

Whistleblowing Policy



ADVANTAGE
S C H O O L S

Version / Last Reviewed on:	September 2023	Next Review:	September 2025
------------------------------------	----------------	---------------------	----------------

Contents

1. Statement of intent.....3

2. Legal Framework3

3. The Public Interest Disclosure Act4

4. Definitions4

5. Roles and responsibilities5

6. Harassment and victimisation of staff5

7. Non-employees6

8. Good practice principles6

9. Procedure7

10. Interview and investigation.....8

11. What the Trust/school asks of whistleblowers.....9

12. Appeal process.....9

13. Unfair treatment.....9

14. Raising concerns outside of the Trust/school.....9

15. Monitoring and review10

1. Statement of intent

Advantage Schools is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the Trust/school'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 sees or suspects that something is wrong, they will raise this with the Trust/school. 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.

This policy seeks to ensure that any employee who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

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. This policy will not be confused the Trust's Grievance Policy and Disciplinary and Staff Conduct Policy.

This policy will:

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

Under this policy, any of the following can raise a concern:

- Employees of the Trust/school.
- Voluntary workers working with the Trust/school.
- Trainees, such as student teachers.

2. Legal Framework

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

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA (2023) 'Academy Trust Handbook 2023'
- DfE (2023) 'Keeping Children Safe in Education 2023'
- GOV.UK (2012) 'Whistleblowing for Employees'
- Sir Robert Francis (2015) 'Freedom to Speak Up Report'

This policy operates in conjunction with the following Trust/school policies:

- Disciplinary and Staff Conduct Policy
- Complaints Policy

- Data Protection Policy
- Grievance Policy
- Child Protection and Safeguarding Policy

3. The Public Interest Disclosure Act

The PIDA 1998 protects employees who “blow the whistle” where the employee 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. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The Principal is the first point of contact for whistleblowing queries from members of the school community. If the allegation is related to the Principal, the concern will be raised with the Chief Executive Officer (CEO) or Chief Education Officer (CEdO).

The Executive Team – CEO, CEdO, Chief of People and Estates Officer (CPEO) or Chief Finance and Operations Officer (CFOO) is the first point of contact for whistleblowing queries from Trust (central team) staff. If the allegation is related to the CEO, the concern will be raised with the Chair of the Trust Board. If the allegation is related to the CEdO, CPEO or CFOO, the concern will be raised with the CEO.

Any member of the school and Trust community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The non-employees section of this policy includes further details on how whistleblowing affects non-employees.

4. Definitions

Whistleblowing is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- 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.

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. 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.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

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.

5. Roles and responsibilities

The Finance, Audit and Risk (FAR) Committee is responsible for:

- Establishing and agreeing the Whistleblowing Policy
- Ensuring the agreed Whistleblowing Policy is published on the Trust and school's website.
- 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 school and Trust community have access to this policy.
- Investigating, in liaison with the Executive Team/Principal any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the Trust/school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the FAR Committee include a record of the Trust/school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.

The Executive Team/Principal 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 Trust/school staff.
- Being the first point of contact regarding whistleblowing.

The CEO/CEdO will be responsible for receiving any concerns raised about the Principal.

The CEO will be responsible for receiving any concerns raised about the Executive Team.

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

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the definitions section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

6. Harassment and victimisation of staff

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/school as a whole; however, the Trust/school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

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.

Any employee who victimises or harasses an employee, as a result of having raised a concern in accordance with this policy, will be dealt with under the Trust's Disciplinary Policy.

7. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust/school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

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

Trustees and Governors are not employees and are not protected under the PIDA.

8. Good practice principles

The Trust/school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The Trust/school will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the procedure section of this policy, the Trust/school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the Trust/school will mediate and resolve disputes.

The Trust/school will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff.
- Providing the necessary support to staff.
- Being transparent.
- Being accountable.
- Conducting an external review of any concerns raised, where necessary.

- Undertaking regulatory action as required.

The Trust/school will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

9. Procedure

When raising concerns, individuals will express them in writing, in person or by phone to the relevant person:

- School staff should express their concerns in writing, in person or by phone to the Principal.
- Central team staff should express their concerns in writing, in person or by phone to the Executive Team.
- If an individual is raising a concern about the Principal, they should express their concerns in writing, in person or by phone to the CEO or CEdO.
- If an individual is raising a concern about the CEO, they should express their concerns in writing, in person or by phone to the Chair of the Trust Board.

An employee can bypass the Trust and Trust Board if they feel the overall management and Trustees are engaged in an improper course of action. In this case, please refer to the section, raising concerns outside of the Trust/school.

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.
- The reasons for the concern.

The Trust/school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Once an individual has raised a concern, the Trust/school will be responsible for investigating it. 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.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the Trust/school's safeguarding system to be raised with the Executive Team/Principal.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The Trust/school will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

10. Interview and investigation

The Executive Team/Principal will write to the individual within 10 working school days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Executive Team/Principal will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

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

The Executive Team/Principal 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 Trust/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 Trust Board will do everything in its power to protect the complainant from discrimination.
- 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.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential.

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.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative or a fellow employee 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.

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 Trust/school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

11. What the Trust/school asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the Trust/school unless it is to report the concern through the proper external channels, e.g. the Local Authority.
- 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.

12. Appeal process

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 Policy.

13. Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

14. Raising concerns outside of the Trust/school

The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the 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. Employees are strongly encouraged to seek advice before reporting a concern to anyone external.

If an employee is not satisfied with the action taken by the Trust/school, and feel it is right to take the matter outside the Trust/school, the following are possible contact points, (this list is not exhaustive):

- The Health and Safety Executive
- The Trust's Auditors
- The Education & Skills Funding Agency

- HM Revenue and Customs
- The Police
- Protect
- Recognised Trade Union
- Senior Local Authority Officer
- Relevant professional bodies or regulatory organisations
- Solicitor

If an employee chooses to take a concern outside of the Trust/school, it is the employee's responsibility to ensure confidential information is not disclosed and is not handed over to a third party.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or contacted on 020 31172520.

If an employee feels they should report a concern to the ESFA, they should use the [online contact form](#).

If an employee feels like they are unable to raise a safeguarding-related concern with the Trust/school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the Local Authority Designated Officer.

15. Monitoring and review

The FAR Committee will review this policy every two years, ensuring all procedures are up to date. The next review date for this policy is September 2025.

Any changes made to this policy will be communicated all members of staff.