

WHISTLE BLOWING POLICY

Potteries Educational Trust



Policy Family	Governance
Reference	GOV-01

Responsible Manager	Governance Professional
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Aim

Potteries Educational Trust (PET) is committed to operating in an ethical, open and principled way, with full regard for high standards of conduct and integrity. The aim of this policy is to provide employees and workers of PET (referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery or corruption, breaches of policy, breaking of the law and other serious wrongdoings. In the event that a worker becomes aware of activity that causes concern, this policy acts as a framework to allow those concerns to be raised confidentially and with full confidence, and provides for a thorough and appropriate investigation so that the matters can be considered and resolved. This policy also seeks to balance the need to allow a culture of openness against the need to protect workers against vexatious allegations or allegations which are not well-founded. Workers raising a concern can do so without fear of victimisation, subsequent discrimination or disadvantage.

PET encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy is intended to provide safeguards to enable workers to raise concerns about malpractice in connection with PET. Concerns about wrongdoing within PET or any of its Academies, such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act, either on the part of Academy/PET Leadership, the Local Governing Bodies/Trust Board or by workers should be raised using this policy. Complaints relating to your personal circumstances in the workplace should be raised under the relevant grievance procedures.

The law allows workers to raise concerns externally and this policy informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law. The principles of openness and accountability which underpin legislation protecting whistle blowers are reflected in this policy. Protection for whistleblowers in the UK is provided under the Public Interest Disclosure Act 1998 (PIDA), which amends the Employment Rights Act 1996. The PIDA protects employees and workers who blow the whistle about wrongdoing. PET is also committed to ensuring compliance with the Bribery Act 2010.

Scope

This policy and associated operating procedures apply to The Potteries Educational Trust and its academies.

This policy applies to all workers of PET, including apprentices; and workers which includes any casual workers; home-based casual workers; and employees of subcontractors; and agency workers engaged by PET.

Workers might be unsure whether it is appropriate to raise their concern under this policy or whether it is a personal grievance, which is more appropriate to raise under the PET grievance procedure. Any worker in this situation is encouraged to approach a member of the Senior Management Team in confidence for advice.

Learners at PET are also encouraged to raise genuine concerns about suspected wrongdoing by following the relevant learner based policy for complaints.

Policy

Protected disclosures

The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.

The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter and the disclosure must also be made in an appropriate way. A protected disclosure must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

Specific Subject Matter

If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy:

- fraud or financial irregularity
- inappropriate use of PET assets or funds
- a criminal offence has been committed, is being committed or is likely to be committed
- an individual 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
- abuse of position or a decision made for personal gain
- behaviour which is in serious breach of PET/Academy's procedures and values
- information tending to show any of the above, is being, or is likely to be, deliberately concealed.

This list is for guidance only and is not intended to be exhaustive.

Members of staff are entitled to refuse to carry out instructions if they would result in any of the above, and disciplinary action should not result in these circumstances.

The policy also applies where attempts are made to cover up such malpractice.

Making a Disclosure

Information which a worker reasonably believes tends to show one or more of the situations above should promptly be disclosed to their Executive Headteacher, Headteacher or Principal or in the case of central services to the Chief Executive Officer so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to those listed above, a worker can raise the issue with the Governance Professional or PET Director of HR.

If the disclosure relates to the Chief Executive Officer, a worker can raise the issue with the Governance Professional for referral to the Chair of the Trust Board. In the event that the disclosure relates to the Governance Professional, a worker can raise the issue with the Chair of the Trust Board.

All matters of concern raised under this policy will be referred to the CEO, who will appoint an investigating officer to review the matter. Should it be alleged that the CEO is involved in the suspected malpractice, the Governance Professional should be informed and they will notify the Chair of the Trust.

Concerns should be made in writing wherever possible, marked private and confidential and addressed to one of the individuals noted above. However, the whistleblower may prefer to raise the matter in person or by telephone. The whistleblower should provide names of those committing the wrongdoing, dates, places and as much evidence and context as possible. They should also include details of any personal interest in the matter.

Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, PET will not be in a position to notify the individual making the disclosure of the outcome of action taken by PET. Anonymity also means that PET may have difficulty in investigating such a concern. PET reserves the right to determine whether to apply this policy in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

For further guidance in relation to this policy, or concerning the use of the disclosure procedure generally, workers should speak in confidence to the PET HR Director or the Governance Professional.

Assessment and Investigation of a Disclosure

When a worker makes a disclosure, the receiving manager must notify the Governance Professional who, on behalf of PET, will acknowledge its receipt, in writing, within a reasonable time (usually within 5 working days of receipt of the notification). The Chief Executive Officer or Chair of the Trust Board 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

Throughout the process the Chief Executive Officer or Chair of the Trust Board will keep all parties to the disclosure, unless may anonymously, informed on progress and (subject to legal constraints) the eventual outcome.

The investigation should start as soon as possible and no later than 10 working days following the disclosure.

If appropriate, any internal investigation would be conducted by a manager of PET without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by PET as appropriate.

The investigating officer will carry out a preliminary investigation, which may involve an interview with the whistleblower (if known). The whistleblower has the right to be accompanied by a recognised trade union representative or a work colleague. This will seek to establish the facts of the matter and assess whether the concern has foundation and report their findings to the CEO. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of PET staff, legal or HR advisors, external auditors, the Local

Authority Designated Officer (LADO), the police and/or the DfE. Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating officer 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, as set out above.

PET will determine whether or not it believes that the disclosure is wholly without substance or merit.

If PET considers that the disclosure does not have sufficient substance or merit to warrant further action, the worker will be notified in writing of the reasons for PET's decision and advised that no further action will be taken by PET under this policy.

Considerations to be taken into account when making this determination may include the following:

- If PET is satisfied that a worker does not have a reasonable belief that suspected malpractice has or is likely to occur; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate procedure.

When a worker makes a disclosure which has sufficient substance or merit warranting further action, PET will take such action it deems appropriate (including action under any other applicable policy or procedure). Possible actions could include internal investigation; referral to PET auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

Any recommendations for further action made by PET will be addressed to the Chief Executive Officer, Principal or Headteacher of an academy, or the Chair of the Trust Board as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

The worker or whistleblower, unless anonymous, will be informed of the results of the investigation and the action taken to address the matter, (usually within 10 working days of the conclusion of the investigation and decision by the CEO or Chair of Trust Board), though certain details may need to be restricted on the grounds of confidentiality. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the PET Board. 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.

If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chief Executive Officer within 15 working days of being notified of the outcome. The Chief Executive Officer will make a final decision on action to be taken and notify the worker making the disclosure.

Safeguards for workers making a disclosure

A worker making a disclosure under this policy can expect their matter to be treated confidentially by PET and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. Workers are encouraged to make any disclosure in person, in writing, rather than through e-mail, which cannot be guaranteed as a secure communication.

PET will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by PET does not identify the worker making the disclosure without their written consent, or unless PET is legally obliged to do so, or for the purposes of seeking legal advice.

If the concern is serious enough to involve disciplinary or police action, it may be necessary to give the names of witnesses, however this will be fully discussed with the worker in advance.

No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy. This does not prevent PET from bringing disciplinary action against a worker where PET has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside PET without reasonable grounds.

A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by PET for making a disclosure in accordance with this policy.

Disclosure to external bodies

This policy has been implemented to allow workers to raise disclosures internally within PET. A worker has the right to make a disclosure outside of PET where there are reasonable grounds to do so and in accordance with the law.

Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website. Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.

If a worker seeks advice outside of PET, they must be careful not to breach any confidentiality obligations or damage PET reputation in so doing.

Frivolous/Malicious Claims

If a worker makes a disclosure that PET determines to be frivolous, malicious, or made for personal gain, this may result in disciplinary action being taken against them.

Victimisation

PET will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this policy a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Chief Executive Officer. Any worker who harasses or victimises someone who makes a protected disclosure will be subject to disciplinary action.

Further assistance for workers

A worker making a disclosure may want to confidentially request counselling or other support from PET's occupational health service. Any such request for counselling or support services should be addressed to the Director of HR. Such a request would be made in confidence.

Implementation

This policy will be implemented across all PET and PET academies through local Senior Leadership Teams and Human Resource co-ordinators or other designated contacts. The Executive Headteacher, Headteacher or Principal in each academy will be responsible for the timely and effective communication of any and all issues with the Chief Executive Officer via the Governance Professional.

Communication

All workers will be made aware of this policy and the name and contact details of the Governance Professional and PET Director of HR or other contact as part of the induction process.

All workers will have access to this policy document from the PET website, where they will also find contact details for the Chief Executive Officer, Governance Professional and the Chair of the Trust Board.

Other workers will be advised of this policy and their access to it at the point of contracting or induction, and directed to the PET website for access and further information.

Monitoring

The Governance Professional will keep a record of all concerns raised under this policy, including cases where PET deems that there is no case to answer and therefore that no action should be taken, and will report to the Trust Board on an annual basis.

Associated Information and Guidance

If workers bring information about a wrongdoing to the attention of their employers or a relevant organisation, they are protected in certain circumstances under the Public Interest Disclosure Act 1998.

PET encourages workers to raise their concerns internally in line with this policy, but recognises that there may be occasions where a worker may feel the need to report concerns to an external body. A list of prescribed bodies to whom workers can raise concerns is available on the [government website](#).

If a worker belongs to a recognised trade union or professional association they can get support and assistance from them, or if a worker prefers to seek independent, external advice this can be obtained from the charity Protect:

Protect

The Green House
244-254 Cambridge Heath Road
London
E2 9DA
Helpline: 020 3117 2520
www.protect-advice.org.uk

Further background information on this topic is also available on the following websites:

www.gov.uk/whistleblowing
www.acas.org.uk
www.local.gov.uk

Related Documents

This policy document makes reference to and should be read in conjunction with PET policies for;

- Grievance
- Staff discipline
- Freedom of Information