



THE PATHWAY ACADEMY TRUST

Registered address: c/o Culverstone Green Primary School,
Wrotham Road, Meopham, Kent DA13 0RF

Registered Company N° 9782388

WHISTLEBLOWING POLICY

Date approved & adopted by Directors:	March 2018
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Author:	Trust Secretary

Introduction

The Pathway Academy Trust is committed to the highest possible standards of openness, probity and accountability. If employees and others working with the Trust (including volunteers) have concerns regarding any aspect of the Trust's or consistent school's work, they are encouraged to come forward and voice their concerns without fear of reprisal. In some instances, concerns may need to be expressed on a confidential basis.

This policy has been introduced in line with the Public Interest Disclosure Act 1998 to enable workers to raise issues of concern in an appropriate manner.

Aim

This policy is intended to encourage individuals to raise serious concerns internally within The Pathway Academy Trust, without fear of reprisal or victimisation, rather than over-looking a problem or raising the matter outside.

This policy aims to:

- Encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice
- Inform individuals how to make a disclosure in an appropriate manner
- Establish a fair and impartial investigative procedure
- Ensure individuals are provided with avenues to raise concerns and receive appropriate feedback on any action taken
- Ensure that individuals receive a response to their concerns and are aware of how to pursue the matter further if they are not satisfied with the outcome
- Reassure individuals that they will be protected from reprisals or victimisation if they make a disclosure
- Make individuals aware that, in the case of TPAT employees, a false or malicious disclosure will be addressed in accordance with the Trust's Disciplinary Procedure

Scope

The Whistleblowing Policy can be used by all individuals working for the Trust at all levels and grades, including all employees, casual staff, agency workers, trainees, volunteers and those contractors working on the premises (e.g. cleaners and builders, etc.) Suppliers and those providing work or services under a contract are also covered by the policy.

Concerns that are raised will be addressed in accordance with the whistleblowing procedure laid out in this policy. The Public Interest Disclosure Act 1998 lists matters about which concerns can be raised, provided they are in the public interest, which can include matters such as:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur, the result of which TPAT fails to comply with a legal obligation to which it is subject (for example, unauthorised use of public funds, possible fraud or corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind, and wasteful or frivolous expenditure)
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees
- past, current or likely damage to the environment
- disclosures relating to information tending to show any of the above has been concealed or is likely to be concealed

- concerns about any aspect of service provision
- any other illegal or unethical act either on the part of management, a governing body, or by fellow employees

This Whistleblowing Policy is distinct from the TPAT Complaints Policy, which should be used by all stakeholders who have a complaint relating to their personal experience with the Trust and/or its constituent schools, and the TPAT Fairness at Work Policy if the complaint is related to an employee's personal circumstances in the workplace. The Trust also has an Anti-Fraud, Corruption and Bribery Policy, which should be read in conjunction with this Whistleblowing Policy for concerns around financial irregularities.

Responsibilities

The Trust is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.

The Head Teachers have overall responsibility for the internal organisation, control and management of each school.

A central record of whistleblowing concerns and any subsequent investigations will be maintained by the Trust Secretary.

Confidentiality

Individuals have the right to disclose a concern or issue if the Trust does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Trust fails to properly consider or deal with the issue.

All concerns raised will be treated in confidence and every effort will be made not to reveal the individual's identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality – for example, if the individual is required to come forward as a witness or if the Trust is required by law to disclose their identity. If such a situation arises where the Trust is unable to resolve the concern without revealing the individual's identity, the Trust will discuss with the individual how the matter should proceed.

Anonymous Allegations

Concerns expressed anonymously are much less powerful than those that are attributed to a named individual. If an individual chooses not to disclose their identity, it will be much more difficult for the Trust to look into the matter or to protect their position or to give them feedback. Accordingly, anonymous allegations will be considered and The Pathway Academy Trust will determine whether or not it is possible and appropriate for the allegations to be examined. In examining anonymous allegations on a case by case basis, the factors to be taken into account would include:

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

It may not be possible to apply all aspects of this policy for concerns raised anonymously.

Malicious Allegations

If a worker makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real, the worker will not suffer any detriment, even if after investigation it transpires that the concern is unfounded, unless the concern has been raised falsely or maliciously. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

Support

The Trust will not tolerate reprisals or the harassment or victimisation of any worker raising a genuine concern, and will take all reasonable action to protect individuals who raise a concern via this Whistleblowing Policy. The Trust will treat any reprisals, victimisation or harassment as a serious matter and if this involves a TPAT employee, it will be investigated in accordance with the Trust's Disciplinary Policy. In the event of a disciplinary case being found, this could potentially result in the person's dismissal.

The Pathway Academy Trust will take steps to minimise any difficulties that may be experienced as a result of an individual raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Trust will advise or arrange for advice to be provided about the procedure.

The Pathway Academy Trust accepts that individuals will need to be assured that their concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

Whistleblowing Procedure

Timing

The whistleblowing procedure should normally be conducted within the timescales laid down in this document, however if there is a valid reason to do so, timescales can be varied. If a variation to the expected timescale is initiated by a member of the Senior Management of The Pathway Academy Trust, the individual should be given an explanation and informed when a response or meeting can be expected. Delays should not normally exceed ten working days.

Internal Procedure

Stage One – Notification

The individual (the Representer) raising the concern should do so orally or in writing to their line manager or to the relevant Head Teacher who can, if appropriate, seek guidance from the central Trust team. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why the Representer is particularly concerned about the situation

The earlier a concern is raised the easier it is to take action. Although the Representer is not expected to prove beyond doubt the truth of an allegation, they need to demonstrate to the person contacted that there are sufficient grounds for their concern.

The Representer has the right to have the matter treated confidentially.

The action that the Trust takes will depend on the nature of the concern. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those policies.

In order to determine whether the concern needs to be formally investigated, the line manager or Head Teacher may, in confidence, seek advice from the Trust Business Manager and, where appropriate, external resources such as safeguarding professionals, or the Trust's HR and Legal support services.

If the line manager or Head Teacher believes the concern to be genuine and that it is appropriate to investigate internally using this whistleblowing procedure, they should contact the Chair of the Local Governing Body. The Chair of the Local Governing Body will either act as Assessor or will appoint another Assessor who is not implicated (which could be the Head Teacher). The Trust Business Manager will also be informed.

The Chair of the Local Governing Body will notify the Chair of the Trust Board that a concern has been raised and the nature of the concern, but will not divulge the personal details of the Representer.

Should it be alleged that the Chair of the Local Governing Body is involved in the alleged malpractice, the Chair of the Trust Board should be contacted in place of the Chair of the Local Governing Body.

If the Representer feels unable to raise their concern with their line manager or the Head Teacher in the first instance, they may contact the Chair of the Local Governing Body directly. If this occurs, the Representer will be asked to explain why they feel unable to raise the concern with their line manager or the Head Teacher.

Stage Two – The Meeting

The Assessor will interview the Representer within ten working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury, and will:

- Obtain as much information as possible from the Representer about the grounds for the belief of malpractice;
- Consult with the Representer about further steps which could be taken;
- Inform the Representer of appropriate routes if the matter does not fall within the Whistleblowing Policy;
- Provide an update on all matters raised under this procedure to the Trust Business Manager and Chief Executive Officer / Director of Education.

At the interview (or any other meetings) with the Assessor, the Representer, if an employee, may be accompanied by a recognised trade union representative or a work colleague who is not involved in the area of work to which the concern relates.

The Assessor may be accompanied by a note taker. The Assessor will update the Chair of the Local Governing Body (if they are not acting as the Assessor) and the Chair of the Trust Board following the meeting, but will not divulge the personal details of the Representer.

The amount of further contact between the Assessor and other officers considering the issues and the Representer will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

Stage Three – The Outcome

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days of the interview, the Assessor will recommend to the Head Teacher, or if an employee, the person's line manager, one or more of the following:

- The matter be investigated internally by the Trust
- The matter be investigated by an external person appointed by the Trust
- The matter be reported to the Department for Education or another public authority
- The matter be reported to the Police
- No further action be taken

The grounds on which no further action is taken may include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority

If no further action is to be taken, then this will be reported to the Trust Business Manager and Chief Executive Officer / Director of Education.

Should it be alleged that the Head Teacher or the individual's line manager is involved in the alleged malpractice, the Assessor's recommendation will be made to the Trust Business Manager and Chief Executive Officer / Director of Education.

The recipient of the recommendation (Head Teacher or Chief Executive Officer / Director of Education) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meetings of the Local Governing Body and Trust Board and to the Assessor.

The Representer will also be informed in writing of the recommendation within ten working days. This written confirmation will include:

- Acknowledgement of the concern
- An indication of how the Trust proposes to deal with the matter
- An estimate of how long it will take to provide a final response
- Information as to whether any initial enquiries have been made
- Whether further investigations will take place and, if not, why not

The conclusion of any agreed investigation will be reported by the Assessor to the Representer in writing within ten working days of the investigation end date, and a copy passed to the Chair of the Local Governing Body if they are not acting as Assessor. A copy will also be sent to the Trust Business Manager and the Chair of the Trust Board.

If the Representer has not had a response within the above time limits, he or she may appeal to the Chief Executive Officer, but will inform the Assessor before doing so.

The Representer may at any time disclose the matter on a confidential basis to a solicitor or trade union representative for the purpose of taking legal advice.

External Contacts

Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representer is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could also be the involvement of the senior managers, serious health and safety issues, or possible discrimination.

The external bodies which could be used include:

- Public Concern at Work 020 7404 6609
- Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Solicitor
- Police

If the Representer does not feel able to raise their concern in the ways outlined above, they should consult the Public Interest Disclosure Act 1998 for information about other routes by which a disclosure may be made.

If a matter is taken outside the Trust, the Representer must take all reasonable steps to ensure that confidential or privileged information is not disclosed.