PACE Academy Trust

Whistleblowing Policy

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Introduction **3**

Aims **3**

Legislation **3**

Safeguards – For whistleblowers **4**

Scope **4**

Confidentiality **4**

Anonymous Allegations **5**

False and Malicious Allegations **5**

Raising A Concern **5**

Trust Procedures for responding to a concern **6**

Outcome of Investigations **6**

How matters can be taken further **7**

Appendix 1
Guidance for responding to a disclosure **8**

1. INTRODUCTION

PACE Academy Trust is committed to the provision of high-quality services and promoting the highest standards of openness, probity and accountability. Members of staff and others who have serious concerns about any aspect of the Trust's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage and in the knowledge that any issue raised will be investigated promptly. All disclosures made will be dealt with appropriately, consistently, fairly and professionally.

2. AIMS

2.1 This policy aims to:

- Encourage all members of staff to feel confident and supported in raising **serious concerns** of wrongdoing and to question and act upon concerns regarding malpractice;
- Reassure employees that they are safe to make a disclosure and confirm that they will not face any detriment from the Trust as a result. This is providing any complaint is made in good faith and based on a reasonable belief that the malpractice occurred;
- Set out the procedure for staff to follow if they want to make a disclosure;
- Undertake to protect the identity of an employee making a disclosure, unless required by law to reveal it and to offer support throughout the process with access to mentoring, advice and counselling;
- Set clear procedures for how the Trust will respond to any such concerns;
- Ensure that feedback is provided to the employee who made the disclosure where possible and is appropriate subject to other legal requirements. Feedback should include an indication of timings for any actions or next steps.

2.2 This policy does not form part of any employee's contract of employment and may be amended at any time.

3. LEGISLATION

3.1 The requirement to have clear whistle-blowing 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 whistle-blowing. We also take into account the Public Interest Disclosure Act 1998. Staff making a disclosure, referred to here as Whistleblowers, are protected under this legislation. To be protected you must:

- Be a worker (e.g. an employee, trainee or agency worker)
- Make a qualifying disclosure in good faith about something that is in the public interest.

3.2 A "qualifying disclosure" means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following—

a) that a criminal offence has been committed, is being committed or is likely to be committed,
b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
d) that the health or safety of any individual has been, is being or is likely to be endangered,

e) that the environment has been, is being or is likely to be damaged,
f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed, or
g) that sexual harassment (as defined by section 26 of the Equality Act 2010) has occurred, is occurring or is likely to occur.

Concerns relating to sexual harassment involving pupils should ordinarily be reported and managed through the school's safeguarding procedures. However, concerns that school leaders, governors or others are failing to address such matters appropriately, or are concealing concerns, may be raised under this Whistleblowing Policy.

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

4. SAFEGUARDS – FOR WHISTLEBLOWERS

We will not tolerate any discrimination, detrimental treatment, harassment or victimization (including any informal pressures) against anyone who raises genuine concerns in good faith. Appropriate action will be taken to protect staff members when they raise concerns.

5. SCOPE

5.1 This policy covers major concerns of wrongdoing / malpractice where the employee reasonably believes that they are acting in the public interest and that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Fraud or financial irregularity;
- Corruption, bribery or blackmail;
- Other criminal offences;
- Failure to comply with legal or regulatory duty or obligation;
- Miscarriage of justice;
- Endangering the health and safety of any individual;
- Improper use of authority or powers;
- Unauthorised use of public funds;
- Damage to the environment;
- Sexual harassment;
- Concealment of any of the above.

5.2 Not all concerns about the Trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment are not usually dealt with under whistleblowing procedures. Unless in the public interest, an individual complaint regarding unfair treatment, bullying or harassment will normally be dealt with under the Trust's Grievance procedures. Staff should report these items under our grievance policy. Similarly, where the complainant is a parent, who has a concern regarding an individual pupil this would normally be dealt with using the Trust's Complaints Policy.

5.3 Normal Health and Safety incidents and accidents should be reported in accordance with Health and Safety procedures.

6. CONFIDENTIALITY

All reasonable steps will be taken to maintain the confidentiality of the whistleblower where this is requested. All disclosures will be treated in confidence, subject to the involvement of appropriate investigating personnel and any external professional advisers (e.g. lawyers and auditors) in the investigation of the disclosure. Whistleblowers should be aware that, regardless of the steps taken to preserve confidentiality, there is always the risk that colleagues may speculate about who has raised the concern.

7. ANONYMOUS DISCLOSURES

7.1 We encourage whistleblowers to put their name to their disclosures whenever possible. Disclosures made anonymously are much less powerful but they may be considered at the discretion of either the Chief Executive, the Chair of the Strategic Board, or the Chair of Local Governing Body, depending on the nature of the allegations. In exercising this discretion the factors to be taken into account include:

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

7.2 Anonymous whistleblowers will not ordinarily be able to receive feedback and any investigation into an anonymous disclosure may necessarily be limited by the inability to seek further information from the person making the disclosure.

8. FALSE AND MALICIOUS ALLEGATIONS

We are committed to good practice and high standards and always seek to be supportive of employees: we recognise that the decision to report a concern can be difficult to make. If a staff member makes a disclosure in good faith and reasonably believes it to be true, which is later not upheld by investigation, they should have nothing to fear as the Trust will recognise their genuine motives. However, should someone make an allegation frivolously, maliciously or for personal gain, and after investigation the intent is found to be vexatious, disciplinary action may be taken against them.

9. RAISING A CONCERN

Staff should consider the examples covered by the scope of this policy when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

9.1 WHO TO REPORT A CONCERN TO

Staff should normally raise concerns with the Headteacher/Head of School. However, if the concern is about the Headteacher, or it is believed the Headteacher may be involved in some way, or where the concern has already been reported to the Headteacher but not dealt with, the concern can then be raised orally, or in writing to the Chief Executive, Zoe Harris, – zoe.harris@paceacademytrust.com

Alternatively, staff can report their concern to the Chair or Vice Chair of the Trust's Strategic Board: Ben Cranham ben.cranham@paceacademytrust.com or Micon Metcalfe - micon.metcalfe@paceacademytrust.com

9.2 HOW TO REPORT A CONCERN

- Disclosures can be made verbally or in writing and should be within a reasonable time frame to allow appropriate investigation into the matters raised. The earlier a disclosure is made, the easier it is to bring matters to a satisfactory outcome. The disclosure will need to provide the background and history of the concern (giving relevant dates and as much detail as possible). The whistleblower will need to state clearly whether they wish to be identified or not (this must be in writing).

- The member of staff should also include details of any personal interest in the matters raised.
- Although the employee is not expected to prove beyond doubt the truth of the suspicion or provide evidence for the issue to be investigated further, they will need to demonstrate to the person contacted that there are reasonable grounds for serious concern.

10. TRUST PROCEDURE FOR RESPONDING TO A CONCERN

10.1 The Trust will take all disclosures seriously and will investigate them. In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form the investigation should take. Investigating disclosures is not the same as accepting or rejecting them. When a concern is received by the Headteacher/Chief Executive /Chair of the Strategic Board, referred to here as the recipient, they will:

- Meet with the member of staff raising the concern within a reasonable timescale. If they wish, the whistleblower may be accompanied by a trade union representative or colleague at any meeting or interview in connection with the disclosure.
- It is recognised that making a disclosure can be a difficult or anxious time for a member of staff and if desired access to advice and support can be provided.
- As much detail as possible will be recorded and where the complaint is not of a whistleblowing nature, the recipient will handle the concern in line with the appropriate policy and procedures (e.g. grievance procedure/ referred to child protection/safeguarding leads for action).
- Establish whether there is sufficient cause for concern to warrant further investigation by other parties:
    - Either by alternative School Leaders, Trustees or members of the Local Governing/Strategic Board
    - External independent bodies
    - In cases where illegal practices are suspected, the Police
- Inform the whistleblower that the matter is being investigated (and if appropriate, how) and provide an estimated time frame for the investigation and the next steps taken.
- A summary of any meeting held will be produced for record keeping purposes and a copy will be provided for the whistleblower.

11. OUTCOME OF INVESTIGATIONS

11.1 Our aim is to act promptly on the information provided and put right whatever wrongdoing is found. We will take all reasonable steps to support staff raising concerns. For example, if they are asked to give evidence in criminal or disciplinary proceedings, the Trust will arrange appropriate support and advice. We accept that a whistleblower needs to be assured that the matter has been properly addressed. Unless there are legal reasons why this cannot be done, and provided the disclosure is not made anonymously, the whistleblower will be informed of the outcome of any investigation.

11.2 Within 20 school days of a disclosure being made, a full written response will be given:

- Acknowledging that the disclosure has been received;
- Indicating how the Trust propose to deal with the issue;
- Telling them whether any further investigations will take place (and if none, explaining why this is the case);
- Supplying information on staff support mechanisms and confirming the protection afforded to the member of staff raising the concern.

12. HOW MATTERS CAN BE TAKEN FURTHER

12.1 This policy is intended to provide members of staff with an avenue within the Trust to make disclosures. If an employee would like further information and advice about whistleblowing, the following are possible contact points:

- Government (https://www.gov.uk/whistleblowing/what-is-a-whistleblower)
- Public Concern at Work (020 3117 2520) https://protect-advice.org.uk/
- Your trade union
- ACAS (0300 123 1100) http://www.acas.org.uk/

12.2 If the member of staff does not feel able to disclose to anyone in the Trust, an employee can, without losing their rights under whistleblowing law, make a disclosure to a prescribed person. The relevant prescribed person depends on the subject matter of the disclosure and a complete list can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf**79-blowing-the-whistle-to-a-prescribed-person.pdf**

12.3 If a member of staff does take the matter outside the school, they must not disclose confidential information and may wish to take legal advice before doing so.

12.4 If a staff member believes that they have been unfairly treated following a disclosure under the whistleblowing procedures, they may decide to take their case to an employment tribunal. The preferred process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (ACAS) early conciliation service.

Appendix 1 Guidance for those responding to a disclosure

1. Ensure that the member of staff, agency or self-employed staff and contractors employed on Trust work are aware of the Whistleblowing Policy and where it can be located.

2. If you receive a disclosure in respect of any of the matters set out in the aims of this policy, you must take the following action:

    a. Take the matter seriously and do not dismiss or belittle the information;
    b. Respect as far as possible the confidentiality of the employee and ensure procedures are adhered to;
    c. Ensure the employee understands the whistleblowing procedure;
    d. Offer to interview the discloser in confidence;
    e. Discuss ways that the employee could be supported;
    f. Investigate the concern objectively, dealing with all parties with sensitivity and tact;
    g. Seek advice from Chief Executive or appropriate organisation;
    h. Set out clearly how the concern will be taken forward, ensure dated notes are made and kept of the process followed and discussions;
    i. Keep the discloser informed about the progress made and the outcome of the investigation;
    j. Report the disclosure (names removed if necessary) to the Chief Executive and Chair of Strategic Board;
    k. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the Chief Executive or relevant school leader.