



AVANTI SCHOOLS TRUST

Whistleblowing Policy



Autumn 2024

Review date: Autumn 2026

WHISTLEBLOWING POLICY

This Policy is a Category 1 Policy (Full Delegation)

This policy is in force until further notice from:	Autumn 2024
This policy must be reviewed by no later than*: <i>*this refers to the term in which the Policy must be reviewed by the appropriate Committee for recommendation to the Board.</i>	Autumn 2026
Policy Author(s):	Head of People
Date policy reviewed by Committee and Minute reference	People and Governance Committee: 13 th November 2024 (Minute Reference 28) Audit & Risk Committee: 28 th November 2024 (Minute reference 34 & 37)
Date Policy approved by the Trust Board and Minute reference	11 th December 2024 (Minute References 34 & 37)
Location of publication of policy:	Governor Hub/ AST Website/ Internal Records and Intranet

1. Aims and Scope of the Whistleblowing Policy

1.1. This policy outlines Avanti Schools Trust ("the Trust") position and procedures on the following aspects of whistleblowing:

- (a) Our commitment to you;
- (b) What is whistleblowing;
- (c) Legal protections for whistleblowers;
- (d) Raising a concern;
- (e) Preliminary assessment and Formal Investigation;
- (f) Outcomes and further actions;
- (g) Whistleblowing contact details.

1.2. This policy applies to all employees, officers, consultants, contractors, casual workers and agency workers ("colleagues") of the Trust. It also applies to any other associated person acting on the Trust's behalf.

2. Our Commitment to You

2.1. The Trust is committed to running our academies with honesty and integrity and we expect all colleagues to maintain these high standards in line with our Colleague Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct.

2.2. A culture of openness and accountability is essential across the Trust, in order to prevent such situations occurring and to address them when they do occur.

2.3. We take whistleblowing very seriously. Our commitment to you, should you encounter suspected wrongdoing, is that the Trust will provide you with a safe route to raise your concern, and will not place the burden of proof on you. The Trust will undertake all reasonable investigations relating to any whistleblowing concerns, and will hold any person found to have committed wrongdoing, (regardless of position, seniority, influence, popularity or connections), to account for their actions.

3. What is Whistleblowing?

3.1. Whistleblowing is a process for you to use when you have a concern about suspected wrongdoing, misconduct or dangers at work, and want to report it. This concern could be about something that happened in the past, is currently happening or likely to be happening in the future.

- 3.2. Examples of what may and may not constitute whistleblowing are listed below. This list is not exhaustive:

Whistleblowing Concerns	Not Whistleblowing Concerns
<ul style="list-style-type: none"> • Suspected criminal activity, • Failure to comply with legal, professional or regulatory requirements, • Child protection or safeguarding concerns, • Miscarriages of justice, • Financial fraud or mismanagement, • Severe negligence, • Accepting bribes, • Improper external or third-party influence affecting the Trust's operations, • Breaching the principles of public office ('Nolan Principles'), • Deliberate concealment of any of the above, Any other substantial and relevant concern. 	<ul style="list-style-type: none"> • Personal bullying, harassment or discrimination*, • Personal grievances or disputes*, • Dissatisfaction with an original decision or appeal decision in relation to a matter covered under another Trust policy*, • Any other matter relating to a person's individual employment.* <p>*in a limited number of circumstances where the issue or concern is believed, in good faith, to be widespread and affecting a significant number of people within the Trust, this may constitute whistleblowing. However, this is unlikely to be the case in the majority of instances.</p>

- 3.3. Not all concerns will fall under the whistleblowing policy, however if you can't find a suitable route to tackle your worries through any other Trust policy or procedure, whistleblowing is the way to bring it to our attention.

4. Legal Protection for Whistleblowers

- 4.1. It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support colleagues who raise concerns under this policy.
- 4.2. Whistleblowers are protected by law from being treated unfairly or suffering any detrimental treatment as a result of raising a whistleblowing concern. This includes protection from dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern.
- 4.3. The Trust will take immediate action should any person connected with the Trust be found to have subjected or have been attempting to subject a whistleblower to detrimental treatment and will deem this to constitute gross misconduct.

- 4.4. If you believe that you have suffered any such treatment in relation to whistleblowing, you should inform the Head of People immediately, so the matter can be investigated.

5. **Raising a Concern – Deciding Who to Disclose Your Concern to**

- 5.1. We hope you feel you can raise your concerns within your local management structure; however, the Trust recognises that there may be instances where this is not possible or appropriate. Therefore, the Trust operates three levels of disclosure depending on who the disclosure may relate to and the degree of severity of the concerns which are being disclosed.

- 5.2. The three levels are:

Level of disclosure	Who to disclose to?	When to choose this level
First-line disclosure	<ul style="list-style-type: none">• Line Manager• Head of Department• Principal• Other local leadership team member	<p>For most situations a first-line disclosure within your line management structure will be appropriate and likely allow the swiftest resolution to be reached.</p> <p>Disclosures at this level can usually be resolved within your local management channels.</p>
Second-line disclosure	<ul style="list-style-type: none">• Head of People• Chief Financial and Operations Officer• CEO Designate• CEO	<p>If you feel:</p> <ul style="list-style-type: none">• Unable to raise your concern with, or your concern is related to those listed in the first-line disclosure, or• the matter is more serious and cannot be addressed locally, or• your concern has not been addressed properly locally, or your concern relates directly to the Chair of the Board. <p>Disclosures at this level are likely to be more serious in nature and are less likely to be resolved through normal management channels.</p>

Third-line disclosure	<ul style="list-style-type: none"> • Chair of the People and Governance Committee • Chair of the Board of Trustees 	<p>If you feel:</p> <ul style="list-style-type: none"> • Unable to raise your concern with, or your concern is related to those listed in the second-line disclosure, or • the matter is more serious and cannot be addressed locally, or • your concern has not been addressed properly locally, or, • your concern relates directly to the CEO. <p>Disclosures of this level are likely to be highly serious and/or relate to the Executive of the Trust or Head of People. They may require the involvement of third-party investigators and/or legal advisors in order to review the matter.</p>
-----------------------	--	--

5.3. The Head of People must be notified whenever a concern is disclosed under this policy (except in situations where the disclosure relates to the Head of People).

5.4. Contact details for the second and third-line disclosure named persons are set out in **Appendix A – Whistleblowing Contact Details**.

External Disclosure

5.5. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, the Trust will be able to take action to investigate and where required, take action to rectify the situation and hold colleagues accountable if wrongdoing is found to have occurred.

5.6. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media, and this will likely lead to the loss of legal whistleblowing protections.

5.7. If you are considering an external disclosure, we strongly advise that you seek support and advice from one of the external organisations listed in **Appendix A – Whistleblowing Contact Details**, prior to making an external declaration. The organisations listed provide free and impartial advice to anyone with concerns.

5.8. A list of external bodies who can be contact to report a whistleblowing concern can also be found in **Appendix A**.

6. Raising a Concern – What Information to Provide

- 6.1. In order to make the process as efficient and smooth as possible, you should provide as much information as possible when raising your concern. This should include the background context, the detail of the concerns/issues themselves, any supporting evidence you may have and any specifics such as names, dates, times or places, that may aid the process.
- 6.2. You should not feel discouraged if you do not have all the information or concrete evidence available. You are not required to have a complete understanding or all the answers to raise a concern. This policy is designed to protect you, even if some details are unclear or you have unresolved questions.
- 6.3. The Trust understands that the burden of proof in investigating whistleblowing concerns rests with us, not with you, and we commit to deploying the level of resources required to get to the bottom of the concerns raised, whatever the outcome may be. As long as the concerns have been raised in good faith and with a reasonable belief that ‘wrongdoing’ has, is or will be occurring, then we will investigate each concern thoroughly and follow up every available avenue of investigation.

7. Raising a Concern – Anonymity and Confidentiality

- 7.1. Whistleblowing reports are not generally anonymous. You have the right to remain anonymous when reporting a concern, however we don’t encourage this as it will likely be more difficult or even impossible to properly investigate the matter if the Trust cannot obtain further information. Anonymous disclosures will be dealt with as thoroughly as possible, however there may be limits to what can be achieved.
- 7.2. The Trust will make every effort to keep your identity confidential. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you first, where possible.

8. Step 1 – Preliminary Assessment

- 8.1. Firstly, a preliminary assessment will then take place. This is so the Trust can understand more about the disclosure and decide the next steps. It may be conducted by an appropriate person who will be appointed by a Trust representative named in the level of disclosure (see section 5.2). In some cases, this person may be external to the Trust. This person will report their findings to a nominated Trustee(s) who shall act as decision maker(s) at this stage, and we will also that both individuals have no conflict of interest.
- 8.2. We may require to speak to you as part of the preliminary assessment to ask you supplementary questions. If this is the case, you may bring a colleague or trade union representative with you to any meetings under this policy if you so

choose. The appropriate person will ensure a written summary of the meeting is recorded and provided to you as soon as practical after the meeting. The appropriate person will also seek to give you an indication of the timelines involved and next steps.

- 8.3. If following the preliminary assessment, the Trust takes the decision that:
- (a) The concern does not fall within the remit of the whistleblowing policy, it may instead be handled under the appropriate alternative Trust policy,
 - (b) There is no substance to the disclosure, then the matter will be closed,
 - (c) There is substance to the disclosure, the matter will proceed to a full formal investigation and/or the matter may be referred to the police if appropriate.
- 8.4. The Trust will provide you with an update and/or outcome at this stage and the reasoning for this outcome. However, sometimes the need for confidentiality may prevent us giving you specific details in certain circumstances. You should treat any information provided to you as confidential.

9. Step 2 – Formal Investigation

- 9.1. If a disclosure is found to have substance following the preliminary assessment, the matter will proceed to a full formal investigation. An investigating officer will be appointed to investigate the matter by a Trust representative named in the appropriate level of disclosure or at more senior level (see section 5.2), usually the CEO or Chair of the Board. This person may be a member of the Trust or may be external if appropriate to ensure an impartial and unbiased investigation can occur.
- 9.2. As part of this investigation, the investigating officer will likely need to speak to colleagues to gather more information, and the investigating officer will be able to access all relevant materials, documents and files (including emails and phone records as appropriate) as required to fully investigate the matter.
- 9.3. Any colleague invited to a formal meeting under this policy will be permitted to be accompanied by a colleague or trade union representative, as desired. A record of the meeting will be made and shared with the colleague for their review.
- 9.4. The investigating officer will at the end of their investigation, compile a detailed report of their findings and conclusions which will include whether, on the balance of probability, the concerns raised have or have not been found to be substantiated.
- 9.5. This report shall be presented to the Chair of the Board, Chief Executive Officer and Head of People (as appropriate, dependent upon who the concerns relate

to). The findings of the investigating officer will be accepted in their totality, bar in instances where there is believed to be a substantial error in the investigation, in which case it shall be passed back to the Investigating Officer for review as to whether inaccuracies are present or not. The recommendations will be considered and a decision taken on next steps.

10. Step 3 - Outcomes and Further Action

- 10.1. Our aim with every whistleblowing concern raised is to ensure that we have taken every reasonable step to ascertain whether wrongdoing is or is not occurring. While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. Our starting point will always be that every concern is raised in good faith and a reasonable belief of wrongdoing.
- 10.2. If following the formal investigation, it is found that wrongdoing has occurred, and that it is believed to be the deliberate actions of colleagues involved, any colleague identified as part of this wrongdoing will be subject to disciplinary action. This may involve sanctions up to and including dismissal. Where appropriate, the Trust will report any illegal activity to the Police for consideration of criminal prosecution.
- 10.3. If it is found that wrongdoing has occurred, however, the reason for that wrongdoing is an unintentional failing of internal systems, processes or policy, rather than the deliberate actions of colleagues involved. The Trust will seek to urgently rectify the systems, processes or policies that enabled the wrongdoing to occur, and will implement all reasonable findings of the investigator. A member of the Executive and/or nominated Trustee will be agreed with the Chair of the Board, to oversee implementation of rectification activity. Disciplinary action may or may not be appropriate in these instances and will be based upon HR and legal advice.
- 10.4. If in the unlikely event it is found that wrongdoing has occurred and that the scope and depth of the wrongdoing is such that it is considered widespread and deemed un-rectifiable by the Trust internally, the Trust will self-refer itself to the relevant regulatory authorities, at the direction of the Chair of the Board of Trustees.
- 10.5. If it is found that wrongdoing has not occurred, we will seek to understand what the parameters and environment were that enabled a perception of wrongdoing to be reasonably suspected. We will then seek to enable more transparency and amend any parameters as needed, so that it is less likely there will be an inaccurate perception of wrongdoing in the future.
- 10.6. If, after investigation, the Trust concludes that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

- 10.7. Wherever possible, we will inform you of the outcome of the investigation and provide you with a summary of the findings, including any rectifying action. However, in some instances this may not be possible where confidentiality prevents it, such as in relation to any disciplinary action which may occur.
- 10.8. All Whistleblowing cases received, together with a summary of the findings and outcomes of the investigation (where an investigation is required) will be reported to the People and Governance Committee. The report shall not reveal the name(s) of the Whistleblower or the names of any staff found to be, or suspected of, wrongdoing.

11. Further Support and Guidance

- 11.1. If you are unsure about anything in this policy or would like a conversation to discuss please contact the Head of People for a confidential conversation.

12. Appendix 1 – Whistleblowing Contact Details

First, Second and Third-line Disclosures

For first-line disclosure contacts please refer to your local documentation on key contacts.

Level of disclosure	Role	Name	Email Address
Second-line disclosure	Head of People	Tom Pearce	tom.pearce@avanti.org.uk
	Chief Financial and Operations Officer	Kirit Patel	kpatel@avanti.org.uk
	CEO Designate	James Biddulph	James.Biddulph@avanti.org.uk
	CEO	Nitesh Gor	ngor@avanti.org.uk
Third-line disclosure	Chair of the People and Governance Committee	Molly Warrington	molly.warrington@avanti.org.uk
	Chair of the Board of Trustees	Mike Younger	my.asttrustee@avanti.org.uk

External Advice and Support

For free and impartial support and advice around whistleblowing, the following organisations can be contacted:

Organisation	Contact Details
Protect (formally Public Concern at Work)	020 3117 2520 or https://protect-advice.org.uk/
NSPCC Whistleblowing Advice Helpline	0800 028 0285 or NSPCC Whistleblowing Advice Line help@nspcc.org.uk
Citizens Advice	www.citizensadvice.org.uk

External Organisations to Report Whistleblowing

For free and impartial advice around whistleblowing, the following organisations can be contacted:

Organisation	Contact Details
Local Council Body (LADO or other roles)	Please refer to your local key contacts information
Ofsted	0300 123 1231 or enquiries@ofsted.gov.uk
Health and Safety Executive	Tell us about a health and safety issue - Contact HSE
Blowing the Whistle to a Prescribed Person – List of Prescribed Bodies	https://www.gov.uk/government/publications/blowingthe-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies