



Whistleblowing Policy

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Aquinas Church of England Education Trust





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Whistleblowing

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Statement of intent

AQUINAS Church of England Education Trust (and its academies) [The Trust] is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the Trust’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the Trust. This is known as “blowing the whistle” – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the **Trust Data Protection Policy**. This policy will not be confused with the procedure on dealing with harassment at work or the **Trust Grievance Policy** and **Disciplinary Procedures**.

This policy will:



- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe, or unethical, or which amounts to malpractice or is inconsistent with standards and policies.
- Provide members of staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosure Act 1998 (PIDA).

Under this policy, any of the following can raise a concern:

- *Pupils, parents, and the wider community.*
- *Employees of the Trust.*
- *Voluntary workers in the Trust including Trustees and Advisory Council Members.*
- *Trainees, such as student teachers.*
- *Employees of contractors and suppliers.*

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996
- ESFA (2022) 'Academy Trust Handbook 2022'
- DfE (2023) 'Keeping children safe in education 2023'
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following Trust policies:

- Complaints Policy
- Data Protection Policy
- Disciplinary Procedures
- Grievance Policy
- Management and Retention of Records Policy
- Child Protection and Safeguarding Policy

2. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.



The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to a headteacher, or a member of the executive team, the concern will be raised with the Chief Executive Officer (CEO). If the allegation is related to the CEO, the concern will be raised with the Chair of the Trust.

Any member of the Trust community or the public can “blow the whistle”; however, the PIDA only protects employees. The [Non-employees](#) section of this policy includes further details on how whistleblowing affects non-employees.

3. Definitions

Whistleblowing is when an employee reports to their employer suspected wrongdoing, or ‘qualifying disclosures’, at work.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served.
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed.
- The nature of the wrongdoing disclosed.
- The identity of the alleged wrongdoer.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistle-blower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

4. Roles and responsibilities:

The Trust Board will be responsible for:



- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the Trust’s website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g., in relation to good practice recommendations, internal audit findings or changes in legislation.
- Ensuring all members of the Trust community have access to this policy.
- Ensuring this policy provides an open and transparent framework where employees of the Trust can raise their concerns.
- Ensuring that the minutes of the Trust Board include a record of the Trust’s whistleblowing arrangements annually and who, both internally and externally, staff members should report concerns to.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.

The Trust delegates to the Headteacher of each academy the responsibility for implementing this policy at academy-level.

The headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating, and responding to any concerns that have been raised by an employee.
- Being the first point of contact regarding whistleblowing.

The **Chief Executive Officer** (CEO) will be responsible for receiving any concerns raised about a headteacher and any members of the central team.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the [Definitions](#) section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

The procedures detailed in Appendices A and B must be followed when raising a concern, the Trust acknowledges these procedures may have to be adapted slightly in the case of each academy to meet the internal structure of that academy.

5. Harassment and victimisation of staff

The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Trust as a whole; however, the Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g., the disclosure was in the public interest.



Any member of staff who victimises or harasses a member of staff because of their having raised a concern in accordance with this policy will be dealt with under the **Trust Disciplinary Policy**.

6. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where a person feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the **Trust Complaints Policy**.

Trustees and **AAC Members** are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

7. Good practice principles

The Trust will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear, and consistent.

The Trust will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- of safety in the Trust.
- where people feel confident with raising concerns.
- free from bullying.
- of visible leadership.
- of valuing staff.
- of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the [Procedure](#) section of this policy, the Trust will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the Trust will mediate and resolve disputes.

The Trust will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment.
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required



We will ensure there are **support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

8. Procedure

When raising concerns, individuals will express them **in writing** to the headteacher. If an individual is raising a concern about the headteacher, they should express their concerns **in writing** to the **Chief Executive Officer**. Where this is the case, the **Chief Executive Officer** may delegate the headteacher's duties outlined in the [Interview and investigation](#) section of this policy. If an individual is raising a concern about the CEO, they should express their concerns **in writing** to the Chair of the Trust.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern.
- Any relevant names, dates, and places.
- The reasons for the concern.

The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed at www.protect-advice.org.uk, or they can be contacted on 020 31172520.

Once an individual has raised a concern, the Trust will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g., the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the online contact form at

[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education).

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the Trust's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the Trust or feels that their genuine concerns are not being addressed, they are able to



contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the Local Authority Designated Officer (LADO).

In Bromley, details of the LADO can be found at [Allegations | London Borough of Bromley](#).

In East Sussex, details of the LADO can be found at [Allegations | East Sussex County Council](#).

The Trust, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact, or engage in dialogue with the whistle-blower, as this may undermine the legitimacy of the investigation outcome.

The procedures detailed in Appendices A and B must be followed when raising a concern, the Trust acknowledges these procedures may have to be adapted slightly in the case of each academy to meet the internal structure of that academy.

9. Interview and investigation

The headteacher will write to the individual within **10 working days** of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistle-blower, and then an assessment of further action will be discussed. During this initial stage, the headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the headteacher will request the individual puts their concern in writing, if they have not already done so. The headteacher will write a summary of the concern if the individual is unable to put it in writing.

The headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the Trust giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken because of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Trust Board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistle-blower will be informed of the outcome.



A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the **Trust Records Management Policy**.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by the appointed investigating officer, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistle-blower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved around work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and to assist in monitoring the procedure.

The whistle-blower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

10. What the Trust asks of whistle-blowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistle-blowers:

- Do not talk about the concern outside the Trust unless it is to report the concern through the proper external channels, e.g., the LA.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

11. Appeal process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the **Trust Complaints Policy**.

12. Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly because of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.



Any claims of unfair dismissal needs be made within **three months** of the investigation ending.

13. Monitoring and review

The Trust Board will review this policy **annually**, ensuring that all procedures are up to date – the next review date for this policy is **March 2024**.

Any changes made to this policy will be communicated to all stakeholders.



Appendix A

Procedures

These procedures should be followed in relation to raising any concern which falls within the scope of this policy.

Stage 1

1. Raising concerns in relation to the operations of an academy:
 - a. The whistle-blower (WB) should raise the concern with the Executive Headteacher, Headteacher or Head of School (Head). If the WB does not feel comfortable in raising the concern with the Head or believes the Head is involved, the WB should contact the CEO.
 - b. Where the WB is a member of staff, the matter should be raised with an appropriate level of line management (normally their own line manager). Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If the WB believes that their immediate manager is involved or does not feel comfortable in raising the concern with their line manager, a member of the Senior Leadership Team (SLT) or the Head should be approached. If the WB does not feel comfortable in raising the concern with the Head or believes the Head is involved, the WB should contact the CEO.
 - c. At any point, the WB may raise the concern with the Chair of the AAC who will notify the appropriate person in line with (1a).
2. Raising concerns in relation to the operation of the Trust or the central team:
 - a. WB should raise the concern with the CEO. If the WB believes that the CEO is involved or does not feel comfortable in raising the concern with the CEO, the WB should contact the Chair of the Trust.
 - b. Where the WB is a member of staff, the matter should be raised with an appropriate level of line management (normally their own line manager). If the WB believes that their immediate manager is involved or does not feel comfortable in raising the concern with their line manager, the CEO should be approached. If the WB believes that the CEO is involved or does not feel comfortable in raising the concern with the CEO, the Chair of the Trust should be approached.
 - c. At any point, the WB may raise the concern with the Chair of the AAC who will notify the appropriate person in line with (2a).
3. Raising concerns in relation to poor or unsafe practice and potential failures in the Trust's safeguarding system:
 - a. The WB should raise the concern with the Executive Headteacher, Headteacher or Head of School (Head). If the WB does not feel comfortable in raising the concern with the Head or believes the Head to be involved, the WB should contact the CEO. If the WB does not feel comfortable in raising



the concern with the CEO or believes the CEO to be involved, the WB should contact the Chair of the Trust.

- b. At any point, the WB may raise the concern with the Chair of the AAC who will notify the appropriate person in line with (3a).
4. Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone. It is important, however, that when the concern is raised, **the WB makes it clear that the issue is being raised under this policy.**
5. The WB will be asked to demonstrate that there are sufficient grounds for concern.
6. If the allegation is written, the background and history should be set out, giving names, dates, and places wherever possible, and the reasons why the situation is a cause for concern. This should be signed and dated.
7. If the allegation is made orally, the WB can invite a representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on their behalf.
8. If the WB wishes to raise the concern confidentially, this must be made clear to the person who is initially contacted.
9. Once the issue has been raised, the WB will be contacted within **10 working days** by the Head, the AAC Chair, the CEO, or the Chair of the Trust, who will confirm the concern has been received and may arrange to meet to discuss the matter, if appropriate. Again, a trade union/professional association representative may accompany the WB for the purposes of giving support. Notes will be taken of the meeting.
10. It is at this point that it may become impossible to retain complete confidentiality, e.g., should the issue be determined to be a matter for the police. The Head, AAC Chair, CEO or Chair of the Trust will take advice and inform the Trust's legal service.
11. When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to the WB.
12. Where relevant, the line manager, Head or CEO will also notify the person who is the subject of the disclosure within five working days of the conclusion. Upon receipt of the information, the individual will be able to appeal against any decisions by writing to the Head, AAC Chair, CEO or Chair of the Trust.

Contact details for the Headteacher: communication can be sent via the school office, contact details are on individual academy websites. Letters are to be labelled "*For the attention of the Headteacher – Confidential*" and emails are to have the subject "*Raising a concern under the Whistleblowing Policy for the attention of the Head – Confidential*".

Contact details for the Chair of the AAC: communication can be sent via the school office, contact details are on individual academy websites. Letters are to be labelled "*For the attention of the Chair of the AAC – Confidential*" and emails are to have the subject "*Raising a concern under the Whistleblowing Policy for the attention of the Chair of the AAC – Confidential*".



Contact details for the CEO: Email info@aquinatrust.org and insert in the subject box – *“Raising a concern under the Whistleblowing Policy for the attention of the CEO – Confidential”*.

Contact details for the Chair of the Trust: Email info@aquinatrust.org and insert in the subject box – *“Raising a concern under the Whistleblowing Policy for the attention of the Chair of the Trust – Confidential”*.

Stage 2

- If the WB is dissatisfied with the response, they can raise the matter within 10 working days of the date of the response by writing to the Chair of the AAC, where the decision has been taken by the Head, or the Chair of the Trust, where the decision has been taken by the CEO or Chair of the AAC.
- The Chair of the AAC, CEO or the Chair of the Trust will then write to the WB within five working days of receiving the letter to arrange a meeting, if appropriate, to discuss the continuing concerns and why the WB was dissatisfied with Stage 1. This meeting should take place **promptly**. Again, the WB may be accompanied by a trade union/professional association representative.
- The Chair of the AAC, CEO or the Chair of the Trust may then decide to investigate further and will need to decide what action to take. The WB will be updated with the outcome of the meeting within five working days.

Stage 3

If the WB is dissatisfied with the outcome of Stage 2, they may opt to take the matter to Stage 3, by raising the matter externally within 10 working days of the date of the decision letter at Stage 2, with any of the following, as appropriate.

- Education Skills Funding Agency
- The Trust’s external auditor
- The relevant professional bodies, regulatory organisations, or a recognised trade union
- A solicitor
- A local Councillor or your local Member of Parliament
- The local Government Ombudsman
- The police
- ‘Public concern at work’ on www.pcaw.co.uk

In taking the concern outside the Trust, the WB should ensure that, as far as possible, the matter is raised without confidential information being divulged.



Appendix B

Safeguarding children

This guidance is written for staff, paid or voluntary.

All staff must be aware of the Trust **Child Protection and Safeguarding Policy** together with the Trust **Allegations of Abuse Against Staff Policy**. Staff must acknowledge their individual responsibility to bring matters of concern to the attention of senior leaders and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk.

You may be the first to recognise that something is wrong but may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues, or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable child or young person who is targeted. These children need someone like a WB to safeguard their welfare.

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

Reasons for whistleblowing

- Prevent the problem worsening or widening.
- Protect or reduce risks to others.
- 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 should voice your concerns, suspicions, or uneasiness as soon as you feel 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.
- Approach your immediate line manager, Head, or the Designated Safeguarding Lead.
- If your concern is about your immediate line manager/Head, or you feel you need to take it to someone outside the academy, contact the Local Authority Safeguarding.
- Make sure you get a satisfactory response - don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates, and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.



What happens next?

You should be given information on the nature and progress of any enquiries.

The academy has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self-reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistleblowing can be difficult and stressful. Advice and support are available from your line manager, the Senior Leadership Team, HR department and/or your professional trade union.