



**PORTICO**  
ACADEMY TRUST

opening doors, unlocking potential

# Whistleblowing Policy and Procedure V2

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# Whistleblowing Policy and Procedure

## 1. Introduction

Employees, workers, contractors or agency workers engaged to work at Portico Academy Trust, (hereafter referred to as workers) at one time or another may have concerns about what is happening at their work with the Portico Academy Trust. Usually these concerns are easily resolved by speaking to their manager without using a formal process. Portico Academy Trust has introduced this Whistleblowing Policy and Procedure to enable workers, at Portico Academy Trust to raise more serious concerns.

This Whistleblowing Policy cannot be used by employees who have a grievance regarding their own employment. Employees should use the Portico Academy Trust's Grievance and Dignity at Work Policy and Procedure to raise any concerns. Members of the public should use Portico Academy Trust's complaints processes.

Portico Academy Trust is committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage workers with serious concerns about any aspect of the Portico Academy Trust work to come forward and voice their concerns. Portico Academy Trust would rather they raised the matter when it is just a concern than wait for proof. It is recognised that certain cases will have to proceed on a confidential basis. This Whistleblowing Policy makes it clear that such concerns can be raised without fear of reprisals.

This Whistleblowing Policy is not intended for initial reporting of minor lapses of standards, inaction or incidents. If, however, workers have a more serious issue that is concerning them, and either they have discussed it with their manager but feel that they have not been taken seriously, or, due to the sensitivity of the matter, feel they cannot raise their concerns within their service, then they should use this Policy.

## 2. Legislative background

The Public Interest Disclosure Act 1998 protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

The 1998 Act is incorporated into the Employment Rights Act 1996, which also protects employees who take action over, or raise concerns about, health and safety at work.

## 3. Definition

Any serious concerns that workers have about any aspect of service provision or the conduct of officers or Trustees of Portico Academy Trust or others acting on behalf of Portico Academy Trust can be reported under the Whistleblowing Policy. This may include concerns regarding the following examples of past, present or likely future wrongdoing:

- a criminal offence
- fraud & corruption, including bribery
- failure to comply with legislation

- failure to comply with good practice, especially where this endangers children and/or vulnerable adults
- disclosure relating to miscarriage of justice
- health and safety risks, including risks to the public as well as other employees
- damage or danger to the environment
- sexual, physical, emotional or psychological abuse of pupils or clients
- failure to comply with the Employees' or Trustees' Codes of Conduct
- theft of maintained Portico Academy Trust property and assets
- failure to comply with Portico Academy Trust rules on gifts and hospitality
- serious mismanagement or failure to manage
- a cover up of, or failure to report, any of the above

Not all disclosures detailed in this paragraph offer 'protected disclosure' under the law. However, Portico Academy Trust undertakes to extend the same protection for all disclosures wherever possible.

#### **4. Commitment of Portico Academy Trust**

Portico Academy Trust is committed to considering the concerns of workers and will take actions as appropriate in line with the Whistleblowing Procedure attached to this policy.

#### **5. Safeguards**

##### **Harassment or victimisation**

Portico Academy Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. Portico Academy Trust will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.

Portico Academy Trust will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.

This does not mean that if employees are already the subject of disciplinary, redundancy or other Procedures that those Procedures will be halted as a result of the employee's whistleblowing.

## **Confidentiality**

Portico Academy Trust recognises that workers, notwithstanding the safeguards detailed above, may want to raise a concern in confidence under this Whistleblowing Policy. If a worker asks Portico Academy Trust to protect their identity, Portico Academy Trust will do its best not to disclose it without their consent. If the situation arises where Portico Academy Trust is not able to resolve the concern without revealing the worker's identity (for instance because their evidence is needed in court), we will discuss with them whether and how we can proceed.

## **Anonymous allegations**

This Whistleblowing Policy encourages workers to put their name to their allegation. Concerns raised anonymously are much less powerful but they will be considered at the discretion of the Academy Trust/School. Portico Academy Trust

In exercising that discretion 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

## **Unproven allegations**

If a Whistleblower, has a reasonable belief in the truth of the concern they have raised but it is not confirmed by the investigation, no action will be taken against them. If however, a Whistleblower is proven to have made a malicious allegation, which is knowingly untrue or one made for personal gain, disciplinary action may be taken against them.

## **6. The role of the Principals (Headteacher)/Trustees**

The Principals have overall responsibility for the maintenance and operation of this Whistleblowing Policy and Procedure.

The Principals maintains a record of concerns raised under the Whistleblowing Policy and Procedure and the outcomes of any investigation undertaken. This is done in a form that does not endanger the confidentiality of the person raising the concern or other employees.

The Principals will consult with such other officers as they consider necessary and may arrange for any investigation to be conducted and dealt with in such manner as they decides is necessary.

The Principals will notify the Board of Trustees of any allegations reported using the Whistleblowing Policy.

If it is inappropriate to raise concerns with the Principals, the matter should be raised with the CEO who will then be responsible for ensuring compliance with the policy.

If it is inappropriate to raise the concern with the CEO the matter should be raised with the Chair of Trustees.

**Scope**

This policy applies to all employees of Portico Academy Trust

- The term 'employee' refers to any member of staff , whether teaching or non teaching, employed to work by Portico Academy Trust either within an Academy School or the Academy Trust

Changes in Employment Law or Educational Legislation may form part of the policy.

**Delegation**

- The term 'Principal' refers to Headteacher

# Whistleblowing Procedure

## 1. How to raise a concern

Where employees raise concerns that fall within the scope of other Portico Academy Trust procedures they will not be dealt with under this Whistleblowing Procedure. The employee will instead be advised on the appropriate procedure to use. Such employees will still receive any appropriate protections available under the relevant Policy.

Workers should normally be able to raise concerns with their immediate manager, without needing to use the Whistleblowing Policy. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged malpractice.

Where a concern is serious, where it is a concern about the line manager, or where having made a report they believe that their manager has failed to take appropriate action, the relevant worker should contact:

- **the Principal, or**
- **in exceptional circumstances.** Portico Academy Trust **CEO.**

Concerns should be raised in writing, clearly marked “**Whistleblowing**” and placed in an envelope marked “**Staff in Confidence**”. The background and history of the concern (giving names, dates, and place where possible), and the reasons for the concern should be set out.

The earlier workers express a concern, the easier it is for Portico Academy Trust to take action.

Employees may be supported by a trade union representative or work colleague.

All concerns raised under this Whistleblowing Policy regarding financial issues will also be notified to the Director of Finance

## 2. How the School/Academy Trust will respond

Once a relevant worker has raised their concern under the Whistleblowing Policy with the Principal or the CEO, initial enquiries will be made to decide if an investigation is appropriate and if so what form the investigation should take.

The worker will be advised of the following:-

- who is considering the issue;
- how that person can be contacted;
- whether their further assistance may be needed.

The person responsible for considering the issue will write to the worker summarising their concern and setting out how Portico Academy Trust proposes to handle it, if requested to do so. The worker will also be requested to state any personal interest they may have in the matter.

The overriding principle which Portico Academy Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those

procedures. The action taken by Portico Academy Trust will depend on the nature of the concern and may:

- be resolved by agreed action without the need for investigation;
- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry

The amount of contact between the worker and those investigating the concerns will depend on the concerns raised, but Portico Academy Trust may need to seek further information from the worker. Any meetings may be arranged on or off site and an employee may be accompanied by a friend, union or professional body representative.

While the purpose of this Whistleblowing Policy is to enable Portico Academy Trust to investigate possible malpractice and take appropriate steps to deal with it, they will provide as much feedback to the worker as they properly can. If requested, confirmation of the response may be provided in writing. It may not, however, be possible to advise the precise action that will be taken where this would infringe a duty of confidence owed by Portico Academy Trust to someone else.

All concerns raised under the Whistleblowing Policy will be notified to the Monitoring Officer who is responsible for this Whistleblowing Policy and maintains a register of all concerns raised and their outcomes.

All concerns of a financial nature will also be notified to the Portico Academy Trust Director of Finance.

### **3. How a concern can be taken further**

The Whistleblowing Policy is intended to provide workers with the reassurance they may need to raise concerns internally and that they will be satisfied with any action taken. However, if they are not satisfied and feel that it is appropriate to take the matter outside Portico Academy Trust or if they feel unable to raise their concerns internally, Portico Academy Trust would rather they raised the matter with an appropriate regulator than not at all. The following are possible contact points:-

- Local Council Member.
- The designated independent organisation (independent charity “Public Concern at Work” which provides a confidential helpline on 020 7404 6609)
- the Council's Confidential Report Line on 01702 215215.
- The Audit Commission.
- The employee's trade union.
- Local Citizens Advice Bureau.
- The Police.
- Relevant professional bodies, regulatory or other organisations.
- Southed LA representative, the LADO

**If employees, workers or contractors take their concerns outside the School/ Portico Academy Trust they should take care not to disclose any confidential information.**