



## WHISTLEBLOWING POLICY

|                         |            |                       |         |
|-------------------------|------------|-----------------------|---------|
| <b>LAST REVIEW DATE</b> | April 2021 | <b>REVIEW PERIOD</b>  | 3 Years |
| <b>NEXT REVIEW DATE</b> | March 2024 |                       |         |
| <b>TYPE OF POLICY</b>   | Statutory  | <b>APPROVAL LEVEL</b> | Board   |

## **1.0 Introduction**

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace.

The Parallel Learning Trust (PLT or the Trust) is committed to the highest possible standards of openness and accountability. It encourages employees to raise concerns of serious wrongdoing, for instance, acts of fraud, corruption, unethical conduct and malpractice, without fear of reprisal.

The Trust wants everyone to feel confident about raising concern regarding any such conduct or action. This will be appropriately dealt with at the earliest opportunity and not overlooked or ignored. To encourage and enable you to do this, the Trust will ensure that anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment, or victimisation regardless of:-

- a) the content of the concern you raise
- b) with whom you raise the concern and
- c) whatever the outcome of raising the concern.

The Trust has established the following Whistleblowing Policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

## **2.0 Who can raise a concern?**

If you undertake work for the Trust, whether you are an employee, a contractor, or a paid or unpaid volunteer, you can use this procedure to raise a concern.

### **2.1 Definition of Whistleblowing**

Whistleblowing inside the workplace is the reporting by workers or ex-workers of wrongdoing such as fraud, mismanagement, breach of health and safety law or any other illegal act on the part of the management, the Academy Council or fellow employees.

### **2.2 Definition of the term 'Whistleblower'**

Throughout this policy, the term 'whistleblower' denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the Second Report of the Committee on Standards in Public Life: Local Spending Bodies published in May 1996.

## **2.3 Raising unfounded, malicious concerns**

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge that they will be taken seriously. However, if individuals raise malicious, unfounded concerns or attempt to make mischief, then this may constitute a disciplinary offence by such individual and/or result in some other form of penalty appropriate to the circumstances to be imposed on such individual.

## **3.0 Who can concern be raised about?**

You can raise a concern about the practice of anyone who undertakes work for, or on behalf of, the Trust. This includes employees of the Trust, contractors or volunteers.

### **Academy Based staff**

In an Academy, you would normally raise a concern with your direct line manager. If this was inappropriate, then your Headteacher or Chair of your Academy Council should normally be contacted. If this is inappropriate, then you also have the option to contact a more senior colleague as described in more detail under section 10.0 below. PLT has a legal responsibility to deal with any issues raised under the Whistleblowing Policy.

## **4.0 Is there anything that should not be raised through the whistleblowing policy?**

The policy should not be used to raise a concern about terms and conditions of employment which would be covered by the Grievance Procedure or matters that can be dealt with through other procedures. It is also possible that after raising a concern, you might be advised about other agreed Trust policies or procedures which may be more appropriate to the nature of the concern.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment, including issues relating to bullying. Whistleblowing must be in the public interest and meet the stated definition.

## **5.0 Misuse of the whistleblowing policy**

Raising a concern unreasonably, with malicious intent or for personal gain or the gain of others is not acceptable and may lead to disciplinary action under the Trust's Disciplinary Policy.

## **6.0 Confidentiality**

The Trust accepts that wherever possible, the confidentiality and anonymity of anyone wishing to raise a concern will be protected from reprisals. There might, however, be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the police. If there is any possibility

that your confidentiality cannot be protected, you will be informed about this and will be offered appropriate advice and support.

The Trust will not tolerate any attempt to victimise the 'whistleblower' or attempts to prevent concerns from being raised. It will consider any necessary disciplinary or corrective action appropriate to the circumstances.

## **7.0 Anonymously raised concerns**

An investigation may be hampered by the inability to gain further information, and the Trust would encourage you to provide some method of contacting you in case further information is required.

Concerns expressed anonymously will be investigated on the basis of their merits and at our discretion depending on the seriousness of the issues raised, the credibility of the concern or the likelihood of the allegation being confirmed from other sources.

## **8.0 Scope of the policy**

A concern can relate to any unethical or unprofessional conduct within the Trust. The policy not only covers acts that have actually occurred but also potentially unethical or unprofessional conduct. Below are some examples, but please remember this is by no means exhaustive:-

- an actual or potential breach of the law
- possible or actual miscarriages of justice
- the actual or possible abuse (sexual or physical) of clients in the Trust's care
- potential or actual acts causing damage to the environment,
- acts or potential acts of fraud and corruption or the misuse of public funds
- acts that could have a detrimental effect on the health and safety of employees and/or the public
- actual or potential acts of harassment or bullying of, or by, someone working for the Trust
- actual or potential acts of racial or sexual discrimination
- Manipulation of accounting records and finances
- Decision-making for personal gain
- Any criminal activity
- Abuse of position
- Serious breaches of the Trust's Procedures which may advantage a particular party (for example tampering with tender documentation or failure to register a personal interest)
- any unethical conduct that causes concern or brings the reputation of the Academy and/or the Trust into disrepute or
- the deliberate concealment of information that would indicate any of the above

If you are in any doubt as to whether or not to raise a concern, then confidential advice can be sought from PLT HR, your trade union representative or a more senior colleague such as Headteacher, Executive Headteacher, CEO or a Director of the Board.

Note:- If, when disclosing a concern you commit a criminal offence, you may lose your rights to protection from detriment. Again, if in any doubt, seek advice from the sources named above.

## **9.0 What to consider when expressing a concern**

To enable your concerns to be dealt with in a proper and effective manner here are some guidelines for you to consider:-

- 1 Be as clear as possible about what the concern is and who and what it relates to. You may also want to discuss the concern with others to see if it is shared.
- 2 Be as clear as possible about who may be involved, when and where actions may have taken place etc. Make sure the facts are recorded, i.e. record the dates and times in a diary. This way, you can be clear about what has actually been heard or seen and when rather than relying on memory or hearsay.
- 3 Make sure you ask for your concerns to be dealt with under this procedure.

### **Safeguards against harassment or victimisation**

Whistleblowers raising matters of serious concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work as a result of raising the concern (even if their disclosure or any wrongdoing or malpractice is not substantiated after investigation), provided they raise/disclose issues in the reasonable belief that they are doing so in the public interest. A person would not be protected from disciplinary action if, for example, they raised a concern they knew to be false or malicious.

The Trust will not tolerate harassment or victimisation and will take action as is necessary to protect employees when they raise concerns in the public interest under this policy.

## **10.0 How to raise a concern**

No matter with whom you raise your concern, it will be dealt with under this procedure. If the person with whom you raise the concern feels it necessary, they may want to refer your concern to a more senior Trust employee, if appropriate. If this is the case, you will be contacted first and have the opportunity to discuss any issues that may arise.

The Trust encourages the 'whistleblower' to raise the matter internally in the first instance to allow those Academy staff and Academy Council members in

positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity. The Trust has designated a number of individuals to specifically deal with such matters. The 'whistle blower' is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

### As the First Point of Contact

A concern would normally be raised initially with your line manager. However, this may not always be appropriate, dependent on the nature of the concern and who is involved.

### Alternatively

If you feel unable to raise the matter with your line manager, you may wish to contact a more senior colleague such as the Chair of your Academy Council, Headteacher, Executive Headteacher, CEO or a Director of the PLT Board.

If the issue is about a Head of Academy or Headteacher, then the concern should be raised with the Executive Headteacher / CEO.

If the issue concerns one of the key areas listed below, then the concern must be raised with the relevant Director / linked person with the responsibility as listed below.

Where the concern relates to a member of the Board, the matter should be raised with the Chair of the PLT Board, and if the issue relates to the Chair themselves, then the matter should be raised with the Members. Details can be obtained from Corinne Gould (Company Secretary).

You may wish to refer your concern directly to one of the Trust team as listed below:-

| <b>Name</b>  | <b>Responsible Area</b> | <b>Area of speciality</b>   |
|--|-------------------------|---|
| Richard Pugh<br>(Director of PLT Board – Chair of Finance & Resources Committee) | Financial & Resources   | Concerns regarding fraud, corruption or misappropriation of Trust assets.<br>Concerns around premises, environmental safety or resources. |
| Mark Jordan<br>(CEO)   | Safeguarding            | Issues relating to the care and welfare of children   |
| Corinne Gould  | HR                      | Concerns relating to the conduct of employees in general and specific issues of discrimination, harassment etc.                           |

|                   |                   |   |
|-------------------|-------------------|---|
| Mollie Warne      | HR                | Concerns relating to selection and recruitment  |
| Richard Ashkettle | Health and Safety | Concerns relating to Health and Safety, including specific breaches or general issues etc |
| Keith Richards    | IT                | Concerns relating to the misuse of information technology such as email and the internet  |

If the concerns are about the CEO, these should be raised directly with the Chair of the PLT Board (details for the current postholder and how to contact them are on the PLT website).

If the concerns are about the Vice-Chair, these should be raised directly with the Chair of the PLT Board (details for the current postholder and how to contact them are on the PLT website).

## 11.0 The procedure to be followed

To ensure that all concerns raised are taken seriously and are thoroughly investigated, the Trust has agreed on a procedure to be followed in all cases.

If at any stage of the procedure you are asked or wish to meet with someone responsible for addressing the concerns you have raised, you have the option to be accompanied by a workplace colleague, trade union representative or a representative from a professional body.

Some concerns may be resolved by action agreed with you, without the need for an investigation. It may be that an investigation can be completed without the person or persons under investigation being aware of the process. This may not always be possible, and so the person subject to the whistleblowing allegation may be made aware of the allegation and the matter may still be resolved without a formal investigation. The decision rests with the person who received the whistleblowing allegation.

Where a complaint is raised under the whistleblowing procedure, this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy.

In any event within five working days of a concern being received, PLT will write to you at your home address;

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;

- giving an estimate of how long it will take to provide a final response;
- updating you on whether any initial enquiries have been made;
- updating you on whether further investigations will take place, and if not, why not and;
- naming an independent person to support you during any investigation, e.g. your trade union official.

The person to whom you have reported your concern will then decide how to progress. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue but will help to assess the gravity of the complaint and establish the facts. The investigation will seek to establish the facts of the matter and assess whether the concern has a foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example, the involvement of other members of school staff, legal or personnel advisors, the police, Local Education Authority or the Department for Education.

It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

Records will be kept by the Investigating Officer(s) of work undertaken and actions taken throughout the investigation. Notes may be taken of all meetings with the employee held under this procedure. Where notes are taken, a copy will be made available to the employee within five working days.

All records will be treated as confidential and processed in accordance with the Data Protection Act (1998), which provides individual's with the right to request and have access to certain data.

The Investigating Officer(s), possibly in conjunction with the relevant governance (which may be either member(s) of the relevant Academy Council or Director(s) or the Chair of the PLT Board, as appropriate), will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral, such as the police. The 'whistleblower' will be informed of the results of the investigation and the action taken to address the matter. The matter will be reported to the Chief Executive Officer or the Chair of the PLT Board depending on the nature of the concern or allegation and whether or not it has been substantiated.

- A) Within ten (10) working days of making your concerns known, you will either:-
- i) have a confidential meeting with the relevant person to further discuss your concerns
  - ii) or have received, in writing, an outline of how the relevant person intends to deal with the concerns raised
- B) Dependent on the nature of the concerns, you may have subsequent meetings with the relevant investigating persons. These can be held "off-site" if desired

- C) Within ten (10) working days, the subject(s) of the Whistleblowing will also be notified that a concern has been raised. This timeframe should be adhered to unless that by notifying the subject(s), the integrity of the investigation process is at risk. In this event, the subject(s) of the whistleblowing must be notified at the earliest opportunity. The Investigating Officer will inform the subject(s) of the Whistleblowing in writing (usually email unless they have been suspended, in which case it will be through a letter to their home address or another medium of the subject(s) choice. The notification will include the potential allegations but does not have to include supporting evidence as this may jeopardise the formal investigation process. This is at the discretion of the Investigating Officer.
- D) The health and wellbeing of all employees are paramount to PLT. The 'whistleblower', as well as the individual(s) subject to the allegation, will be allocated support through the process, whether this is resolved informally or formally. The person who supports the 'whistleblower' is the person that received the allegation. This should be the 'whistleblower's' key contact at all times of the process. Those subject to the whistleblowing allegation will also be allocated a 'confidant' to support them. This is to be agreed upon between the Investigating Officer(s) and the subject(s).
- E) The whistleblowing process is a highly confidential matter. Therefore both the 'whistle blower' and the subject(s) are restricted from discussing any aspect of the case other than those identified elsewhere in this policy otherwise they risk violating confidentiality. The Investigating Officer(s) retains the right to deal with such violations through a separate process which may result in a disciplinary process for anyone found violating confidentiality rules.
- F) The whistleblowing process should always be concluded, where ever possible, within 20 working days of when it was received. At this point, the Investigating Officer(s) is required to report their findings in a written report to the person who received the whistleblowing complaint and designated them as the Investigating Officer(s). Once the investigation report is accepted, the person receiving the report has a further three (3) working days to review this and seek further clarification either from the Investigating Officer(s) or HR before proceeding. They also reserve the right to request the Investigating Officer(s) to undertake additional research if they require this in order to satisfy the concerns raised. If this is the case, the Investigating Officer(s) is allocated an additional five (5) working days from the point of being re-commissioned, in order to complete the additional aspect of the investigation. If this is the case, the Investigating Officer(s) will write to both the 'whistleblower' and the subject(s) to make them aware of this the same day that they are requested to undertake the additional work.
- G) Once the final report has been accepted by the person who received the Whistleblowing allegation, they will notify the person that raised the allegation and those subject to the allegation simultaneously in writing (usually via email unless requested otherwise) within two (2) working days.

## **12.0 The outcome of your concern**

Having raised the concern, the Trust recognises that you will need to be assured that the issues have been dealt with. You will be kept informed on a regular basis of what actions are being taken and the final results of any investigations.

In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However, the reasons for this will be explained at that time.

## **13.0 Taking your concern further**

If you have gone through all these channels and you still have concerns or feel that the issues have not been fully or appropriately addressed, you can contact the Chief Executive Officer or the Chair of the PLT Board or have them contacted on your behalf to discuss your concern in confidence.

However, you should not refer the matter to an external party without first ensuring that all other possible avenues have been exhausted.

## **14.0 And finally**

If you have a concern about the conduct of the Trust or the actions of anyone who provides work for the Trust, be they employees, contractors or volunteers, we want you to feel confident that you can bring it to the attention of others.

Only when people are prepared and feel able to report such concerns without the fear of reprisals can we have confidence in the integrity and honesty of the Trust.

This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the school's management structure. This document is a public commitment that concerns are taken seriously and will be thoroughly investigated.