



AGAPE
MULTI ACADEMY TRUST

A collaboration of schools which enhances the educational experiences and outcomes for children, maximising the benefits of working together, whilst maintaining the individual culture and ethos of each individual school

Whistleblowing Policy

Author:	CEO/Governance Professional
Approver:	People & Pay
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Category of policy:	Trust Board

Changes history

Version:	Date:	Amended by:	Substantive changes:	Purpose:
1			New trust policy	

1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected
- Let all staff in the schools/trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the schools/trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistleblowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the schools/trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers or those former employees/persons who have provided services to the trust.

2. Legislation

The requirement to have clear whistleblowing procedures in place is set out in the [Academy Trust Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

3. Definition of whistleblowing

Whistleblowing covers concerns made that report wrongdoing that is "in the public interest".

Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- The physical, emotional or sexual abuse of pupils
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures or financial maladministration
- Offering, taking or soliciting bribes
- Unauthorised use of public funds
- Misreporting performance data
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistleblower is a person who raises a genuine concern relating to the above.

Not all concerns about the school/trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance. When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has further guidance on the difference between a whistleblowing concern and a grievance that staff may find useful, if unsure. They also have a free and confidential [advice line](#). [Their contact details are at the end of this policy](#).

4. Procedure to raise a whistleblowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or school/trust procedures, put people in danger or was an attempt to cover any such activity up.

4.2 Who to report to

4.2.1 Staff working in school

Staff should report their concern to the Headteacher. If the concern is about the Headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Local Governing Committee by writing to the Governance Professional or Clerk to the Local Governing Body.

4.2.2 Staff working in the Central Trust Team

Staff should report their concern to the CEO. If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Trust Board by writing to the Governance Professional (MarrR@agapetrust.co.uk).

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

5. School/Trust procedure for responding to a whistleblowing concern

5.1 Investigating the concern

When a concern is received by a Headteacher, the CEO, Chair of the Local Governing Board or Chair of Trustees referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure

- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 8 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the Headteacher, CEO, Chair of the LGC or Chair of Trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police or another appropriate external agency
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) 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, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Headteacher, CEO, governors, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

6. Escalating concerns beyond the school/trust

The school/trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body.

If the matter is taken outside of the school/trust, the whistleblower needs to ensure that confidential information is not disclosed and that the whistleblower is ‘protected’ in accordance with the PIDA 1998 (refer to section 7 of this Policy). If you wish to raise a concern outside of the school, you may raise it with an prescribed regulator from the list of prescribed persons and bodies detailed in the ‘Department for Business Innovation & Skills ‘Blowing the Whistle to a Prescribed Person’ document: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

You should seek your own advice if you are unsure about whether to raise the matter outside of the school. The Protect advice line can help staff when deciding whether to raise the concern to an external party. Advice may also be available from a Trade Union or a legal advisor.

As a last resort a member of staff may choose to raise a concern outside the school to someone other than a prescribed regulator, e.g. to the police or an MP. This should only be done if, in addition to the conditions outlined in section 7 of this policy being met, and the disclosure is reasonable in all the

circumstances and is not made for personal gain, and one of the three preconditions underneath are met:

- They reasonably believed that they would be victimised if they raised the matter internally within the school; or
- They reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- They have already raised the matter internally or with a prescribed regulator

It should be noted that wider disclosures (i.e. to the media) can only be protected where there is a justifiable cause for going wider and where the particular disclosure is reasonable. The school therefore encourages concerns to be raised initially using one of the methods described in section 4 of this Policy.

7. Legal Protection

The Public Interest Disclosure Act (PIDA) 1998 amended the Employment Rights Act 1996 to protect employees and workers from being dismissed or subjected to a detriment because they have made a 'protected disclosure'. The law protects workers who act in the public interest and who reasonably believe that the wrongdoing or malpractice falls within one of the categories below:

- that a criminal offence has been committed, is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged; or
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed

This will amount to a 'protected disclosure'.

The Enterprise and Regulatory Reform Act 2013 also made it a requirement that in order for the disclosure to be protected, the worker must also have held a belief that the disclosure was in the public interest.

The above covers disclosures made internally to the school and to external organisations if the concern is raised to an appropriate regulatory body designed for the purpose for example a health and safety concern is raised with the Health and Safety Executive.

Anyone who has made a protected disclosure will not suffer any detriment as a result of raising their concern unless it is later proved that they knew they were providing false information. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another worker.

8. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school/trust will consider whether any disciplinary action is appropriate against the person making the allegation.

9. Data Protection

The school/trust processes any personal data collected during the whistleblowing process in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the whistleblowing procedure.

10. Further information and advice

Independent advice on 'whistleblowing' can also be obtained from the charity, Protect and from the Audit Commission. Contact details for these organisations are:

- Protect
The Green House, 244 – 254 Cambridge Heath Road, London, E2 9DA
Helpline: 020 3117 2520 Email: whistle@protect-advice.org.uk
- National Audit Office
157-197 Buckingham Palace Road, Victoria, London, SW1W 9SP
Helpline: 02077987264 Email: enquiries@nao.org.uk
- Professional Body or Trade Union

11. Approval

This policy will be reviewed every 3 years unless there are any earlier statutory or guidance changes.

12. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints policy and procedure
- Safeguarding policy
- Health & Safety
- Gifts, Hospitality and Anti-Bribery