

WHISTLE BLOWING POLICY

Potteries Educational Trust



Policy Family	Governance
Reference	GOV-01

Responsible Manager	Clerk to the Board of Trustees
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Approval Date	June 2019
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Aim

The Potteries Educational Trust is committed to operating in an ethical and principled way. The aim of this policy is to provide employees and workers (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.

The Trust encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the Trust.

This policy also aims to encourage workers to raise genuine concerns through internal procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such 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.

This policy also seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.

The principles of openness and accountability which underpin legislation protecting whistle blowers are reflected in this policy. The Trust is also committed to ensuring compliance with the Bribery Act 2010.

Scope

The policy and associated operating procedures apply to The Potteries Educational Trust, which includes a number of member and associate member organisations. Collectively, the member organisations within the trust are referred to as The Trust.

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

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 Trust's grievance procedure. Any worker in this situation is encouraged to approach a member of the Senior Management Team in confidence for advice.

Learners at the Trust are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to Director of Student Services. This policy is designed for the use of workers of the Trust.

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:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are 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.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

Making a Disclosure

Information which a worker reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed to their line manager so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a worker can raise the issue with Senior Manager.

If the disclosure relates to the Chief Executive Officer, a worker can raise the issue with the Clerk to the Board of Trustees. In the event that the disclosure relates to the Clerk of the Board of Trustees, a worker can raise the issue with the Chair of the Board of Trustees.

Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Trust will not be in a position to notify the individual making the disclosure of the outcome of action taken by the Trust. Anonymity also means that the Trust will have difficulty in investigating such a concern. The Trust 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, employees should speak in confidence to their local Human Resources specialist.

Assessment and Investigation of a Disclosure

When a worker makes a disclosure, the Trust will acknowledge its receipt, in writing, within a reasonable time. The Chief Executive Officer or Chair of the Board of Trustees 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 Board of Trustees will keep all parties to the disclosure informed on progress and (subject to legal constraints) the eventual outcome.

The Trust will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the Trust considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the Trust's decision and advised that no further action will be taken by the Trust under this policy.

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

- If the Trust is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; 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, the Trust will take action it deems appropriate (including action under any other applicable policy or procedure). Possible actions could include internal investigation; referral to the Trust's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

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

Any recommendations for further action made by the Trust will be addressed to the Chief Executive Officer, Principal or Head Teacher of an individual member organisation, or the Chair of the Trust's Board of Trustees 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 making the disclosure will be notified of the outcome of any action taken by the Trust under this policy within a reasonable period of time. 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. 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 the Trust 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.

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

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 the Trust from bringing disciplinary action against a worker where the Trust has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Trust 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 the Trust for making a disclosure in accordance with this policy. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the Trust against the colleague in question.

Disclosure to external bodies

This policy has been implemented to allow workers to raise disclosures internally within the Trust. A worker has the right to make a disclosure outside of the Trust 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 the Trust, they must be careful not to breach any confidentiality obligations or damage the Trust's reputation in so doing.

Frivolous/Malicious Claims

If a member of staff makes a disclosure that the Trust determines to be frivolous, malicious, or made for personal gain, this may result in disciplinary action being taken against them.

Victimisation

The Trust 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. Anyone 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 the Trust's occupational health service. Any such request for counselling or support services should be addressed to the Personnel Officer. Such a request would be made in confidence.

Implementation

This policy will be implemented across all member organisations through local Senior Management teams and Human Resource specialists. Human Resource specialists or designated contacts in each organisation will be responsible for the timely and effective communication of any and all issues with the Chief Executive Officer.

Communication

All employees will be made aware of this policy and the name and contact details of their local Human Resources specialist or other contact as part of the induction process.

All staff will have access to this policy document from their organisation intranet, where they will also find contact details for the Chief Executive Officer, Clerk to the Board of Trustees and the Chair of the Board of Trustees.

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 Clerk to the Board of Trustees will keep a record of all concerns raised under this policy, including cases where the Trust deems that there is no case to answer and therefore that no action should be taken, and will report to the Board of Trustees 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.

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 Public Concern at Work or the Audit Commission:

Public Concern at Work

Suite 306, 16 Baldwins Gardens
London
EC1N 7RJ
Helpline: 020 7404 6609
e-mail: helpline@pcaw.co.uk

Audit Commission

1 Vincent Square London
SW1P 2PN
Telephone: 020 7828 1212
e-mail: enquiries@audit-commission.gov.uk

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

www.dti.gov.uk
www.acas.org.uk
www.lg-employers.gov.uk www.audit-commission.gov.uk www.pcaw.co.uk

Related Documents

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

- Grievance
- Staff discipline
- Freedom of Information