Whistleblowing Policy

Policy Group:	**Staffing & HR**
Policy Ref:	**SHR/05**
Responsible Reviewing Officer and Job Title:	**Head of HR**
Date Written:	**June 2025**
Date Approved by the Board:	**June 2025**
Date of Next Review:	**June 2028**

1. Introduction

a. The Public Interest Disclosure Act 1998 (PIDA) protects employees and volunteers who "blow the whistle" where the employee or volunteer 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.

b. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

c. The Head of School/Headteacher is the first point of contact for whistleblowing queries raised at school level. If the allegation is related

to the Head of School/Headteacher, the concern should be raised with the Chair of Governors.

d. The CEO is the first point of contact for whistleblowing queries raised at Trust or Local Governance Committee level. If the allegation is related to the CEO, the concern should be raised with the Chair of the Trust Board. If the allegation is related to the Chair of the Trust Board, the concern will be raised with the Vice Chair of the Board

e. We welcome whistleblowing concerns from all sectors of the Trust's community. We are committed to ensuring that no person suffers a detriment because they raised such a concern. Particular protection is enshrined in law to ensure that concerns raised by employees or volunteers mean that they do not suffer a detriment as a result

2. Purpose and Scope

a. Pickwick Academy 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.

b. 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 or volunteer sees or suspects that something is wrong, they will raise this with the organisation/school without fear of harassment or victimisation. 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.

c. This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

d. Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the Trust's Data Protection Policy.

e. This policy will:

- Give confidence to members of the school/Trust community 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 school standards and policies.
- Provide members of the school/Trust community with avenues to raise concerns.
- Ensure that members of the school/Trust community receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from detriments, including reprisals or victimisation, for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

f. This policy will not be confused with the procedure on dealing with harassment at work or the Trust's Disciplinary or Grievance Policies. Therefore personal grievances (e.g. bullying, harassment, discrimination) will be dealt with under the Grievance and Resolution policy, unless the particular case is in the public interest.

g. The Public Interests Disclosure Act (PIDA) and Employment Right Act 1996 do not protect non-employees, but under this policy, any of the following can raise a concern:

- Employees of the Trust/school
- Employees of contractors working for the Trust/school, for example, agency staff, builders, and drivers
- Employees of suppliers
- Voluntary workers working with the Trust/school
- A trainee, such as a student teacher
- Pupils
- The wider community
- Governors

h. Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust's Complaints Procedure.

3. Responsibilities and Accountabilities

a. The Trust Board will be responsible for:

- Establishing and agreeing the whistleblowing procedure set out in Section 6 of this Policy.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the Trust/school community have access to this policy.
- Ensuring this policy provides an open and transparent framework where members of the school community can raise their concerns.
- Investigating, in liaison with the CEO, any concerns that are raised about central team staff.
- Taking the necessary action against members of central team staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the Trust board include a record of the Trust's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Ensuring the agreed Whistleblowing Policy is published on the Trust's website

b. The Local Governance Committee will be responsible for:

- Investigating, in liaison with the Head of School/Headteacher, any concerns that are raised about school staff and escalating matters, keeping the Board informed.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the Local Governance Committee include a record of the Trust's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns and sharing these names with staff.

c. The CEO 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 about the Executive Team.
- Being the first point of contact regarding whistleblowing for central team staff.

d. The Chief Finance and Operating Officer will be responsible for:

- Ensuring all members of the Trust's Central Team have read and understood this policy.
- Receiving, investigating, and responding to any concerns that have been raised about the Trust's Central team.
- Being the first point of contact regarding whistleblowing for central team staff.

e. The Head of School/Headteacher/Executive 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 the school community.
- Being the first point of contact regarding whistleblowing and keeping the CEO informed.

f. The chair of the Local Governance Committee will be responsible for receiving any concerns raised about the Head of School/Headteacher.

g. The chair of the Trust Board will be responsible for receiving any concerns raised about the CEO.

h. All members of the Trust/school community are able to raise concerns in confidence, without any fear of reprisal. It is imperative that whistle-blowers:

- Raise any concerns that meet the definitions within this policy.

- Be truthful and reasonable with any concerns that they have.
- Do not raise malicious or unfounded concerns.
- Do not take their concerns outside of the Trust i.e. gossiping.
- 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.

4. Definitions

a. **Whistleblowing:** Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

b. **Qualifying disclosures:** As outlined by the PIDA, qualifying disclosures pertain to when a person has a reasonable belief that any of the following has taken place, and disclosure of such would be in the public interest:

- 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

Examples of these include but are not limited to:

- Criminal offences, such as fraud or corruption
- Pupils' or employees' 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

c. **In the public interest** means that an individual acted outside of their own personal interest – they acted for more than personal gain; or they hold a reasonable belief that the disclosure, whilst in their own interest, is also in the public interest. 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

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

e. **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.

f. **Receiver** refers to the person whom the whistleblower reported their concerns, this may be the Head of School, Headteacher, CFOO, CEO, Chair of Governors or Chair of Trustees.

5. Harassment and victimisation of staff

a. 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.

b. 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; or the whistle-blower has a reasonable belief that the disclosure was in the public interest.

c. Any member of staff who victimises or harasses or otherwise subjects a whistleblower to a detriment as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's Disciplinary Policy.

6. Procedure

a. When raising concerns, individuals will express them in writing to the Head of School/Headteacher/Executive Headteacher for concerns raised at school level and CFOO/CEO for concerns raised at Trust Executive team or central team level. This policy encourages employees to put their names to allegations, whenever possible. It may be difficult to progress anonymous complaints as it is more difficult to establish whether allegations are credible. If an individual is raising a concern about the Head of School/Headteacher/CEO, they should express their concerns in writing to the Chair of Governors/Chair of the Trust Board. Where this is the case, the Chair of Governors/Chair of the Trust Board will take on the Head of School/Headteacher/Executive Headteacher/CFOO's/CEO's duties outlined within this Policy.

b. 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
- As much evidence as possible
- The reasons for the concern
- Any personal interest they may have in the matter.

c. Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. Protect can be contacted via www.protect-advice.org.uk, or 020 31172520. The Trust will not have access to any information shared with Protect, so individuals would need to raise the

concern with the Trust using this policy if they then decided to go on to whistle-blow. Once an individual has raised a concern, the school or Trust will be responsible for investigating it.

d. 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. A list of prescribed bodies to whom employees can raise concerns with is included here

e. If a member of staff feels they should report a concern to the LA, or to the ESFA, they should contact the Local Authority or ESFA directly.

f. The school, Trust, or 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.

7. All concerns raised under this policy will be treated in confidence and every effort will be made not to reveal the Whistleblowers identity to those involved. At the appropriate time, however, they may be asked to come forward as a witness.

Next steps

a. The person receiving the allegation 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.

b. 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 receiver will establish if:
   - There are grounds for a concern and that it is genuine.
   - The concern was raised in accordance with this policy.

c. The person raising the concern may be joined by a workplace colleague or trade union representative for this initial meeting, if they so desire.

d. 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

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

f. The receiver 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 school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.

- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Local Governance Committee/Trust Board will take reasonable steps to ensure that a whistle-blower does not suffer a detriment as a result of making a qualifying disclosure.
- 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.

g. If there is sufficient cause for concern to warrant further investigation, an management investigation will be carried out, The person receiving the allegation ie/ Head of School/Executive Headteacher/ Headteacher/CEO will appoint an investigation officer, this will be a member of the Executive Team and may be the Headteacher/Executive Headteacher, Director of Education, CFOO, CEO of Chair of Trustees/Local Governance.

In such instances the whistle blower may be informed of the final outcome, but this would depend on the nature of the outcome. In some cases, the receiver may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police. in circumstances of confidentiality of contract, data protection, criminal investigation the whistle-blower will not be informed.

h. A record will be kept, by the receiver, 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 school's Records Management Process, to limit those who need to know. In the event of whistleblowing complaints against the Head of School/Headteacher/Executive Headteacher, Governors, records will be kept by the CEO; in the event of whistleblowing complaints against the CEO, Executive team or Members of the central team, records will be kept by the Chair of the Trust Board; and if against the Trustees, the Members will maintain the records

i. 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 management, an internal audit or through the disciplinary process.
    - Be referred to the police or an external auditor.
    - Form the subject of an independent inquiry.

j. 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 in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

k. 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 school and to assist in monitoring the procedure

l. Beyond the immediate actions, the Trust will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing

8. Appeal process

a. 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's Complaints Procedure.

9. Equal Opportunities

a. An Equality and Diversity Impact Assessment has been completed in order to ensure it complies with equality obligations outlined in discrimination legislation. The policy positively reflects the aims and ambitions of Pickwick Academy Trust.

10. References, acknowledgements, and associated documents

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

- Public Interest Disclosure Act 1998 • Employment Rights Act 1996

b. This policy operates in conjunction with other Pickwick Academy Trust policies and procedures:

- Staff Disciplinary Policy
- Records Management Process
- Complaints Policy / Procedure
- Data Protection Policy
- Academy Trust Handbook
- Professional Behaviours, Expectations and Standards Policy