

Policy Title:	<b>Whistleblowing Policy</b>
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Member of Staff Responsible:	Chief Executive Officer
Status:	Statutory
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<b>Change Record</b>		
Version	Date	Description
1.1	17/10/22	Raising a whistleblowing concern, Section 4.5
1.2	16/10/23	Update to Section 4.2
1.3		
1.4		

**“Primitas Learning Partnership promotes the safeguarding and welfare of all children in its care; all policies are developed and formulated with this in mind.”**

(Note: Where reference is made in this policy to “Manager”, this will mean: Chief Executive Officer, other member of the Executive Leadership or Headteacher.)

## 1 Introduction

1.1 Primitas Learning Partnership (PLP) is committed to the highest possible standards of honesty and integrity and expects all staff to maintain these standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harboring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 This policy does not form part of any employee's contract of employment and the Trust may amend it at any time.

## 2 Scope and purpose

2.1 The aims of this policy are:

2.1.1 To encourage staff to report suspected wrongdoing, which is in the public interest, 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.

2.1.2 To provide staff with guidance on how to raise concerns.

2.1.3 To reassure staff that they should be able to raise well-founded concerns without fear of reprisals, even if they turn out to be mistaken.

2.2 This policy applies to all employees of the Trust plus board members, governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as 'staff' in this policy).

## 3 What is whistleblowing?

3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing, malpractice or dangers at work. The law provides protection for workers who raise legitimate, well-founded concerns about specified matters of wrongdoing. The raising of such concerns are referred to as "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there is wrongdoing, malpractice or dangers at work. This may include:

3.1.1 criminal activity;

3.1.2 miscarriages of justice;

3.1.3 danger to health and safety;

3.1.4 damage to the environment;

3.1.5 failure to comply with any legal or professional obligation or regulatory requirements;

3.1.6 bribery;

3.1.7 financial fraud or mismanagement;

3.1.8 negligence;

3.1.9 breach of PLP's internal policies and procedures including the Code of Conduct;

3.1.10 conduct likely to damage the Trust's reputation or financial wellbeing of the Trust or an individual Academy;

3.1.11 unauthorised disclosure of confidential information;

3.1.12 unethical behaviour

3.1.13 the deliberate concealment of any of the above matters.

3.2 A whistleblower is a person who raises a genuine, well-founded concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of PLP's activities (a whistleblowing concern) you should report it under this policy. However, before reporting it, you should always consider the following question:

***Do I honestly and reasonably believe that my concerns are well-founded and that any allegations that I am about to make are substantially true?***

3.3 This policy should be used to raise concerns in the public interest and should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at

work. In those cases, you should use the Grievance Procedure.

3.4 If you are uncertain whether something is within the scope of this policy you should seek advice from a member of the Trust's executive leadership team.

#### 4 Raising a Whistleblowing Concern

4.1 Provided that you act in good faith and that you have a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur, you can disclose your concerns using this procedure and be protected, by law, from victimisation. The law in question is the Public Interest Disclosure Act (PIDA) which came into force in 1998.

4.2 To make a disclosure, follow the instructions as explained in the table, below. The disclosure must not be in the form of an email; The Whistle Blowing Report Form (Appendix A), must be filled in and placed in an envelope which is addressed to the relevant person and marked **PIDA – STRICTLY PRIVATE AND CONFIDENTIAL**

Area of Concern	Contact Person	How to Raise a Concern
Concern associated with the activity of Highfields Primary Academy	Headteacher of Highfields: Mark Wilkes	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher at Highfields with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the Headteacher of Highfields Primary Academy	Chair of Governors of Highfields: Jane Waterman	The Whistle Blowing Report Form (Appendix A) sent to the Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of Holly Grove Primary Academy	Headteacher of Holly Grove: Dawn O'Hare	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher at Ridgeway with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the Headteacher of Holly Grove Primary Academy	Chair of Governors of Holly Grove: Darren Lennon	The Whistle Blowing Report Form (Appendix A) sent to the Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of Erasmus Darwin Academy	Headteacher of EDA: Phil Walklate	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher of Erasmus Darwin Academy with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of the Headteacher of Erasmus Darwin Academy	Chair of Governors of EDA: Neil Fauch	The Whistle Blowing Report Form (Appendix A) sent to the Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of Henry Chadwick Primary School	Headteacher of Henry Chadwick: Vicki Barnes	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher at Henry Chadwick with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of the Headteacher Of Henry Chadwick Primary School	Chair of Governors of Henry Chadwick: Christine Gate	The Whistle Blowing Report Form (Appendix A) sent to the Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of Queen's Croft High School	Headteacher of Queen's Croft High School: Letitia Carter or Sam Wood	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher at Highfields with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the Headteacher of Queen's Croft High School	Chair of Governors of Queen's Croft High School: Gill Stockdale	The Whistle Blowing Report Form (Appendix A) sent to the Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of Ridgeway Primary Academy	Headteacher of Ridgeway Primary Academy: Jo Jelves	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher at Ridgeway with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of the Headteacher of Ridgeway Primary Academy	Chair of Governors of Ridgeway Primary Academy: Chris Ecobb	The Whistle Blowing Report Form (Appendix A) sent to the Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i>

Concern associated with the activity of The Friary	Headteacher of The Friary: Matt Allman	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher at Highfields with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the Headteacher of The Friary	Chair of Governors of The Friary: Jane MacKenzie	The Whistle Blowing Report Form (Appendix A) sent to the Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Wider concern associated with the activity of the Trust’s Central Team.	Chief Executive Headteacher: Mark Maydew	The Whistle Blowing Report Form (Appendix A) sent to the Chief Executive Officer with the envelope marked <i>PIDA – Strictly Private and Confidential</i>
Concern associated with the activity of the Chief Executive Officer	Chair of the Trust Board: Jason Marsden	The Whistle Blowing Report Form (Appendix A) sent to the Chair of the Trust Board, Jason Marsden, with the envelope marked <i>PIDA – Strictly Private and Confidential</i> .
Concern associated with a third-party supplier, contractor, service provider	Trust HR Manager: Debbie Westwood.	The Whistle Blowing Report Form (Appendix A) sent to the Trust HR Manager with the envelope marked <i>PIDA – Strictly Private and Confidential</i> . You will then be informed whether the Trust will raise the concern on your behalf or whether you need to report your concern directly to the third party.

- 4.3 The appropriate member of Trust staff will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.4 The appropriate member of Trust staff will take down a detailed, written summary of your concern and provide you with a copy after the meeting. The Trust will also aim to give you an indication of how it proposes to deal with the matter.
- 4.5 Qualifying disclosures will be investigated in accordance with Keeping Children Safe in Education and the Disciplinary Policy.
- 4.6 For any qualifying disclosures relating to safeguarding, the guidance below should be followed.

**Safeguarding Concerns**

- 4.7 If your concern is in relation to the safeguarding of pupils/students at any school within the Trust, then you should follow the school’s standard safeguarding procedures and raise the issue with the school’s Designated Safeguarding Lead (DSL) who will advise and ensure that appropriate action is taken in line with the school’s child protection and safeguarding policy and the most recent Keeping Children Safe in Education publication.
- 4.8 There may be instances where you feel unable to follow the school’s standard safeguarding procedure because:
1. You would be subject to intimidation or treated unfairly
  2. The standard procedures are unclear or not meeting statutory requirements.
  3. Concerns haven’t been or aren’t being taken seriously and acted upon appropriately.
  4. The DSL is a safeguarding concern.
- 4.9 If you have concerns about following standard safeguarding procedures for any of the reasons outlined above, you should take the following action:

Concern	Contact Person	How to Raise A Concern
Unable to follow a school’s safeguarding procedures for reasons 1-3 outlined above.	Headteacher of the school in question	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher with the envelope marked <i>PIDA – Strictly Private and Confidential</i> .

Unable to follow a school's safeguarding procedures for reason 4 outlined above.	Headteacher of the school in question OR Chair of Governors of the school in question if the DSL is the Headteacher	The Whistle Blowing Report Form (Appendix A) sent to the Headteacher OR Chair of Governors with the envelope marked <i>PIDA – Strictly Private and Confidential</i> .
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4.10 The referrer may also contact the LADO (Local Authority Designated Officer for safeguarding) if they want to discuss the matter and seek advice about their concerns for any of the above safeguarding reasons. The contact details for the Staffordshire LADO are provided in section 11 of this policy. Further advice about whistleblowing for safeguarding reasons may be gained from the NSPCC, with relevant contact details also provided in Section 11.

## 5 Confidentiality and Data Protection

5.1 It is hoped that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, every effort will be made to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, this will be discussed with you.

5.2 The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should seek advice from Protect, the independent whistleblowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.

5.3 Where the Trust receives anonymous complaints it will investigate the complaints as far as is reasonable taking into account:

5.3.1 the seriousness of the issue raised

5.3.2 the credibility of the concern; and

5.3.3 the likelihood of confirming the allegation from other sources

5.4 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with the data protection policy. It will comply with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to the workforce. Records will be kept in accordance with the Workforce Privacy Notice, the Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

## 6 External Disclosures

6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

6.2 The law recognises that in some circumstances, however it may be appropriate for you to report your concerns to an external body such as a regulator. The Trust strongly encourages you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively the list is available from the Department for Business, Energy & Industrial Strategy<sup>1</sup>.

- 6.3 Whistleblowing concerns usually relate to the conduct of the Trust's staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will *Protect* you if you raise a concern with the third party directly where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the Trust encourages you to report such concerns internally first and you should contact the Trust's HR Manager as per the guidance in 4.2

## **7 Investigation and Outcome**

- 7.1 Once you have raised a concern, an initial assessment will be carried out to determine the scope of any investigation. As part of the initial assessment, the contact person will seek advice and guidance about the issue, particularly if the issue involves safeguarding, and the Chief Executive Officer will be informed of the referral. At this point you may be required to attend additional meetings in order to provide further information. At the earliest possible opportunity, you will be informed of the outcome of the assessment.
- 7.2 In some cases the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The Trust may in some circumstances appoint an external person or body to investigate the concern on its behalf. The investigator(s) will collate findings on the matter and may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing. This will be sent to the appropriate manager who has commissioned the investigation.
- 7.3 The Trust will aim to keep you informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If the Trust concludes that a whistleblower has made false allegations maliciously or vexatiously, the whistleblower will be subject to disciplinary action.

## **8 If You Are Not Satisfied**

- 8.1 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 to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. Alternatively, you may contact the Chair of the Trust Board, or the Trust's external auditors. Contact details are set out at the end of this policy.

## **9 Protection and Support for Whistleblowers**

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken. As long as the concern raised was done so genuinely and in good faith, believing the concerns and allegations to be well-founded, then the whistleblower is *Protected* in law regardless of the findings of any consequent investigation.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavorable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied, you should raise it formally using the Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

9.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

## 10 Review of Policy

This policy is reviewed annually by the Trust in consultation with the recognised trade unions. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

## 11 Key Contacts

The following contacts are a source of help, advice and guidance for whistleblowers.

Protect (Independent Whistleblowing Charity)	Telephone: (020) 3117 2520 E-mail: <a href="mailto:whistle@Protect-advice.org.uk">whistle@Protect-advice.org.uk</a> Website: <a href="http://www.Protect-advice.org.uk">www.Protect-advice.org.uk</a>
Trust's External Auditors (Dains Accountants)	Telephone: (0121) 200 7099  Email: <a href="mailto:birmingham@dains.com">birmingham@dains.com</a>
Thinkwell Counselling & Advice Service	Self-referral forms are available from the Trust's HR Department <a href="mailto:HR@primitas.co.uk">HR@primitas.co.uk</a>
Alternative Counselling Service	Education Support Partnership  <a href="http://www.educationsupport.org.uk">www.educationsupport.org.uk</a>  Telephone: 08000 562 561
LADO for Staffordshire	Telephone: 0800 1313 126 (Mon to Thurs, 8.30am to 5pm)  Telephone: 0845 6042 886 (outside office hours & Fri 8.30am to 4.30pm)  <a href="http://www.staffordshire.gov.uk/reportconcern">www.staffordshire.gov.uk/reportconcern</a> in an emergency
The NSPCC Whistleblowing Helpline	Helpline: 0800 028 0285 E-mail: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>

**Whistle Blowing Report Form**

*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.*

*Have you taken any action before making this referral? – if so, please outline what action you have taken and when.*

*Any further comments/considerations*

Print Name.....

Date.....

Department/Designation.....

Signed.....