



WHISTLEBLOWING POLICY

Version control	
Aspirations Whistleblowing Policy 2019-09-01	Update to align with revised job titles and changed governance arrangements.
Aspirations Whistleblowing Policy 2018-12-01(1)	The Policy has been updated to take account of changes that have been made to job titles and management/governance arrangements since the previous version.
AAT Whistleblowing Policy 2017-01-11	This Policy is to be subject to consultation with the recognised trade unions and has not been jointly agreed. Despite the absence of joint agreement about the Policy, The Trust has decided to implement the Policy with effect from January 2017. This version is based largely on the original Policy established in 2013.

Date of last review:	December 2018	Review period:	2 years
Date of next review:	September 2021	Owner:	Director of HR and Compliance
Type of policy:	Network	Approving Body:	Board

1. Introduction

- 1.1 The Aspirations Academies Trust (Aspirations/ the Trust) is committed to achieving the highest possible levels of service and ethical standards.
- 1.2 Whistleblowing is the reporting by workers or ex-workers, of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act whether this is on the part of management, by fellow employees or by members of the Trust's governance bodies (e.g. members of the Regional Boards or members of the Trust Board). Complaints may be localised, for example relating to an issue at one of the Trust's academies, or be more general in scope.
- 1.3 The Whistleblowing Policy is established in line with the Public Interest Disclosure Act 1998 (available at <http://www.opsi.gov.uk/acts/acts1998>) to enable workers to raise relevant issues of concern in an appropriate manner.

2. Purpose

- 2.1 The Policy aims to:
 - Encourage workers to feel confident in raising concerns
 - Establish a fair and impartial investigative procedure
 - Provide avenues for workers to raise concerns and receive appropriate feedback
 - Ensure that workers receive a response to concerns and are aware of how to pursue them if they are not satisfied
 - Ensure that workers will be protected from any reprisals or victimisation by the Trust, provided that there is reasonable belief that the matter disclosed tends to show wrongdoing and that the disclosure has been made in an appropriate manner and in good faith

3. Scope

- 3.1 The Policy is relevant to all who work for the Trust who have cause to raise concerns of the sort outlined in 1.2 and detailed more specifically in section 7.
- 3.2 The term "worker" broadly includes employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the Trust.
- 3.3 The Whistleblowing Policy is designed to sit alongside the Trust's Grievance Policy and Complaints Procedure. As a guideline these two other policies are applicable as follows:
 - The Grievance Policy is available to the Trust's employees (and in some circumstances other workers of the Trust) and is primarily a mechanism for the raising of employment related concerns that directly affect the person raising the grievance.
 - The Complaints Procedure is for those who are not employees of the Trust. Primarily, though not exclusively, it is a mechanism for those in the communities of the Trust's academies to raise matters of concern relating to the academy with which they are associated.

4. Equal Opportunities

- 4.1 The Whistleblowing Policy must always be applied fairly and in accordance with employment law and the Aspirations Academies Trust Equal Opportunities Policy.

5. Responsibilities

- 5.1 The Aspirations Academies Trust Board is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing across all areas of the Trust, including its academies. Accordingly it shall arrange for the Whistleblowing Policy to be reviewed periodically consulting as appropriate, including with unions in accordance with the Trust's Trade Union Recognition Agreement.
- 5.2 Within each academy, the Principal, in conjunction with the Regional CEO, has overall responsibility for the internal organisation, control and management of matters concerning the implementation of the Whistleblowing Policy. Managers may have responsibilities delegated to them by the Principal that are consistent with their job roles for matters concerning the application of procedures under the Policy.
- 5.3 In parts of the Trust's organisational structure other than academies, the Managing Director has overall responsibility for the internal organisation, control and management of matters concerning the implementation of the Whistleblowing Policy. Managers will have responsibilities delegated to them by the Managing Director that are consistent with their job roles for matters concerning the application of procedures under the Policy (e.g. a Regional CEO would hold responsibility for staff reporting within their regional team).

6. Timing

- 6.1 Procedures undertaken in accordance with the Whistleblowing Policy should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

7. Concerns that may be raised through the Whistleblowing Policy

- 7.1 The Whistleblowing Policy is the appropriate policy through which workers may raise concerns that are of a nature as set out in the Public Interest Disclosure Act, these being:
- a) That a crime has been committed, is being committed, or is likely to be committed
 - b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject, for example a breach of contract.
 - c) That a miscarriage of justice has occurred, is occurring, or is likely to occur
 - d) That the health and safety of an individual has been, is being, or is likely to be endangered
 - e) That the environment has been, is being or likely to be damaged
 - f) That information tending to show any of (a) to (e) above has been concealed or is likely to be deliberately concealed.
- 7.2 Complaints of a different nature to the above may more appropriately be raised with reference to a different policy, e.g. the Grievance Policy or through appeals mechanisms related to policies such as the Pay Policy, Appraisal Policy, Disciplinary Policy, etc.

8. The Aspirations Academies Trust's assurances to workers

8.1 To ensure workers have the right to disclose a concern

8.1.1 Workers have the right to disclose a concern/issue if the Trust/Academy does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Trust/Academy fails to properly consider or deal with the issue.

8.2 To protect workers

8.2.1 If a worker makes a disclosure on one or more of the matters listed above (see 7.1) and they have a reasonable basis for believing that the concern is real and they are acting in good faith, the worker will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not tolerate the harassment or victimisation of any worker raising a genuine concern.

8.2.2 The Trust encourages workers to identify themselves as the whistleblower when raising a complaint to an appropriate person within the Trust in accordance with this Policy (as set out under 9.1 below). While the Policy allows complaints to be submitted anonymously, it must also be stated that if a whistleblower chooses not to disclose their identity it may be significantly more difficult for the matter to be investigated or to provide protection and feedback to the whistleblower. Accordingly, while whistleblowing concerns raised anonymously will be considered, it will not be possible to apply all aspects of this policy when considering them.

8.2.3 Where workers identify themselves when raising a whistleblowing concern they may ask that their identity is protected (e.g. that their identity is not disclosed to those who are the subject of their complaint). The Trust/Academy will consider with the whistleblower how this wish may best be met. However, in some circumstances the Trust cannot rule out the possibility of there being a legal obligation for the source of a whistleblowing complaint to be disclosed (for instance because the worker's evidence is needed in court). Similarly when an investigation is progressed relating to a whistleblowing concern, in some circumstances those subject to investigation could draw assumptions about the origins of the complaint about them. Where this seems likely, the Trust will carefully consider with the whistleblower the appropriate measures that could be taken to ensure the whistleblower does not suffer any detriment, harassment or victimisation.

9. Internal procedure

9.1 Stage one - notification

- 9.1.1 The worker raising the concern (the “whistleblower”) should do so orally or in writing. Paragraphs 9.1.2 to 9.1.5 sets out details of those to whom the whistleblower would appropriately raise their concern.
- 9.1.2 As a general principle, where the whistleblower’s concerns relate to a manager, the person to whom they report their concern should not hold a role that is less senior within the organisation than the person who is the subject of their concern.
- 9.1.3 Subject to paragraph 9.1.2, workers within an academy should raise their concerns with one of the following:
- a. their line manager
 - b. a member of the senior leadership team to whom their line manager reports
 - c. the principal
 - d. the regional CEO
 - e. or, if due to the nature of their concern the whistleblower considers it inappropriate to raise the matter with any of the above, they may raise the matter with the Trust’s Director of HR and Compliance or Director of Finance or, *in exceptional circumstances*, with the Deputy Managing Director, Managing Director or Chair of the Board of Trustees.
- 9.1.4 Subject to paragraph 9.1.2, workers within a regional team should raise their concerns with one of the following:
- a. the regional CEO
 - b. or, if due to the nature of their concern the whistleblower considers it inappropriate to raise the matter with the regional CEO, they may raise the matter with the Trust’s Director of HR and Compliance or Director of Finance or, *in exceptional circumstances*, with the Deputy Managing Director, Managing Director or Chair of the Board of Trustees
- 9.1.5 Subject to paragraph 9.1.2, workers within the Trust’s central team should raise their concerns with one of the following:
- a. the Director of HR and Compliance or Director of Finance
 - b. the Deputy Managing Director or Managing Director
 - c. or if due to the nature of their concern the whistleblower considers it inappropriate to raise the matter with any of the above, they may raise the matter with the Chair of the Board of Trustees
- 9.1.6 All dealings with the whistleblower’s complaint must be undertaken on a confidential basis.
- 9.1.7 Unless the manager to whom the matter is raised has clearly evident and good reason to believe the concern raised is not genuine, then the concern will be progressed as follows.
- 9.1.8 As appropriate, the manager will liaise with a more senior manager as set out below:
- o For complaints raised within an academy they will liaise with the principal (unless the complaint is related to the principal in which case the manager should liaise with the Regional CEO or the Trust’s Deputy Managing Director, as appropriate)

- For complaints raised within the central team they will liaise with the Deputy Managing Director or Managing Director (unless the complaint is related to either of these post holders in which case it would be with the Chair of the Board of Trustees).

9.1.9 The senior manager as defined in 9.1.8 will take relevant advice (normally from the Director of HR and Compliance or Director of Finance in the first instance) with a view to deciding who will take the role of “Determining Manager” and “Assessor” in progressing the matter further, as set out in 9.2 and 9.3. Generally the role of Determining Manager will be given to a principal, a regional CEO or senior manager within the Trust’s central team, subject to the nature of the complaint and those to whom the complaint relates.

9.2 Stage two – the meeting

9.2.1 The Assessor will interview the whistleblower within ten working days, in confidence, (the interview must be progressed with no avoidable delay if there is an immediate danger to loss of life or serious injury) and will:

- Obtain as much information as possible from the whistleblower about the grounds for their belief of malpractice;
- Consult with the whistleblower about further steps that could be taken;
- Inform the whistleblower of appropriate routes if the matter is not considered to fall within the scope of the Aspirations Academies Trust Whistleblowing Policy.

9.2.2 At the interview the whistleblower may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a note taker.

9.3 Stage three – the outcome

9.3.1 Within ten working days of the interview, the Assessor will recommend to the Determining Manager one of the following:

- The matter be investigated internally by the academy
- The matter be investigated by the Trust but by someone external to the academy
- The matter be investigated by the external auditors appointed by the Trust
- The matter be reported to the Department for Education, Police or other relevant external agency
- Or otherwise determine that no further action is taken, subject to 9.3.2.

9.3.2 The grounds on which a recommendation may be made that no further action is taken may include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the whistleblower is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the academy’s other procedures or policies;

- The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other relevant external agency/authority.

9.3.4 The Determining Manager, on being satisfied that the Assessor has undertaken a thorough review, will ensure that the recommendations are implemented. As appropriate, the Determining Manager will inform the whistleblower of the recommendation that is being implemented (e.g. that the matter is to be investigated, etc.).

9.3.5 The conclusion of any internal investigation will be reported to the Determining Manager who in turn will report to the whistleblower in writing within twenty eight days. In any such report to the whistleblower the Determining Manager must be mindful of obligations under the General Data Protection Regulations, for example if a whistleblowing complaint leads to disciplinary action against another employee, it would not be appropriate to disclose to the whistleblower the details of this.¹

9.3.6 If the whistleblower has not had a response within the above time limits, he or she may appeal to the Trust's external auditors, but will inform the Determining Manager before doing so.

9.3.7 The whistleblower may at any time disclose the matter on a confidential basis to a solicitor for the purpose of taking legal advice.

10. External contacts

10.1 Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. However, there may be circumstances where the whistleblower is not content with the conclusions reported to them (see 9.3.5) and on this basis considers it appropriate to refer the matter for further consideration by an external body. The external bodies which could be used are:

- The Trust's external auditor
- The Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police

10.2 If a whistleblower does not feel able to raise their concern in the ways outlined above, they should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

11. Malicious Accusations

11.1 Deliberately false or malicious accusations made by a employee will be subject to consideration in accordance with the Aspirations Academies Trust Disciplinary Policy.

12. Review

¹ For example, while it may be appropriate to (i) notify the whistleblower of findings made concerning their complaint, and (ii) confirm that measures had been progressed with a view to addressing the matter (e.g. to prevent any re-occurrence of the malpractice), it would *not* be appropriate to provide details to the whistleblower of any disciplinary sanction that had been issued to the person who was the subject of the whistleblower's complaint.

12.1 This policy will be reviewed every two years in consultation with the recognised trade unions.