



# **PIONEER ACADEMIES COMMUNITY TRUST**

## **Policies and Procedures**

### **Whistleblowing Policy**

<b>Update</b>	<b>Approved by</b>	<b>Date</b>	<b>Review Date</b>
PACT	Academy LGB	September 2023	September 2024

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### 1. Aims

The Trust and each of our academies are committed to the highest possible standards of honesty and integrity and we expect all staff to maintain these standards, in accordance with our Code of Conduct. A culture of openness and accountability is essential in order to prevent situations of illegality or unethical conduct, or to address them when they do occur.

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
- Provide staff with guidance on how to raise concerns about potential wrongdoing
- Set clear procedures for how the organisation will respond to such concerns
- Let all staff know the protection available to them if they raise a whistleblowing 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 or Academies in any capacity, including self-employed consultants or contractors who provide services on a personal basis 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 whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

### **3. Definition of whistleblowing**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specific matters or 'qualifying disclosures' i.e. is "in the public interest". Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' 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 whistleblower is a person who raises a genuine concern relating to the above.

Not all concerns about the Trust, or individual schools in 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.

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 staff to raise 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 school procedures, put people in danger or was an attempt to cover up any such activity.

### **4.2 Who to report to**

School-based staff should report their concern to the Headteacher. If the concern is about the Headteacher, or it is believed they may be involved in the wrongdoing in some way,

the staff member should report their concern to the CEO / chair of the Local Governing Board.

Central team staff should report their concern to the CEO. If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the central team staff should report the concern to the chair of Trustees.

### **4.3 How to raise the 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.

## **5. Trust procedure for responding to a whistleblowing concern**

### **5.1 Investigating the concern**

When a concern is received by the Headteacher / CEO / chair - referred to from here as the 'recipient' - they 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
- 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 investigation into the matter, involving the CEO, local governing body and/or chair of Trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others, 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, the CEO, Trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with 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 the Trust**

The Trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body such as a regulator. Protect holds a list of prescribed regulators for certain types of concern. 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.

## **8. Protection and support for whistleblowers**

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. Anyone who believes they have suffered any such treatment should inform one of the people in paragraph 4.2 immediately. If the matter is not remedied, individuals should raise it formally via the Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline.

Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources

As part of the application of this policy, the Trust or school may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

## **9. Approval**

This policy will be reviewed every three years.

These procedures have been agreed by the Board of Trustees, who will approve them whenever reviewed.