



**PENK VALLEY  
ACADEMY TRUST**

# ***Whistleblowing Policy***

**Ratified at Finance & Resources October 2020**

**To be approved at PVAT Board of Trustees 23 November 2020**

Frequency of Review: 3 years

Policy based on LEA Whistleblowing Policy – June 2016

## Amendments

2016 – NF/DS/HJ/JA/PJT – Federation SLT 17/02/2017

2017 – TP – SJFS added

2018- TP – updated for PVAT

## ***Aim***

Penk Valley Academy Trust is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the School's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

This policy is intended to encourage and enable our staff to raise their concerns and to do so without fear of victimisation or discrimination.

The Public Interest Disclosure Act (PIDA) protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality, or other wrongdoing. The concern may relate to something that is happening or has happened in the past. The PIDA covers all workers, including temporary agency staff. It does not cover the self-employed or volunteers. The Act also provides protection should individuals have difficulty gaining a reference from an employer because they have raised a concern. It makes it clear that any clause in a contract that purports to gag an individual from raising a concern that would be protected under the Act is void.

This policy applies to employees of Penk Valley Academy Trust, referred to in this policy as colleagues including agency workers, trainees or anyone working on a casual basis.

## ***What is whistleblowing?***

Whistleblowing is when a worker reports suspected wrongdoing at work.

For example:

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above

A colleague can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistleblower and is protected under this policy.

All Schools' within the Academy Trust will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Academy Trust will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

## ***Rights of the Whistleblower***

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the named Monitoring Officer.

Victimisation of a whistleblower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the Academy Trust believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleagues own treatment at work that is arising from the whistleblowing matter they have raised previously.

## ***Making a Whistleblowing Complaint***

To make a whistleblowing complaint the whistleblower has to meet certain conditions.

If the disclosure is made to the school it must be in the public interest and the person making the complaint ("the whistleblower") has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.

If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the school, the whistleblower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.

For example, a colleague will be eligible for protection if:

- they honestly think what they're reporting is true
- they think they're telling the right person
- they believe that their disclosure is in the public interest

If the disclosure is made to other external bodies then as well as satisfying the conditions required for the Academy Trust, in all circumstances of the case it must be reasonable for them to make the complaint. Furthermore the whistleblower must:

- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the Academy Trust and/or relevant regulatory body and no appropriate action has been taken,
- reasonably believe that the information they provide and any allegations contained therein are substantially true.

If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care or corruption then the whistleblower will not be required to:

- have raised the matter concerned internally first
- believe that they will be subject to a detriment for raising the disclosure internally
- believe that the evidence is likely to be concealed or destroyed.

A colleague who wants to raise a wrongdoing should in the first instance inform any one of the Contact Officers whose details are given in Appendix A. Appendix B is a form which should be used in order to submit a whistleblowing report.

The initial contact can be by telephone or in writing, and if the latter should be in a sealed envelope addressed to the officer concerned and marked: 'PIDA – Strictly Private and Confidential'. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.

The Contact/Responsible Officer who has received a disclosure will:

- acknowledge its receipt, in writing, within 5 working days;
- seek further information if required, which may include a personal interview, at which the colleague (whistleblower) can be accompanied by a representative of their trade union or professional association, or by a fellow employee;
- when the precise nature of the alleged wrongdoing is established, refer the disclosure to the Monitoring Officer, as detailed in Appendix A.;
- in liaison with the Monitoring Officer keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.

On receipt of a disclosure from a Contact Officer the Monitoring Officer will determine what further action, if any, is needed, which may comprise:

- internal investigation
- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

The Monitoring Officer will also ensure that the Contact/Responsible Officer is advised of progress and outcome.

If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or our external auditors. The charity, Public Concern at Work, can advise the colleague about raising the concern externally. This will include advising who the appropriate prescribed regulator is. The website for Public Concern at Work is <http://www.pcaaw.co.uk/>

### ***Levels of Authority***

Throughout this policy document, there are many references to Contact Officer. For the purposes of this policy 'Contact Officer' is the person delegated by the Board of Trustees to perform the task. The Contact Officers are listed in Appendix A.

Within 10 working days of a concern being raised the referrer will receive a written response from the responsible person which will:

- Acknowledge that the concern has been received;
- Supply information on relevant support mechanisms
- Advise whether further investigations will take place; or
- Advise that no further action has taken place and why.

The Whistleblower may make the initial contact either by contacting officers named in Appendix A or If it is felt that it would be unsafe for any reason to share concerns with the named person from your organisation the following are appropriate contacts with whom to discuss your concerns.

### ***Review of Policy***

This policy will be reviewed every 3 years, or before if deemed necessary by the Academy Trust Board of Trustees.

## ***Whistle Blowing Procedure***

## ***Appendix A***

### **Contact/Responsible Officers (updated 12/10/2020)**

<b>Ms Jo Fairclough</b>	Headteacher	Wolgarston High School	01785 788400
<b>Mrs Natalie Frost</b>	Headteacher	Penkridge Middle School	01785 413400
<b>Mrs Alice Corrigan</b>	Headteacher	The Rural Enterprise Academy	01785 338186
<b>Mrs Dawn Spiers</b>	Headteacher	Marshbrook First School	01785 712780
<b>Mrs Helen Barron</b>	Headteacher	Princefield First School	01785 714050
<b>Miss Emma Challiner</b>	Headteacher	St Johns First School	01785 840318
<b>Mrs Sandra Lamond</b>	Headteacher	St Mary & St Chads First School	01902 850373

### **Monitoring Officers (updated 12/10/2020)**

<b>Mr Philip Tapp</b>	CEO	Penk Valley Academy Trust	01785 788402
<b>Mrs Julie Ablewhite</b>	CFO	Penk Valley Academy Trust	01785 788402
<b>Mr Mark Smith</b>	Director of Communications & Compliance	Penk Valley Academy Trust	01785 788402
<b>Mr Mark Roberts</b>	Chair of Trustees	Penk Valley Academy Trust	01785 711335

# Penk Valley Academy Trust



## ***Whistle Blowing Report Form - Appendix B***

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Location/department:** \_\_\_\_\_

**Please give a brief outline of your concern (Please give relevant names, dates, locations etc)**

**Were there any other witnesses? If so, please give their full contact details.**

**Did you take any action at the time? - If yes, please outline what action you took.**