



Whistle Blowing Policy

This policy is effective for all schools within the
Aspire Learning Partnership

APPROVED BY: Aspire Learning Trust Board

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Why do we have a Whistleblowing Policy?

Employers are recommended to develop a clear and accessible Whistleblowing Policy under the Public Interest Disclosure Act 1998.

Such a policy is essential as, although all schools/colleges in the Aspire Learning Partnership pride themselves on acting with high standards of conduct and providing quality services to the community, sometimes there may be a lapse, or the suspicion of a lapse, in these standards. The simple fact is that an employee may suspect something is going wrong long before anyone else finds out about it; in the worst case, this may not be until an accident has happened or serious damage has been caused.

So if something at work is troubling you enough for you to mention it to your family or friends, please report it straight away. It is natural that you may feel unable to express your concerns out of a feeling of disloyalty, however, such feelings must never result in a potentially illegal or dangerous situation going unreported. This particularly applies where the welfare of children may be at risk: all staff have a duty to report any child protection concerns to their school's designated person for child protection - make sure you know their name. Remember, it is often the most vulnerable children or young people who are targeted; they need someone like you to safeguard their welfare.

Don't think "what if I'm wrong?", think "what if I'm right?"

What is a Whistleblowing Policy?

'Whistleblowing' has been described as "providing a safe alternative to silence" (Public Concern at Work). It is the mechanism for you to voice your concerns without fear of repercussion, even if the concern later proves to be unfounded. When you raise a concern via this route, this is known as making a 'disclosure'.

The Whistleblowing Policy explains how to raise a concern and outlines the protection and support available to you. The existence of this policy does not in any way lessen your school's commitment to promoting a general climate of openness and co-operation where there is opportunity for discussion about difficulties, concerns and problems with management. Rather it is there for occasions when you feel unable to raise a concern through this route, or when this would not be appropriate.

The policy covers and protects employees, agency workers, trainees and contractors' staff. Please take a few minutes to read it: if you have any questions please speak to your Manager/Principal or HR Advisor.

The existence of this policy should be highlighted on a poster in every school staffroom (an example is provided at [Appendix 2](#)). An electronic version of this policy is available on the Trust's website and on school internal systems.

Whistleblowing generally involves a concern about a danger or illegality that affects others, such as members of the public or your employer. Although on occasion there may be some overlap between a whistleblowing concern and a grievance, for example, a health and safety matter where the risk affects you and others, concerns about a situation affecting you personally should generally be raised via the Grievance Procedure.

What kind of disclosures are covered?

Although this is not an exhaustive list, whistle-blowing disclosures tend to involve one or more of the following:

- Deficiencies in the care, or abuse, of children or young people
- A criminal act that has been, is being, or is likely to be committed, including damage to the environment, unauthorised use of public funds and possible fraud and/or corruption
- Someone has failed, is failing, or is likely to fail, to comply with legal obligations
- Health and safety risks, including risks to the public, children/young people and other employees
- Inappropriate or improper conduct
- Serious failure to comply with appropriate professional standards
- Breach of local procedures or statutory codes of practice
- Other unethical conduct.

Reasons for whistleblowing

- We all have an individual responsibility for raising concerns about unacceptable practice or behaviour
- We could prevent the problem worsening or widening
- We may be able to protect or reduce risks to others
- To prevent becoming implicated yourself.

What stops people from whistleblowing?

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed.

How to raise a concern

- You are recommended to approach your Trade Union/Professional Association for advice and support, which may include inviting them to raise the concern on your behalf.
- Approach your principal/headteacher, or your school's designated person for child protection (if the concern is child protection related). If you would feel more comfortable you can ask to meet with them away from the school premises. They will consider whether the issue can be resolved informally.
- You should be making the disclosure in good faith. The Public Interest Disclosure Act 1998 defines 'good faith' in the context of whistleblowing as "the reasonable belief that the allegation is substantially true and that it is not made for personal gain".
- Voice your concerns, suspicions or uneasiness as soon as you can; the earlier a concern is expressed the easier and sooner action can be taken. Try to pinpoint exactly what practice is concerning you and why.

- Ideally put your concerns in writing (using the form provided at [Appendix 1](#)), outlining the background and history, giving names, dates and places where you can.
- If your concern is about your headteacher/principal, or you feel you need to formally raise it with someone outside the school, contact the Chair of the local governing body through the clerk to governors or the CEO of the Trust.
- If you feel you need to take your concern to a regulatory body (for example, Ofsted), or to a relevant external organisation/individual, please see the contact details at [Appendix 3](#). The conditions for making a disclosure to a Regulatory Body/External Organisation are:
 - You reasonably believe you would suffer detriment if you made the disclosure to your headteacher/principal, the governing body, or to the CEO, or
 - You reasonably believe the evidence is likely to be concealed or destroyed; or
 - You have already made the disclosure to your headteacher/principal or the governors/CEO and you are dissatisfied with the response.
- You are not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.
- You may invite your Trade Union/Professional Association representative or a work colleague to be present during any meetings/interviews in connection with the concerns you have raised. Should your Trade Union/Professional Association representative raise the concern on your behalf, they will be automatically afforded the same protection from detriment.
- As far as is within your control, make sure you get a satisfactory response - don't let matters rest.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.
- **Be aware that malicious or vexatious allegations may be considered as a disciplinary offence.** The Concise Oxford Dictionary (Tenth Edition) defines 'malicious' as "characterised by malice; intending to do harm" and 'vexatious' as "Law (of an action) brought without sufficient grounds for winning, purely to cause annoyance to the defendant". Such allegations can cause serious difficulties for innocent individuals. The Public Interest Disclosure Act 1998 does not exclude the possibility of workers being sued by individuals for defamation in connection with any disclosures they make.

What happens next?

- Preliminary inquiries may be made to help decide how best to respond in the public interest. Depending on the nature of the issue raised, the response may be one or more of the following:
 - management investigation
 - internal audit investigation
 - disciplinary investigation
 - referral for consideration under another Trust procedure
 - referral to the police

- an independent investigation
 - amend procedures
 - no action due to lack of sufficient evidence.
- You should be given information on how the matter is likely to be dealt with within 10 working days of making the disclosure (so far as legally possible and subject to rights of confidentiality).
 - You will be informed of the outcome of the investigation and any action that has been taken to resolve the matter (so far as legally possible and subject to rights of confidentiality).
 - If you are dissatisfied with the response, you may take the matter further with the persons/organisations identified at [Appendix 3](#).

How are you protected?

- Your employer has a responsibility to protect you from any detriment as a result of making a disclosure in good faith, particularly from disciplinary action, dismissal, harassment or victimisation. Fulfilling that responsibility includes treating the disclosure confidentially, one aspect of which may involve protecting your identity. Any victimisation or harassment, either in an attempt to deter an individual from making a disclosure, or following a disclosure, will be considered gross misconduct and may lead to dismissal.
- No disciplinary action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- If you want your identity to remain confidential, this will be observed as far as possible. Should it not be possible to resolve a concern without revealing your identity (for example, because your evidence is needed in court or in a subsequent internal disciplinary hearing), a discussion will be held with you about whether the matter should be taken forward and, if so, how this will be done and how to best protect your interests.
- Anonymous disclosures will be considered to the extent that it is reasonable and practicable to do so, although the need to confirm or follow up evidence may make this difficult.
- The decision to whistleblow can be difficult and stressful. Advice and support is available from your line manager/headteacher/principal and/or your Trade Union/Professional Association.
- It is your right to remain in your current post. The Trust will work with school management to make every possible effort to ensure that this takes place. If you feel unable to remain in your role during the investigation, every effort will be made to transfer you to an appropriate alternative.

How will this policy be reviewed?

This policy will be reviewed for fitness for purpose after each whistleblowing case. Any review will take place with the involvement of the appropriate Trade Unions and Professional Associations.

Where can I go for further advice?

Your Trade Union/Professional Association can offer advice and support. In addition, the independent charity Public Concern at Work (PCaW) provides advice to individuals on whistleblowing in the public interest on a strictly confidential basis (www.pcaw.co.uk / 020 7404 6609).

"Absolutely without fail challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong"

Sounding the Alarm – Barnardos

APPENDIX 1 - WHISTLE BLOWING POLICY - REPORTING FORM

Referral Form to be completed by Individual identifying a concern under the Public Interest Disclosure Act 1998

DETAILS OF PERSON RAISING CONCERNS AND ISSUE RAISED

Nature of Concern

Background (please provide dates where possible)

Who is involved?

Reasons for the concern

Name

Date (dd/mm/yy)

Contact No.

Time (mm:hh)

Meeting Date (dd/mm/yy)

Time (mm:hh)

INVESTIGATION OF CONCERN

Concern Received By:

Investigations Audit Team : HR :

Action :

Signature:.....

Time: (mm:hh): :

ADDITIONAL INFORMATION

Comments/Additional information:

Silence isn't



always golden...

Although we all pride ourselves on having high standards of conduct and providing quality services to the community, sometimes you may become aware of a lapse, or suspected lapse, in these standards.

The simple fact is that you may suspect something is going wrong long before anyone else finds out about it.

So if something at work is troubling you enough for you to mention it to your family or friends, please report it straight away.

The Whistleblowing Policy is available on the school IT system.

Your Trade Union/Professional Association is available to provide you with advice and support.

***Don't think “what if I'm wrong?”
- think “what if I'm right?”***

APPENDIX 3

Local contacts

Safeguarding Children's Unit

0116 454 2440

LCC Duty & Advice (includes out of hours)

0116 454 1004

Safeguarding in Education

0116 454 2440

Safeguardingineducation@leicester.gov.uk

Local Authority Designated Officer (LADO)

0116 454 2440

SAFE Project (DV Support)

0300 123 0918

Forced Marriage Unit

Telephone: +44 (0) 20 7008 0151

Email: fmufco.gov.uk

Email for outreach work: fmuoutreach@fco.gov.uk

Prevent Coordinator Leicester

Ailsa Coull 07403 727727

List of prescribed persons for external public interest disclosures

Ofsted

<https://www.gov.uk/government/organisations/ofsted>

Charity Commissioners for England and Wales

<https://assets.publishing.service.gov.uk/media/5a7c3fc940f0b67063da7cb1/0014.pdf>

His Majesty's Commissioners of Customs and Excise

<https://publications.parliament.uk/pa/ld200506/ldjudgmt/jd060621/custom-2.htm>

The Certification Officer

<https://www.gov.uk/government/organisations/certification-office>

His Majesty's Commissioners of the Inland Revenue

<https://publications.parliament.uk/pa/ld200203/ldjudgmt/jd031016/laird.htm>

Comptroller and Auditor General of the National Audit Office

<https://www.nao.org.uk/about-us/>

Serious Fraud Office

<https://www.sfo.gov.uk/>

Food Standards Agency

<https://www.gov.uk/government/organisations/food-standards-agency>

General Social Care Council (GSCC)

<https://www.gov.uk/government/organisations/general-social-care-council>

Health and Safety Executive (HSE)

<https://www.gov.uk/health-and-safety-executive>

Information Commissioner

<https://ico.org.uk/>

Leicestershire Constabulary

<https://www.leics.police.uk/>

Commission for Social Care Inspection (CSCI)

<https://www.legislation.gov.uk/uksi/2004/555/note/made>