Whistleblowing Policy

Reviewed September 2024
Next Review September 2026

Preston Primary Academy Trust

Raising Concerns at Work (Whistleblowing) Policy

Confidential Reporting Code

This policy has been written with the underlying principles of a Church of England school, which applies to Preston C of E Primary School, North Cadbury C of E Primary School, and Ash C of E Primary School.

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1. Introduction

Preston Primary Academy Trust is committed to the highest possible standards of openness, integrity, and accountability. We would expect and encourage all workers of the Trust, supply staff, agency workers and contractors, who have serious concerns about any aspect of the Trust or its schools' work to come forward and voice those concerns. The policy will be published on the Trust and its schools' website to ensure that it is available and accessible to employees and members of the public.

The policy is in addition to the Trust's Complaints Procedure and other statutory reporting procedures. A decision on which route each concern takes will be made upon receipt.

This policy is intended to inform and guide individuals on whether the concern they have meets the criteria for it to be considered under whistleblowing and if it does, provide further information on the process they should follow, if they do decide to report it.

The term whistleblowing is generally used only with reference to workers and has a specific legal definition under the Public Interest Disclosure Act 1998, i.e. a disclosure of information which, in the reasonable belief of the worker, is made in the public interest and tends to show serious misconduct. In a non-legal context, the term might also be used to describe a similar disclosure of information, by anyone who is not a worker. The Trust recognises that as a public body, it might receive a disclosure of information, not just from its workers, but from members of the public as well.

The term 'worker' includes an employee of the Trust, agency staff, contractor or consultant doing work for the school/academy, collectively referred to in this policy as "employees." A member of the public will be anybody not falling within the definition of 'employees', which could include, the parent of a child at the school/ academy.

This policy applies to disclosures from employees, but also sets out the Trust's commitment to deal with disclosures from members of the public in the same way. To this end, where this policy refers to a "whistleblower", it refers to both employees and members of the public who make a disclosure. In this policy, receipt of any such information will simply be referred to as a "concern" or a "disclosure".

Middlezoy and Othery Schools are committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, we wish to encourage employees and members of the public, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns.

Employees are often the first to realise that there may be something seriously wrong within the Trust or its schools. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust or school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

This policy is intended to encourage and enable individuals to raise concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside. The policy makes it clear that individuals can do so without fear of victimisation, subsequent discrimination, or disadvantage. Middlezoy and Othery Schools are committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

The policy can also be used to raise concerns about suppliers and those providing services under a contract with the Trust in their own premises.

There is a Grievance Procedure in place for employees to raise a concern relating to their own employment. The policy is based on the Department for Business Innovation and Skills: Guidance for Employers and Code of Practice and has been discussed with the relevant trade unions and professional organisations and has their support.

In addition to the Trust's commitment to protect employees who raise concerns, the Public Interest Disclosure Act 1998 provides a worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'. The Act has rules for making a protected disclosure:

- The worker must reasonably believe the disclosure is in the public interest.
- The worker must believe it to be substantially true.
- The worker must not act maliciously or make false allegations.
- The worker must not seek any personal gain.

An employee who raises a concern under this policy and reasonably believes the disclosure is in the public interest, will be protected from any claim of defamation by the Trust's RPA (Risk Protections Arrangement) under the Third-Party Public Liability Section, if the Trust is legally liable.

2. Aims and Scope of the Policy

This policy aims to:

- encourage employees and members of the public to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for employees and members of the public to raise concerns and receive feedback on any action taken
- ensure that employees and members of the public receive a response to concerns and that they are aware of how to pursue them if they are not satisfied
- reassure employees and members of the public that they will be protected from possible reprisals or victimisation if they have a reasonable belief that the disclosure made is in the public interest
- assist with deterrent and detection of wrongdoings.

This policy is intended to cover major concerns reasonably believed to be in the public interest:

Concerns that are not whistleblowing

Workers are not protected by law if their purpose is to air personal grievances (e.g. bullying, harassment, discrimination) **unless** the case is in the public interest. These types of concerns should be addressed by means of the school/academy's Grievance Procedure. The Whistleblowing Procedure cannot be used as an alternative to the school/academy's Grievance or Safeguarding policy and procedures. The concern should involve resent a risk to others, such as customers, taxpayers, or the environment.

Concerns that are Whistleblowing

The concern must:

- raise a genuine concern relating to suspected, or actual, wrongdoing or dangers at work
- be made in good faith
- be in the public interest.

The worker raising the concern (whistleblower) must 'reasonably believe' it is substantially true, and involves one or more of the following:

- Criminal or unlawful activity e.g. fraud, theft, physical or sexual abuse.
- Failure to comply with any legal obligation or regulatory requirement.
- Bribery.
- Miscarriages of justice.
- Abuse or bullying of clients including children and vulnerable people, Evasion of statutory responsibilities.
- Incorrect financial reporting.
- Unauthorised use of public funds or other assets.
- Abuse of power for financial or other gain.
- Fraud or mismanagement.
- Breach of internal policies and procedures.
- Negligence.
- Other activities such as malpractice, negligent, unprofessional, or unethical behaviour.
- Endangering of someone's health and safety (worker or member of the public).
- Damage to the environment.
- Other causes of malpractice, negligent, unprofessional, or unethical behaviour.
- Covering up wrongdoing in the above categories.

Serious concerns which workers have about any aspect of service provision or the conduct of other workers or Directors or governors or others acting on behalf of the Trust can be reported under the Whistleblowing Policy. This may be something that:

- makes the worker feel uncomfortable in terms of known standards, their experience, or the standards they believe the Trust subscribes to; or
- is against the Trust's scheme of delegation, Financial Regulations, and policies; or
- falls below established professional standards of practice; or
- amounts to improper conduct.

3. How to raise a concern

The internal route

This route is usually preferable, as it enables the Trust to address issues immediately and to handle the disclosure discreetly.

If a worker has a concern, they should raise it first with their Line Manager or Headteacher in writing. If a worker feels they are unable to raise the matter with their Line Manager or Headteacher, for whatever reason, they should raise it with the Chair of the Local Governors if working in a school or the Chair of the Board of Directors if working in the central team.

The external route

If the worker feels unable to raise it with the Chair of Governors or Chair of the Board of Directors for whatever reason, then they can raise the matter with the CEO or with the Trust Central Team's HR Officer

If the above channels have been followed but the employee continues to have concerns or believe that those listed above are implicated, then they should approach one of the following:

In the trust, if these channels have been followed but you continue to have concerns or believe that those listed above are implicated then you should approach one of the following:

- The Education and Skills Funding Agency (ESFA).
- OFSTED.
- The Somerset HR Advisory Team for any employment issues. (The Trust purchases the support of the Somerset HR Advisory Service)
- Director of Children's Service.

The worker should also consider:

- when raising a concern, they must declare any personal interest they have in the matter.
- the earlier they can express their concern, the easier it is to act.

Although the worker is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for a concern. However, they must not attempt to investigate a concern or accuse individuals directly.

Advice and guidance on how to pursue matters of concern may also be obtained from:

- the Somerset HR Advisory Service;
- the Trust's Legal Team;
- the worker's trade union or their professional association representative.

Workers may wish to consider discussing concerns with a colleague first and may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

Workers may invite a trade union/professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns raised. Meetings can be arranged off-site if necessary.

If the worker believes there is an immediate risk, they should call 999 for emergency services or 101 for local Police.

If the worker has concerns regarding abuse to adults or children, the worker may also contact Safeguarding on 0300 123 2224 or out of hours on 0300 123 23 27.

4. What response the worker should expect to them raising a concern

The worker should expect a response to their concerns as quickly as possible. However, the worker may want to also consider that testing out of their concerns is not the same as the Trust accepting or rejecting them.

The action taken by the Trust will depend on the nature of the concern. Where appropriate, the matters raised may:

- be investigated by management
- be referred to the Police
- be referred to an external auditor
- form the subject of an independent inquiry
- be dealt with under a more appropriate Trust procedure.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues or financial irregularities) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days, the employee should expect the Trust or school to write to them:

- acknowledging that the concern has been received
- indicating how they propose to deal with the matter giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms and
- telling you whether further investigations will take place, and if not, why not.

The amount of contact with the worker who is raising concerns will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the

information provided. If necessary, further information will be sought from the employee.

The Trust or its investigator will take steps to minimise any difficulties which the employee may experience because of raising a concern. For example, if the employee is required to give evidence, the Trust will arrange for the employee to receive advice about the procedure from a nominated officer, usually someone from the Trust's HR Advisory services.

The Trust accepts the employee will need to feel assured that the matter has been properly addressed and they will be informed of the final outcome of the investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party or legal constraints.

If the worker alleges that they reasonably believe is in the public interest, but this is not confirmed by the investigation, no action will be taken against the worker.

5. How the matter can be taken further

This policy is intended to guide a worker on how they can raise concerns.

Hopefully, they will be satisfied with the response they receive to this. However, if they are not, then there are other people they can contact. These are:

- the Central Team's HR Officer
- the employee's Trade Union/professional association
- relevant professional bodies or regulatory organisations (for example Health and Safety Executive)
- Public Concern at Work.
- the Police
- the ombudsman
- the worker's own solicitor.

If the worker does decide to take the matter outside the Trust, they should ensure they do not misuse confidential information. The person the employee contacts should be able to advise them.

The policy, in line with the legislation, provides protection for employees who raise concerns internally. It is inconsistent with the satisfactory operation of the policy to pursue such concerns with the media (newspapers, TV, radio, etc.) and employees who do so are unlikely to be protected by the provisions of the Public Interest Disclosure Act and may be subject to disciplinary action.

6. Anonymous Allegations

This policy encourages individuals to put their name to their allegation whenever possible.

Concerns expressed anonymously or through a third party are much less powerful and may not be possible to investigate. The Trust or is investigator will use their discussion as to whether the concern will be considered further.

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern and
- the likelihood of confirming the allegation from attributable sources.

7. Harassment or Victimisation

Middlezoy and Othery Schools recognise that the decision to report a concern can be a difficult one to make. The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take action to protect individuals when they raise a concern where they reasonably believe the disclosure is in the public interest.

Disciplinary action will be taken against an employee if they try to stop an employee raising a concern or if an employee is responsible for any act of recrimination against an employee for raising a concern.

Any investigation into allegations of potential malpractice will not influence or be influenced by any Disciplinary or Redundancy procedures that already affect the employee.

8. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the worker's identity if they request this. It must be appreciated, however, that the investigation process may reveal the source of the information, and that a statement may be required as part of the evidence and/or the employee may be asked to come forward as a witness at the appropriate time. The Trust will keep the worker's identity confidential, if that is what they request, unless required to disclose it by Law (for example, by the Police or if it is required to be disclosed for the purposes of subsequent disciplinary action).

9. False Allegations

If an allegation is knowingly made frivolously, maliciously or for personal gain, disciplinary action may be taken. The Whistleblower does not need evidence but instead need to have reasonable belief that the concerns raised are true.

10. The Responsible Officers

The CEO has overall responsibility for monitoring the Code and will report annually to the Board of Directors on the operation of the Code.

11. Review

The policy will be kept under review and as a result may be subject to amendment

12. Support for the worker who is raising a concern

If the employee is unsure whether to use this policy or they would like some independent advice or support at any stage, they can contact the independent charity Protect (formerly Public Concern at Work) on 020 3117 2520. Their advisers will give the worker free confidential advice on how to raise a concern appropriately.

13. Links to other Policies

The Trust has agreed a scheme of delegation, which sets out how the Trust operates, how decisions are made, and the procedures to follow to ensure that these are efficient, transparent and accountable to local people. While some of these processes are required by Law, others are a matter for the Trust to choose. The scheme of delegation also has a number of rules and regulations to make sure that financial, working and organisational procedures are properly controlled.