

# Whistleblowing Policy

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### 1. Policy statement

- 1.1. This policy is in place to set out Pathfinder Schools policy and procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work.
- 1.2.
- 1.3. All policies and guidance referred to in Pathfinder Schools policies are available upon request from the School/Academy HR Representative.
- 1.4. As employees are often the first to realise that there may be something wrong within an organisation 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 employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 1.5. Pathfinder Schools is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or blowing the whistle outside

in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

1.6. This policy aims to:

- encourage individuals 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;
- provide individuals with guidance as to how to raise those concerns;
- provide avenues for individuals to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- Reassure individuals that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.
- This policy does not form part of any employee's contract of employment and it may be amended at any time.

1.7. This policy describes how any individual can raise any concerns they may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

1.8. This policy reflects the Trust's current practices and applies to every individual working for the Trust irrespective of their status, level or grade. It therefore includes Headteachers, Heads of Department, members of the Senior Leadership Team, governors, directors, trustees, employees, consultants, contractors, trainees, volunteers, home-workers, part-time or fixed-term employees, casual and agency staff.

## **2. What is whistleblowing?**

Whistleblowing is the disclosure of information which in the reasonable belief of the person making the disclosure tends to show that one or more of the following has occurred, is occurring, or is likely to occur:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

The disclosure must also be in the public interest. This means it must affect others, for example the general public. Personal grievances are not covered by this policy. If you wish to raise a grievance please refer to the Pathfinder Schools Grievance Policy.

2.1 A Whistle blower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

2.2 All Pathfinder Schools staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the safeguarding regime and know that such concerns will be taken seriously by the workplace senior leadership team.

### **3. Before raising a concern**

3.1 Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees 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;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.2 If an individual is unsure whether or not to use this policy, or would benefit from independent advice at any stage, they can contact Protect which is an independent charity. They can give free, confidential and practical advice on whether or how to raise a concern about danger or wrongdoing at work. Contact details for Protect are included in Appendix A of this Policy.

### **4. Safeguards**

#### **4.1 Harassment or victimisation**

4.1.1 Pathfinder Schools 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. Pathfinder Schools will not tolerate harassment or victimisation and will act to protect employees when they raise a concern in good faith.

4.1.2 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.

4.1.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

## **4.2 Confidentiality**

4.2.1 Pathfinder Schools will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Trust to address the concern and in some circumstances, the Trust may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

## **4.3 Anonymous allegations**

4.3.1 Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Trust. In exercising the discretion, the factors to be considered would include:

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

## **4.4 Untrue allegations**

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, the disciplinary procedure may be invoked.

## **4.5 Unfounded allegations**

4.4.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available

## **4.6 Support to Employees**

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation. Employees will be reminded of the advice/support available from their Trade Union/Professional Association.

## **5. How to raise a concern**

5.1 We hope that in many cases you will be able to raise any concerns with your manager or their direct superior. However, where you prefer not to raise it

with your manager or their direct superior for any reason, you should contact the appropriate representative as outlined in the table in Appendix A of this policy.

- 5.2 Concerns can be put in writing or verbally, there may be an opportunity to agree a way of resolving your concern quickly and effectively.
- 5.3 The earlier an employee expresses the concern, the easier it is to take appropriate action.
- 5.4 The appropriate point of contact for raising a concern may vary dependant on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, they should approach the Headteacher/Principal or an appropriate Senior Manager for centrally employed staff. An employee can by-pass the School/Academy and contact a Local Governing Body member if they feel the management of the School/Academy as a whole is engaged in an improper course of action. The names of all school governors, and their positions, are published on our school websites. Where there are concerns at a Trust management level it may be appropriate to escalate these to the Pathfinder Schools Trust Board representative, contact details are available in Appendix A of this policy.
- 5.5 Where your concern is regarding potential poor or unsafe practice or potential failures in the Trust's or school's safeguarding regime, you should raise this initially with the Designated Safeguarding Lead or their Deputy at your school. The names of all Designated Safeguarding Leads, and their positions, are published on our school websites. Concerns are better raised in writing. The employee 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. It is important that the employee makes it clear that they are raising the issue via the whistle-blowing procedure.
- 5.6 Although an employee 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 concern.
- 5.7 In some instances, it may be appropriate for an employee to ask a trade union to raise a matter on the employee's behalf.
- 5.8 At each meeting under this policy the employee may bring a trade union representative or work place colleague.

#### **5.4 Step One:**

5.4.1 At the initial meeting the designated senior manager should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistleblowing Policy.

5.4.2 The senior manager should ask the employee, to put their concern/s in writing, if they have not already done so. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's

notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

5.4.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee 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.

5.4.4 The senior manager should follow the policy as set out above and in particular explain to the employee:

- what steps the manager intends to take to address the concern;
- how they will communicate with the employee during and at the end of the process; and that a written response will be sent out within ten working days;
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that Pathfinder Schools will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately; and
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

5.4.5 The senior manager should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that the employee has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded and the employee will not be expected to raise the concern again, unless new evidence becomes available.

## **5.5 Step Two:**

5.5.1 Following the initial meeting with the employee, the senior managers should consult with the Headteacher/Principal for Academy/School

based staff or the appropriate Trust Officer for Centrally based staff 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.

5.5.2 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:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

5.5.3 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:

- be investigated internally;
- be referred to the police;
- be referred to the academy's external auditor;
- form the subject of an independent enquiry.

5.5.4 Senior Managers should have a working knowledge and understanding of other Pathfinder Schools policies and procedures, e.g. disciplinary, harassment, child protection, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the Pathfinder Schools HR Manager.

## **5.6 Step Three**

Within fourteen calendar days of a concern being received, the manager receiving the concern must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when they will receive further details if the situation is not yet resolved; and
- providing the employee with details of whom to contact should they be dissatisfied with this response (see Section 6 below).



## **6 If the Whistle blower is not satisfied**

- 6.1 While the Trust cannot always guarantee the outcome you are seeking, it will try to deal with your concern fairly and in an appropriate way. By using this policy you can help the Trust to achieve this.
- 6.2 If an employee is not satisfied with Pathfinder Schools response, the managers should ensure that they are made aware with whom they may raise the matter externally.

## **7 Raising concerns outside the Trust**

- 7.1 The Whistleblowing Policy is intended to provide employees with a procedure for raising concerns and resolving these within the Trust however where an individual feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

- general guidance on whistleblowing can be found via <https://www.gov.uk/whistleblowing>;
- the NSPCC's what you can do to report abuse dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – their line is available from 8:00 AM to 8:00 PM, Monday to Friday or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or via letter at National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH. Further information is also available on their website <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect operates a confidential helpline 020 3117 2520 <https://www.pcaw.org.uk/>.

- 7.2 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if raise the matter with the third party directly. However, we encourage you

to report such concerns internally first.

- 7.4 The manager should stress to the employee that if they choose to take a concern outside the Trust, it is the employee'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.

## Appendix A Roles & Responsibilities

Employee/group whistleblowing relates to	Responsibility to manage contact with Whistle Blower
Academy/Trust Colleagues (not including the Headteacher)	Line Manager
Headteacher	Governing Body/Interim CEO
Central support team (excluding Interim CEO)	Interim CEO-Stephen Mitchell, Pathfinder Schools, Greening Road, Rothwell, NN14 6BB <a href="mailto:smitchell@pfschools.org.uk">smitchell@pfschools.org.uk</a> 01536714045
Interim CEO	Pathfinder Schools Trust Board Trustee – Shane Ross, <a href="mailto:sross@pfschools.org.uk">sross@pfschools.org.uk</a>
Pathfinder Schools	Appropriate external body

External support/agencies	Contact details
<b>Protect</b>  independent whistleblowing charity (formerly Public Concern at Work). This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy.	Protect (Independent whistleblowing charity) Helpline: 020 3117 2520 E-mail: <a href="mailto:whistle@protect-advice.org.uk">whistle@protect-advice.org.uk</a> Website: <a href="http://www.pcaw.org.uk">www.pcaw.org.uk</a>
<b>NSPCC</b>  An alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by their school.	Call 0800 028 0285 – their line is available from 8:00 AM to 8:00 PM, Monday to Friday  Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>  Via letter at National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH. Further their Website <a href="https://www.nspcc.org.uk/keeping-children-safe/reporting-">https://www.nspcc.org.uk/keeping-children-safe/reporting-</a>

	<a href="#">abuse/dedicated-helplines/whistleblowing-advice-line/</a>
Direct Gov General guidance on whistleblowing	<a href="https://www.gov.uk/whistleblowing:">https://www.gov.uk/whistleblowing:</a>

## Appendix B Whistleblowing process model

