



<b>ACET WHISTLEBLOWING POLICY</b>			
<b>DOCUMENT CONTROL</b>			
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<b>Business Lead</b>	HR	<b>Author</b>	Gemma Shore (Chief People Officer)
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V1		New policy. Replaces previous Local Authority version.	

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<b>APPENDIX A – WHISTLEBLOWING POSTER (to publish prominently in public areas of all ACET sides)</b>	<b>Error!</b>

Bookmark not defined.

## 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 know how to raise concerns about potential wrongdoing in or by ACET
- Set clear procedures for how ACET 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, contractors and agency workers.

## 2. LEGISLATION

The requirement to have clear whistleblowing procedures in place is set out in the [Academy Trust 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](#).

## 3. DEFINITION OF WHISTLEBLOWING

Whistleblowing covers concerns that report wrongdoing that is "in the public interest". Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Student/pupil or staff 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

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 whistleblowing. 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. Advice can be sought from HR if staff are unsure which route they should take.

Protect (formerly Public Concern at Work) has:

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

## 4. PROCEDURE FOR RAISING A WHISTLEBLOWING CONCERN

### 4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistleblowing 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.

### 4.2 Who to report to

Concerns should be reported via our dedicated email address: [whistleblowing@astonctrust.org](mailto:whistleblowing@astonctrust.org) (accessed only by the personnel listed in the table below).

If preferred, staff may report their concern directly to any of the following, as they deem most appropriate:

NAME	ROLE	CONTACT INFORMATION
Gemma Shore	ACET Chief People Officer	<a href="mailto:gemma.shore@astonctrust.org">gemma.shore@astonctrust.org</a>
Rebecca Scutt	ACET Chief Executive Officer	<a href="mailto:rebecca.scutt@astonctrust.org">rebecca.scutt@astonctrust.org</a>
Jane Ford	ACET Trustee (responsibility for whistleblowing)	via Kendal Sills, Governance Professional
John Barton	ACET Trustee (Chair of the Trust)	<a href="mailto:kendal.sills@astonctrust.org">kendal.sills@astonctrust.org</a>

Hard copy written concerns can be addressed to the relevant person from the list above, and posted to ACET House, 66 Holderness Drive, Aston, Sheffield, S26 2BH.

### 4.3 How to raise a 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.

[The Public Interest Disclosure Act \(1998\)](#) gives legal protection to employees who disclose information, in good faith, about alleged wrongdoing. Anyone raising a concern is encouraged to put their name to an allegation wherever possible. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of ACET. In exercising this discretion, the factors to be taken into account would include the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

## 5. ACET PROCEDURE FOR RESPONDING TO A WHISTLEBLOWING CONCERN

### 5.1 Investigating a concern

When a concern is received, the recipient or a suitable nominated person(s) 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 whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure, or refer to the appropriate person

- 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, full investigation into the matter, involving other personnel as appropriate, 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, relevant policies and procedures will be reviewed with some urgency, to prevent future occurrences of the same wrongdoing.

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

## **6. 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.

## **7. ESCALATING CONCERNS BEYOND ACET**

ACET encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that there may be circumstances where staff 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.

You are advised that disclosure to the press is not encouraged and will not normally be legally protected.

## 8. APPROVAL

This policy is reviewed at least every three years. It is approved by the Board of Trustees, who will also approve any future revisions.

## 9. LINKS WITH OTHER POLICIES

This policy links with the following other ACET policies (not an exhaustive list, as other policies may be relevant dependent on the nature of a concern that is raised):

- Complaints Policy
- Staff Grievance/Dignity at Work Policy
- Safeguarding Policy
- Staff Code of Conduct
- Staff Disciplinary Policy
- Safer Recruitment Policy
- Equality, Diversity and Inclusion Policy (*currently in consultation, Single Equality Policy stands until approved*)
- Financial Regulations
- Anti-Fraud and Corruption Policy
- Gifts and Hospitality Policy
- Scheme of Delegation