



PETERBOROUGH KEYS
ACADEMIES TRUST

WHISTLEBLOWING POLICY

Version 3.1

September 2024

**Trustee Committee: Trust Board on
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Contents

Paragraph.....	Page
1. Purpose	1
2. Background.....	1
3. Aims of the Policy.....	1
4. Safeguards	3
5. How to raise a Concern.....	4
6. The Role of Senior Managers	4
7. Raising Concerns Outside the School and Trust	7
8. Monitoring and Review.....	8
9. Version History.....	8

1. Purpose

- 1.1 To set out the Board of Trustees's policy and procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work (see paragraph 3). Allegations of child abuse against teachers and other staff and volunteers is to be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges.
- 1.2 The Board of Trustees of Peterborough Keys Academies Trust ("PKAT") is committed to tackling fraud, abuse and other forms of malpractice and, therefore, has introduced this procedure to enable employees, officers, consultants, contractors, volunteers, casual workers and agency workers ("colleagues") to raise their concerns about such malpractice at an early stage and in the correct way.

2. Background

- 2.1 As colleagues are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation, otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect colleagues, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.2 The Board of Trustees is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, those colleagues with serious concerns are encouraged to come forward and voice those concerns. This policy document makes it clear that raising a concern should be done so without fear of reprisals; it is intended to encourage and enable colleagues to raise serious concerns within a school or the Trust, rather than overlooking a problem or alerting anyone external to the Trust, in the first instance.
- 2.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

3. Aims of the Policy

- 3.1 This policy aims to:
 - (a) Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected;
 - (b) Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust;
 - (c) Set clear procedures for how the Trust will respond to such concerns;
 - (d) Let all staff know the protection available to them if they raise a whistle-blowing concern;
 - (e) Assure staff that they will not be reprisalised and/or victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue);

- (f) allow colleagues to take the matter further if they are dissatisfied with the Board of Trustees' response.

4. Definitions

- 4.1 A **whistleblower** is a person who raises a genuine concern relating to the matters below. If colleagues have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities that are 'in the public interest' (a Whistleblowing concern) they should report it under this policy without delay.
- 4.2 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers that are 'in the public interest'. This may include:
- (a) criminal activity;
 - (b) miscarriages of justice;
 - (c) danger to health and safety;
 - (d) damage to the environment;
 - (e) failure to comply with any legal or professional obligation or regulatory requirements;
 - (f) bribery;
 - (g) financial fraud or mismanagement;
 - (h) negligence;
 - (i) breach of our internal policies and procedures
 - (j) conduct likely to damage our reputation;
 - (k) unauthorised disclosure of confidential information;
 - (l) public examination fraud
 - (m) the deliberate concealment of any of the above matters.
- 4.3 Before initiating the procedure colleagues should consider the following:
- (a) the responsibility for expressing concerns about unacceptable practice or behaviour rests with all colleagues;
 - (b) colleagues should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
 - (c) whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, all must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- 4.4 This policy should not be used for complaints about an employee's personal circumstances, such as the way they have been treated at work. In these cases, an employee should use the school's Grievance Procedure. If the matter relates to salary, the salary review procedures documented in the school's Pay Policy should be referenced.

5. Safeguards

5.1 Harassment or Victimization

- (a) The Board of Trustees recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Board of Trustees will not tolerate harassment or victimisation and will take action to protect colleagues when they have a genuine concern.
- (b) This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing policy.

5.2 Confidentiality

- (a) We hope that colleagues will feel able to voice Whistleblowing concerns openly under this policy. The Board of Trustees will make every effort to protect a colleague's identity if confidentiality is requested.
- (b) As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the colleague to be named as the source of the information, this will be discussed with the colleague before their name is disclosed.

5.3 Anonymous Allegations

- (a) Colleagues are encouraged to put their name to an allegation or concern. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Board of Trustees. In exercising the discretion, the factors to be taken into account would include:
 - (i) the seriousness of the issues raised;
 - (ii) the credibility of the concern; and
 - (iii) the likelihood of confirming the allegation from attributable sources.

5.4 Untrue Allegations

- (a) If a colleague makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that colleague. If, however, we conclude that a colleague has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that colleague.

5.5 Unfounded Allegations

- (a) Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the colleague who raised the concern, who will be informed that the Board of Trustees deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

5.6 Support to Colleagues

- (a) It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate to both the colleague(s) raising the concerns and any colleague(s) subject to investigation.

- (b) Colleagues may wish to consult with their Trade Union or make use of the Employee Assistance Programme (EAP) available specific to their setting.

5.7 Vested Interest

- (a) Any colleague whose relative/friend is the subject of a complaint will not be involved in the handling of the complaint.

6. How to raise a Concern

6.1 As a first step, a colleague should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if a colleague believes that their immediate manager or their manager's superior is involved, they should approach the setting's Headteacher or Chair of the Academy Committee, or the Trust Chief Executive Officer or Chair of the Board of Trustees. A colleague (including the setting's Headteacher and members of the setting's leadership team) can by-pass the direct management line and the Academy Committee of the setting if they feel the overall management and Academy Committee of a school is engaged in an improper course of action. Should the concern be regarding improper courses of action within PKAT, the same right to bypass the Chief Executive Officer of the Trust and the Chair of the Board of Trustees applies in this case please refer to section 9 below.

6.2 Concerns are better raised in writing. The colleague should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If a colleague does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the colleague makes it clear that they are raising the issue via the Whistleblowing policy and procedure.

6.3 The earlier a colleague expresses the concern, the easier it is to take action.

6.4 Although a colleague is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

6.5 In some instances, it may be appropriate for a colleague to ask a trade union to raise a matter on their behalf.

6.6 At each meeting under this policy the colleague may bring a workplace companion or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

7. The Role of Senior Managers

7.1 A Senior Manager may be informed by a colleague about concern(s) and that they are "blowing the whistle" within the procedure in person or in writing or over the phone.

7.2 The Senior Manager should respond immediately by arranging to meet with the colleague to discuss the concern(s) as soon as possible.

7.3 Stage One:

- (a) At the initial meeting the Senior Manager should establish that:
 - (i) There is genuine cause and sufficient grounds for the concern; and
 - (ii) the concern has been appropriately raised via the Whistleblowing Policy.
- (b) The Senior Manager should ask the colleague to put their concern(s) in writing, if they have not already done so. If the colleague is unable to do this the Senior Manager will take down a written summary of the colleague's concern(s) and provide them with a copy after the meeting. The Senior Manager should make notes of the discussions with the colleague. The colleague's letter and/or Senior Manager's notes should make it clear that the colleague is raising the issue via the Whistleblowing procedure and provide:
 - (i) the background and history of the concerns; and
 - (ii) names, dates and places (where possible); and
 - (iii) the reasons why the colleague is particularly concerned about the situation.
- (c) The colleague should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager should positively encourage the colleague to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- (d) The Senior Manager should follow the policy as set out above and in particular explain to the colleague:
 - (i) who they will need to speak to determine the next steps (e.g. Headteacher)
 - (ii) what steps they intend to take to address the concern;
 - (iii) how they will communicate with the colleague during and at the end of the process;
 - (iv) it should be noted that the need for confidentiality may prevent the school giving the colleague specific details of any necessary investigation or any necessary disciplinary action taken as a result;
 - (v) that the colleague will receive a written response within ten working days;
 - (vi) that their identity will be protected as far as possible, but should the investigation into the concern require the colleague to be named as the source of the information, that this will be discussed with the colleague before their name is disclosed;
 - (vii) that the Board of Trustees will do all that it can to protect the colleague from discrimination and/or victimisation;
 - (viii) that the matter will be taken seriously and investigated immediately;
 - (ix) that if the colleague's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
 - (x) that if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
 - (xi) the investigation may confirm their allegations to be unfounded in which case the Board of Trustees will deem the matter to be concluded unless new evidence becomes available.

7.4 Stage Two:

- (a) Following the initial meeting with the employee, the Senior Manager should consult with the Headteacher of the setting, Chair of the Academy Committee, who in turn will liaise with the Chief Executive Officer of the Trust and/or Chair of the Board of Trustees to determine whether

an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

- (b) It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers should take the following factors into account:
 - (i) the seriousness of the issue(s) raised;
 - (ii) the credibility of the concern(s); and
 - (iii) the likelihood of confirming the allegation(s) from attributable sources.
- (c) In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:
 - (i) be investigated internally;
 - (ii) be referred to the Local Authority's Designated Officer (LADO)
 - (iii) be referred to the police;
 - (iv) be referred to the external auditor;
 - (v) form the subject of an independent inquiry.
- (d) Senior Managers should have a working knowledge and understanding of other Trust and school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by colleagues are addressed via the appropriate procedure/process.

7.5 Stage Three

- (a) Within ten working days of a concern being received, the manager receiving the concern (at paragraph 6.1 above) must write to the colleague:
 - (i) acknowledging that the concern has been received;
 - (ii) indicating how they propose to deal with the matter;
 - (iii) giving an estimate of how long it will take to provide a final response; and/or
 - (iv) telling the colleague whether any initial enquiries have been made; and
 - (v) telling the colleague whether further investigations will take place, and if not why not; and/or
 - (vi) letting the colleague know when they will receive further details if the situation is not yet resolved.

8. Outcome of the investigation

- 8.1 Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

- 8.2 They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.
- 8.3 Beyond the immediate actions, the CEO, Trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.
- 8.4 Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

9. Raising Concerns Outside the School and Trust

- 9.1 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 colleague should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the colleague to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Colleagues are strongly encouraged to seek advice before reporting a concern to anyone external (outside of the school setting and the Trust). If a colleague is not satisfied with the Board of Trustees' response, the manager should ensure that they are made aware with whom they may raise the matter externally, via:
- (a) '**Protect** (previously Public Concern at Work)': telephone 0203 117 2520 (see para. 9.3 below);
 - (b) A recognised Trade Union;
 - (c) a senior Officer of the Local Authority;
 - (d) an External Auditor;
 - (e) relevant professional bodies or regulatory organisations;
 - (f) a Solicitor;
- 9.2 The manager should stress to the colleague that if they choose to take a concern outside the School or Trust, it is the colleague's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.
- 9.3 **Protect** is a registered charity that colleagues can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns. It also provides:
- (a) [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
 - (b) A free and confidential [advice line](#)
- 9.4 Concerns about safeguarding practices can be raised externally using the NSPCC Whistleblowing helpline. Employees can call 0800 028 0285 or email help@nspcc.org. There is further procedural information within the Trust Safeguarding and Child Protection Policy as well as with the Department for Education's publication 'Keeping Children Safe in Education'.

10. Monitoring and Review

- 10.1 The Board of Trustees will be responsible for monitoring the implementation and effectiveness of this policy and procedure with delegated operational function passed to the Trust's Executive Group. The policy is prepared by the Chief Operating Officer of the Trust in conjunction with model policies obtained from EPM, The Key for School Leaders and in early version(s) formed using content from legacy school policies of the five founding member schools of PKAT.
- 10.2 The policy and procedure will be reviewed by the Board of Trustees at least every two years and more frequently as necessary.

11. Version History

11.1 Table of Versions

VERSION	ACTION	RESPONSIBLE	DATE
1.0	Draft PKAT Policy created adapting EPM model policy and legacy policies of the five founding schools of PKAT.	Matthew DEERE	23/05/2018
2.1	Policy reviewed and updated cross-referenced to the latest EPM model policy (August 2018)	Matthew DEERE	28/05/2021
3.0	Policy reviewed as part of review cycle	Matthew DEERE	30/09/2022
3.1	Policy reviewed as part of review cycle	Sarah BYFORD	29/07/2024