

## Whistleblowing Policy

Policy Code:	HR23
Policy Start Date:	September 2021
Policy Review Date:	September 2023

Please read this policy in conjunction with the policies listed below:

- HR6 Data Protection Policy
- HR6A Data Breach Policy
- HR3 Grievance Procedure
- HR12 Staff Disciplinary Procedure
- HR24 Allegations of Abuse Made Against Adults Policy
- HR36 Complaints Policy
- SW5 Safeguarding and Child Protection Policy

## **1. Policy Statement**

- 1.1 The Priory Federation of Academies Trust (the Trust) seeks to run all aspects of school business and activity with full regard for high standards of conduct and integrity. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire SCITT.
- 1.3 This policy covers all employees, consultants, contractors, volunteers, casual workers and agency workers.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.5 This policy takes account of the Whistleblowing Arrangements Code of Practice in collaboration with the British Standards Institute and Public Concern at Work.

## **2. Roles, Responsibilities and Implementation**

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy, for ensuring compliance with the relevant statutory framework and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Human Resources.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all employee are responsible for supporting colleagues and ensuring its success.

## **3. Aims**

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

- To provide staff with guidance as to how to raise those concerns.
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

#### 4. What is whistleblowing?

4.1 **Whistleblowing** is the disclosure of information that relates to suspected wrongdoing or dangers at work. A qualifying disclosure must be based on the reasonable belief that the disclosure is in the public interest.

This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation (or regulatory requirements);
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) bribery (under the Trust's Anti-Corruption and Bribery Policy);
- (f) financial fraud or mismanagement;
- (g) negligence;
- (h) breach of the Trust's internal policies and procedures;
- (j) conduct likely to damage the Trust's reputation;
- (k) unauthorised disclosure of confidential information;
- (l) inappropriate use of school assets or funds;
- (m) the deliberate concealment of any of the above matters.

This list is not exhaustive.

4.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If a member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a **whistleblowing concern**), they should report it under this policy.

4.3 This policy should not be used for complaints relating to a member of staff's own personal circumstances, such as the way they have been treated at work. In such cases, they should use the Trust's HR3 Grievance Policy or Trust's HR36 Complaints Policy.

4.4 If an employee is uncertain whether something is within the scope of this policy, they should seek advice from Director of Human Resources (whose contact details are set out at paragraph 11).

## **5. Raising a Whistleblowing Concern**

- 5.1 Members of staff should be able to discuss any concerns about wrongdoings or dangers at work as part of the normal professional interaction between them and their line manager and, in many cases, these will be dealt with to mutual satisfaction. Alternatively, an employee may wish to raise any concerns with their line manager more formally, either in person or in writing. The line manager may be able to agree a way of resolving the concern quickly and effectively. In some cases, they may refer the matter to the Director of Human Resources. For full contact details, please see Section 11.
- 5.2 However, where the matter is more serious, or the employee feels that their line manager has not addressed their concern, or they prefer not to raise it with them for any reason, they should contact Jayne Wilson –Director of Human Resources.
- 5.3 The Director of Human Resources will arrange a meeting with the employee as soon as possible to discuss their concern. The employee may bring a colleague to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 5.4 The Trust will take down a written summary of the concern and provide the employee with a copy after the meeting. The Trust will also aim to provide an indication of how it proposes to deal with the matter.
- 5.5 In instances where a concern involves the Director of Human Resources, or a member of the HR department, the employee should contact the Clerk to the Trust (whose contact details are set out at paragraph 11). The Clerk to the Trust will make arrangements for an assessment (paragraph 7.1) and, if necessary, investigation (paragraph 7.2) of the concern by a Trustee.
- 5.6 In instances where a concern involves a member of the Trust's senior executive team, the employee should contact the Clerk to the Trust (whose contact details are set out at paragraph 11). The Clerk to the Trust will make arrangements for an assessment (paragraph 7.1) and, if necessary, investigation (paragraph 7.2) of the concern by a Trustee.

## **6. Confidentiality**

- 6.1 The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if an employee wants to raise a concern confidentially, the Trust will make every effort to conceal their identity. If it is necessary for anyone investigating the concern to know the employee's identity, the Trust will discuss this with the employee first.

6.2 The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if it cannot obtain further information. 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 approach the Director of Human Resources and appropriate measures can then be taken to preserve confidentiality. If the employee is in any doubt, advice is available from Public Concern at Work, the independent whistleblowing charity, which offers a confidential helpline. Their contact details are at the foot of this policy.

## **7. Investigation and Outcome**

7.1 Once an employee has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. The Trust will inform the employee of the outcome of the assessment. The employee may be required to attend additional meetings in order to provide further information.

7.2 In some cases, the Trust may appoint an investigator or team of investigators, including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

7.3 The Trust will aim to keep the employee informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust giving specific details of the investigation or any disciplinary action taken as a result. The employee should treat any information about the investigation as confidential.

7.4 If the Trust concludes that a whistleblower has made false accusations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

## **8. After an Investigation**

8.1 While the Trust cannot guarantee the outcome an employee may be seeking, it will deal with concerns fairly and in an appropriate way. By using this policy, members of staff can help the Trust to achieve this.

8.2 If a member of staff has genuine concerns about how the Trust has handled their whistleblowing disclosure, they can write to the Clerk to the Trust. The Clerk may investigate whether this policy's procedures have been followed in the case in question and notify the employee of his/her findings accordingly. The Clerk may ask for another assessment (7.1) to take place but does not have the power to re-investigate the original complaint/disclosure.

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8.3 Should the whistleblower remain dissatisfied with the handling of their disclosure, they also have the freedom to report their concern directly to the Chair of the Trust or the Chair of the Trust's Audit Committee. The Trustee in question has the power to review the case paperwork and issue a final ruling or recommendation, as appropriate.

## **9. External Disclosures**

9.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, an employee should not find it necessary to alert anyone externally.

9.2 The law recognises that in some circumstances it may be appropriate for an employee to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The Trust strongly encourages its members of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. It also holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at paragraph 11 of this policy.

9.3 Whistleblowing concerns usually relate to the conduct of Trust staff, but they may sometimes relate to the actions of a third party. In some circumstances, the law will protect an individual if they raise the matter with the third party directly. However, the Trust encourages its staff to report such concerns internally first. Employees should contact their line manager or the Director of Human Resources for guidance.

## **10. Protection and Support for Whistleblowers**

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

10.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, they should inform the Director of Human Resources immediately. If the matter is not remedied, they should raise it formally using the Trust's Grievance Procedure or Trust's Complaints Procedure.

10.3 In instances where an allegation of such treatment involves the Director of Human Resources, or a member of the HR department, the employee should raise it with the Clerk to the Trustees.

10.4 Members of staff must not threaten or retaliate against whistleblowers in any way. Any employee involved in such conduct may be subject to disciplinary action.

## 11. Contacts

<b>Director of Human Resources</b>	Jayne Wilson 01522 871330 <a href="mailto:jwilson@prioryacademies.co.uk">jwilson@prioryacademies.co.uk</a>
<b>Clerk to the Trust</b>	Martin Mammatt 01522 871329 <a href="mailto:mmammatt@prioryacademies.co.uk">mmammatt@prioryacademies.co.uk</a>
<b>Public Concern at Work</b> (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>
<b>NSPCC Whistleblowing Advice Line</b>	0800 0280285

## 12. Policy Change

12.1 This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

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## **The Priory Federation of Academies Trust Whistleblowing Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.