



**ALL SAINTS
MULTI ACADEMY TRUST**
BIRMINGHAM
GOD'S LOVE IN ACTION

Whistle Blowing Policy

All Saints Multi Academy Trust

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Mission Statement

Teach children in the way they should go and when they are older, they will not depart from it

Children are at the heart of everything we do. Through Christian values, relationships, living and learning together we celebrate the uniqueness and diversity of everyone in our family. We nurture a sense of self belief, mutual respect and belonging to build the foundations for happy and successful lives

1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust.
- Set clear procedures for how the trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academies Financial Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

3. Definitions of Whistle-Blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistleblowing include (but aren't limited to):

- Criminal offences, such as fraud or corruption.
- Pupils' or staffs' health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of financial management procedures.
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Damage to the environment.
- Breaches of child protection policy / legislation.
- Breaches of health and safety policy / legislation including dangerous practices at work.
- A miscarriage of justice.
- Maladministration misconduct or malpractice.
- Concealment of any of the above.

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

4. Procedure for Staff to raise a Whistle Blowing Concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

An employee who is not sure whether the conduct they are concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact their trade union representative or HR representative.

4.2 Who to report to

Staff should report their concern to the Executive Headteacher. If the concern is about the Executive Headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Board of Trustees.

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

5. Confidentiality / anonymity

5.1 Confidentiality

It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.

5.2 Anonymity

This policy encourages the person raising the concern to put their name to any allegation. Concerns expressed anonymously are more difficult to investigate but will still be investigated.

- The factors to be considered would include:
- The seriousness of the issue raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

6. Trust Procedure for responding to a Whistle Blowing Concern

5.1 Investigating the concern

When a concern is received by the Executive Headteacher - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative.
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy).
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the Chair of trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police.
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Executive Headteacher, trustees and other staff if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

7. Malicious or Vexatious Allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

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.

8. Protection and support for whistle blowers

The Trust aims to encourage openness and will support whistle blowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistle blowers must not suffer any detrimental treatment because of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Executive Headteacher and your trade union representative immediately. If the matter is not remedied, you should raise it formally using the relevant Grievance Procedure.

If the Trust conclude that a whistle blower has made false allegations maliciously or with a view to personal gain, the whistle blower may be subject to disciplinary action (if they are member of staff).

9. Protection against harassment and victimisation

The trust recognises 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. The trust will not tolerate harassment or victimisation and will act to protect the employee when they have raised a concern.

This does not mean that if the employee is already the subject of disciplinary or redundancy procedures, those procedures will be halted because of confidential reporting. If an employee feels they have been treated unfairly as a result of making a disclosure, then they can decide to take the case to an employment tribunal. It is strongly advisable for any employee considering this course of action to seek advice from their trade union representative.

10. Escalating concerns beyond Trust

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

11. Approval

This policy will be reviewed every year.

These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

12. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Child protection policy
- Dignity at work policy