. Whilst colleagues are not required to make a submission using this form, it is encouraged in order to capture all relevant details to assist with the investigation of the concern raised

## 5 How will the Trust respond?

In order to protect all individuals concerned with any disclosure, initial enquires will be made to decide whether an investigation is appropriate. Where appropriate the matters raised may be:

- Investigated by a Principal or Department Head (or if in relation to them, it will be investigated by a Regional Director or Executive Director), any member of the Trust's Executive Board or Trust's Board of Trustees (depending on the nature of the concern), or through appropriate disciplinary procedures;

- Be referred to the policy, and/or other appropriate agencies;
- Be referred to the Trust's external auditor;
- For the subject of an independent enquiry;
- Resolved by agreed action without the need for investigation

Within 5 working days, the named contact or the investigating officer will:

- Acknowledge receipt of the colleague's concern;
- Indicate how it is proposed to deal with the matter and give an estimate of how long this will take;
- Provide information on staff support mechanisms

Should there be any need for investigating officers to meet with the colleague making the disclosure, this can be off site if preferred and colleagues can be accompanied by a Trade union representative or work colleague (not involved in the area of activity to which the disclosure relates; during the subsequent investigation of the disclosure). All parties will be expected to maintain strict confidentiality.

The Trust will take steps to minimise any difficulties which colleagues may experience as a result of raising a concern, and if they are required to give evidence at a criminal or disciplinary hearing, the Trust will support you.

Whilst the Trust must act in confidence in relation to any disclosure made under this policy, it will use its best endeavours to inform those making the disclosure of the outcome of any investigation wherever possible.

## 6 Independent Information & Source of Confidential Support

1. Independent information and advice for employees concerned about whistleblowing can be obtained from their Trade Union.
2. Independent advice can be obtained from the Whistleblowing Charity Protect: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)
3. Information can also be obtained through the ACAS helpline 0300 1231100

## 7 Making External Disclosures to Prescribed People & Bodies

In general, if a worker makes a disclosure to an external body they may lose their whistleblowing rights and protections. There are some exceptions to this however, known as **prescribed people and bodies**. A full list of such people and bodies can be downloaded at [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The list includes, but is not limited to, the following:

- Ofsted
- The Department of Education
- The Financial Conduct Authority

- Member of Parliament
- A legal advisor
- The Health and Safety Executive
- Her Majesty's Revenue and Customs

## **8 Governance & Reporting**

To ensure consistency of practice and proper handling of all whistleblowing concerns, operational oversight and central records will be maintained by the Central HR Team.

An annual report to Trustees will be provided including an anonymised summary of the concerns raised, to which academy / service they related, the post to which the concerns related (if not confidential) and any lessons learned.

Please contact the Central HR department for any queries regarding this policy and its application.



## Appendix 1 – Whistleblowing Notification Form

If you wish to make a concern under the Whistleblowing Policy, you are encouraged to use the following form to make your disclosure, which will enable the initial information required to be captured.

By completion of this form, you are declaring that you have a genuine concern which falls under the Astrea Whistleblowing Policy.

***\*N.B. While Astrea believes it would be better able to address your concern if you identify yourself; whether you do so or not is a matter for yourself. Astrea will address the matter you raise in any event.***

<b><u>Details of person making the disclosure</u></b>	
<b>Name:</b>	
<b>Job Title:</b>	
<b>Primary Work Location (name of Academy, or Central Team):</b>	
<b>Contact Telephone Number:</b>	
<b>Email Address:</b>	

<b><u>Details of the concern being raised</u></b>	
<b>What category does your disclosure relate to (please tick)?</b>	
<b>Criminal offence(s) (including for example, financial impropriety such as fraud)</b>	
<b>Failure to comply with a legal, including contractual, obligation</b>	
<b>Miscarriage(s) of justice</b>	
<b>Endangering someone's health and safety</b>	
<b>Damage to the environment</b>	
<b>Risk to safeguarding</b>	
<b>Improper conduct or unethical behaviour</b>	
<b>Unauthorised disclosure of confidential information</b>	
<b>Discrimination</b>	
<b>Covering up wrongdoing in any the above categories</b>	
<b>Other (please specify)</b>	
<b>In your own words describe your specific concern(s). Please try to include, as a minimum: date(s), time(s), persons involved, including any witnesses, location and the length of time you have been concerned:</b>	
<i>Continue on a separate sheet if necessary</i>	

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**Why are you concerned about the issue(s)?**

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**Have you discussed these concerns with anyone else?**

**Yes**

**No**

**If so, who did you discuss this with and when (dates):**

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**What was the outcome of that discussion?**

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**Confirmation of whistleblowing submission**

Print name:

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Signature:

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Date:

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