



Avonreach

Whistleblowing Policy

Avonreach Academy Trust

This policy is in force and accepted by all schools in the Avonreach Academy Trust.

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| Responsibility | CFOO |
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1. Introduction

The trust is committed to honesty, integrity, openness, and accountability. It expects its employees and community as a whole to maintain these high standards, in accordance with its policies and procedures.

The trust recognises that all organisations face the risk of things going wrong or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring and to address situation as they arise.

The aims of this policy are to encourage employees of the trust to report their concerns about a suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated appropriately. This policy provides guidance on how to raise concerns and offers reassurance that genuine concerns can be raised without fear of reprisal, even if they turn out to be mistaken.

This policy does not form part of any employee's contract and it may be amended at any time.

2. Scope

This policy applies to employees of the trust, and those who are engaged to work for the trust, including agency workers, apprentices and casual workers.

Whistleblowing is the action someone takes to report wrongdoing at work that affects others. For example, something which might affect the financial security of the trust or the safety of pupils or the general public. Legally this is known as making a disclosure in the public interest.

By law, most people are protected if they make a qualifying disclosure. Protections starts from the beginning of employment and continues even if they no longer work for the employer they 'remaking the disclosure about.

People are **not usually protected** in law if they are:

- Genuinely self employed
- A volunteer with no enforceable employment contract
- A non-executive director

The law (the Public Interest Disclosure Act 1998) protects whistleblowers from:

- Unfair dismissal
- Detriment i.e. being treated worse than before or having their situation made worse

Examples of detriment are:

- A reduction in working hours
- Bullying
- Harassment
- Blocking career development or training opportunities
- An inaccurate employment reference

3. Qualifying disclosures

Whistleblowing is the disclosure of information that relates to suspected wrongdoing, malpractice or dangers at work or study. This may include:

- A criminal offence e.g. bribery
- Tax fraud, including the facilitation of tax fraud by a third party
- The breach of a legal, professional or statutory regulation by an organisation e.g. neglecting a duty of care towards children in a school
- A miscarriage of justice e.g. a member of staff who has been dismissed for something that turns out to be a computer error
- A health and safety matter e.g. if someone is forced to serve food that they know has been contaminated
- Damage to the environment e.g. regular pollution of local rivers
- Financial or non-financial maladministration, malpractice, bribery or fraud
- Improper use of public or other funds
- Academic malpractice
- Deliberately concealing information demonstrating that any of the above are taking place

A qualifying disclosure can be made about an issue that has happened at any time, including if it's likely to happen in the future.

To claim protection a whistleblower must show that they:

- Have made a qualifying disclosure
- Were dismissed or suffered a detriment as a result of making the disclosure

4. Protection when making a qualifying disclosure

By law, a whistleblower **is protected** if they have a reasonable belief that the disclosure:

- Fits into one of the categories of a qualifying disclosure
- Is in the public interest

Something is more likely to be in the public interest:

- The more serious the issue is
- If the action was deliberate
- If the matter involves a large, influential or well-known employer
- If there are large numbers of people affected

A whistleblower **is not protected** if they:

- Commit a criminal offence by disclosing the information, e.g. Hacking into computer files
- Breach legal privilege, e.g. if they are a legal adviser and learn about something when giving legal advice

If you have genuine concerns related to suspected wrongdoing or malpractice affecting any of the trust's activities you should report it under this policy.

If you are unsure whether something is within the scope of this policy you should seek advice from your line manager or the HR & Wellbeing Business Partner.

This policy is not applicable where your concern is about your personal position, such as the terms of your employment contract or the way in which you have been treated at work. In these cases the trust's grievance resolution or bullying and harassment policies are more likely to be relevant. You are encouraged to speak to your line manager or the HR & Wellbeing Business Partner if you are unclear which policy applies.

5. Reporting a concern

Protection when raising a concern

The trust will not tolerate any detrimental treatment towards a member of staff as a result of raising a genuine concern under this policy, even if the concern proves to be mistaken. Detrimental treatment includes disciplinary action, threats or otherwise unfavourable treatment connected with raising a concern.

If you believe you have suffered any detrimental treatment as a result of raising a concern under this policy you should report it to your line manager or the HR & Wellbeing Business Partner.

If it is suspected that an allegation or concern raised under this policy is false or malicious it will be investigated in the first instance. If, following investigation, it is found that the allegation is malicious, or there is no reasonable belief that it is true or it is not in the public interest, the person who raised the concern may be subject to disciplinary action under the trust's disciplinary policy.

If someone is involved in detrimental treatment towards somebody raising a concern under this policy or attempts to deter somebody from raising a legitimate concern under this policy it will be regarded as a serious offence and may be subject to disciplinary action under the trust's disciplinary policy.

Confidentiality

Employees of the trust should feel able to raise a concern openly under the terms of this policy. The matter will be treated as confidential and only shared with those involved in the investigation process. The outcome will be reported to the trust's executive team as appropriate.

Any personal information provided will be managed in line with the trust's data protection procedures.

Support available

The trust recognises that raising a concern at work and taking part in an investigation process can be stressful and intimidating for some people. Those involved in the disclosure investigation may find it useful to contact the trust's employee assistance programme for support. Details, including the 24/7 free confidential helpline, are on the trust's [intranet](#).

6. How to raise a concern

Contact your line manager

If you have a genuine concern about malpractice or irregularities in the workplace you are advised to raise them with your line manager in the first instance. You should not approach or accuse those

you suspect to be involved, investigate or convey your suspicions to those who don't have proper authority to handle the disclosure.

You should raise the concern with your line manager, in writing or in person, stating the facts clearly and providing any additional information which may help inform an investigation. You should inform your line manager if you have a direct or personal interest in the matter.

Let your manager know how you prefer to be contacted.

If it is not appropriate to raise your concerns with your line manager you may raise it with the HR & Wellbeing Business Partner.

If the matter relates to a safeguarding issue you should follow the school's safeguarding procedures without delay.

How your concern will be managed

If you raise a concern under the whistleblowing policy it will first be assessed to consider whether this is the most appropriate policy. If your concern falls more properly under another policy, e.g. grievance resolution, you will be notified and take your concern forward under the appropriate policy. It may be necessary for the trust to report the matter to an appropriate regulatory authority or the police.

If the concern is deemed to fall under the whistleblowing policy your concerns will be investigated and you will be advised:

- Who will handle the matter and their contact details
- Any further information or input required, which may include a meeting to discuss your concern

You may bring a colleague or trade union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any investigation.

The trust will determine how to investigate the concern and who should conduct the investigation, depending on the circumstances of the matter. You will be notified when the matter has been concluded.

You may make an appeal if you do not feel that the policy has been followed appropriately, as set out in the appeal process.

7. Appeal process

If you are not satisfied with the outcome of the investigation into the concern that you have raised you may appeal on the following grounds:

- Procedural irregularity i.e. that the trust has unreasonably failed to follow its own procedures
- The emergence of new information which materially impacts on the investigation or the outcome

It is not appropriate to re-investigate the whole matter unless it is apparent that the initial investigation was at risk of being fundamentally flawed.

The appeal must be made in writing to the HR & Wellbeing Business Partner within ten working days of notice of the outcome of the investigation. The HR & Wellbeing Business Partner will assess whether the grounds for appeal have been met and may take advice as necessary.

The HR & Wellbeing Business Partner will make arrangements for the matter to be reviewed by a senior member of staff with no previous involvement in the investigation.

Once the appeal has been investigated the whistleblower will be notified that the matter has been concluded.

The appeal process will normally be concluded within three months of the date of the notice of appeal.

8. External disclosures

This policy provides an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases there will not be a need to alert an external body, however, in some circumstances it may be appropriate to report concerns to an external body or regulator.

Employees are strongly advised to seek advice before reporting a concern externally. The independent charity Public Concern at Work provides a confidential helpline and holds a list of prescribed regulators for reporting certain types of concern.

If the concern relates to the action of a third party, e.g. a supplier, the law may offer protection in some circumstances if the matter is raised directly with the third party. Employees are encouraged, however, to report concerns relating to a third party in the course of their employment internally in the first instance.