



# THE PATHWAY ACADEMY TRUST

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

Registered Company N° 9782388

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# WHISTLE- BLOWING POLICY

<b>Author</b>	<b>Trust Secretary</b>
<b>Approved by</b>	<b>Trust Board</b>
<b>Version</b>	<b>1.0</b>

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### Introduction

The Pathway Academy Trust (TPAT, ‘the Trust’) is committed to the highest possible standards of openness, probity and accountability. If employees and others working with us (including volunteers) have concerns regarding any aspect of our work we encourage them to come forward and voice their concerns. The Trust encourages everyone to raise any concerns internally at the earliest opportunity rather than disregarding issues or raising the matter externally.

In some instances, concerns may need to be expressed on a confidential basis.

### Aim

This policy is intended to encourage individuals to raise serious concerns internally within TPAT, without fear of reprisal or victimisation, rather than over-looking a problem or raising the matter outside. This policy aims to ensure that individuals:

- can feel confident in raising serious concerns and to question and act upon concerns about practice
- are provided with avenues to raise concerns and receive feedback on any action taken
- receive a response to their concerns and are aware of how to pursue the matter further if they are not satisfied with the outcome
- can be reassured that they will be protected from reprisals or victimisation if they make a disclosure
- are 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 Whistle-Blowing Policy applies to all employees, agency workers and those contractors working on the premises (e.g. cleaners and builders etc.). Suppliers and those providing services under a contract are also covered by the policy.

Concerns that are raised will be addressed in accordance with the associated whistle-blowing procedure and these 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 and as a result TPAT fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/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
- concerns about any aspect of service provision
- concerns of a safeguarding / child protection nature
- failure to have due regard to the need to prevent people from being drawn into terrorism (the 'Prevent Duty')
- unethical or unprofessional conduct that causes concern
- the deliberate concealment of information relating to concerns listed above

Concerns relating to an individual's own employment should be raised through TPAT's grievance and harassment procedures.

Employees should:

- raise concerns only where there is a reasonable suspicion for doing so
- not knowingly raise a false allegation with malicious or vexatious intent
- engage with internal / external actions to address any concerns – by attending meetings and / or participating in any investigation

## **Responsible Officer and Monitoring of Complaints**

The Trust Board has overall responsibility for the maintenance and operation of this policy and procedure. The Policy will be reviewed annually by the Trust Board.

The CEO will ensure the effective implementation of the whistle-blowing arrangements, providing training as appropriate, and undertake an annual audit of the whistle-blowing arrangements reporting the outcome to the Board.

The CEO will consider:

- The number and types of concerns raised and the outcomes of the investigations
- Feedback from individuals who have used the arrangements
- Any complaints of victimisation
- Any complaints of failures to maintain confidentiality
- Any relevant litigation
- The level of staff awareness, trust and confidence in the arrangements.

Any reporting will not identify the parties to the complaint.

A central record of whistle-blowing will be maintained by the Trust. This record will include a summary of the concern raised, action taken and the resulting outcome. Senior staff or Directors who receive whistle-blowing concerns must ensure the concern is recorded.

### **Confidentiality**

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 if the individual is required to come forward as a witness.

### **Protection and Support for Employees**

The Trust will take reasonable measures to support and protect employees who raise concerns.

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an employee believe they have been subject to detriment or retribution they should report this to the Chair of the Trust Board who may address the matter in accordance with the Trust's disciplinary procedure.

No action will be taken against an employee where concerns raised are subsequently unproven.

### **Anonymous Allegations**

Concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at TPAT's discretion. In exercising the 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 from attributable sources.

### **Untrue Allegations**

Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

### **Bribery Act 2010**

TPAT has a zero tolerance approach to acts of bribery and corruption. Any instances of suspected bribery and corruption must be reported. If you do not feel able to report your concerns to your line manager, the Whistle-Blowing Procedure can be used to confidentially raise this matter.

Should an employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) protection from detriment may be lost and the employee may be subject to the Trust's disciplinary procedures.

### **Appendix A: Procedure for raising a concern**

Wherever possible employees should initially raise concerns openly with their line manager, the Headteacher or Executive Leadership Team (ELT). In instances of serious concern or where the complaint involves the line manager, Headteacher or ELT complaints may be raised

with the Chair of the Trust Board. Should the Headteachers or ELT have concerns these should be raised with the Chair of the Trust Board in the first instance.

Concerns may be raised verbally or in writing. 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 employee is particularly concerned about the situation
- For clarity it would be helpful for the employee to state that they wish their concerns to be addressed under the whistle-blowing procedure

An employee is not expected to prove the validity of their concern, however they will need to demonstrate that there are sufficient and reasonable grounds for their complaint. Further investigation may be hampered if there is only limited evidence to support the concern raised.

An employee may invite a Trade Union representative to support them in raising a concern, raise the matter on their behalf or at a subsequent meeting to explore the complaint.

### **How the Academy will respond**

Preliminary enquiries may be made to decide on the appropriate course of action and may necessitate further discussion with the employee who has raised the concern.

On occasion it may not be appropriate for the person who receives the complaint to progress the concern and the matter may be referred to another individual within the Trust or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation. Where it is not possible to resolve the matter informally, the action taken by the Trust will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Referral to the Trust's auditors
- Referral to another regulatory authority
- Referral to the Police
- Referral to the local authority

Within 10 working days of receipt of any concern the person progressing the matter will write to the employee to:

- Acknowledge that the concern has been received
- Indicate how and through whom the Trust proposes to address the matter including whether further investigation or referral to another organisation will be made
- Give an estimate of how long the investigation will take
- Indicate whether further information will be sought from the employee and the arrangements for obtaining this where known

The form of further contact between the employee and the person progressing the complaint will depend on the nature of the matter raised and the follow up action required.

In instances where an investigation is prolonged or referral to an external agency takes place the employee will be provided with situational updates as far as is practicable.

On occasion the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred
- The matter is / has been the subject of internal proceedings under another TPAT policy

- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- A false malicious or vexatious complaint has been made

### **Notification of the Outcome of the Concern**

The Trust recognises that an employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the employee will be advised that the matter has been addressed or concluded as far as is practicable.

Where a matter is not to be considered further the employee who raised the complaint will be advised of this in writing.

### **How the matter may be taken further**

This procedure is intended to provide employees with a mechanism to raise concerns internally within TPAT. Should this process be exhausted and the employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of the Trust (appropriate contacts are listed at Appendix B).

An employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of TPAT, an employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

### **Appendix B: Contact Details**

It is the usual expectation that an employee will have endeavoured to raise the concern internally within the school or TPAT before referring the matter to an external organisation.

#### **Internal**

<i>Contact</i>	<i>Telephone Number</i>	<i>Email</i>
HTs –		
Culverstone Green Primary School	01732 822568	headteacher@cgps.kent.sch.uk
Meopham Community Academy	01474 812259	headteacher@meophamca.com
Riverview Infant School	01474 566 484	headteacher@riverview-infant.com
Riverview Junior School	01474 352620	headteacher@riverview-junior.kent.sch.uk
Wrotham Road Primary School	01474 534540	headteacher@wrotham-road.kent.sch.uk
Chair of the Trust Board	0794 187 8354	alan.wallaker@tpat.co.uk

CEO	01732 822568	ruth.doughty@tpat.co.uk
DCEO	01474 566484	nicole.caulfield@tpat.co.uk

## External

<b>Contact</b>	<b>Telephone Number</b>	<b>Email / Website</b>
Protect (formerly Public Concern at Work)	020 3117 2520	www.protect-advice.org.uk
Department for Education	0370 000 2288	www.gov.uk/contact-dfe
Ofsted	0300 123 3155	whistleblowing@ofsted.gov.uk
Education and Skills Funding Agency	N/A	www.gov.uk/government/publications/complain-about-an-academy
Office of Qualifications & Examinations Regulation	0300 303 3344	Public.Enquiries@ofqual.gov.uk
Williams Giles (Trust's auditors)	01795 478044	admin@williamsgiles.co.uk

A comprehensive listing of 'prescribed persons and bodies' to which external disclosures may be made is available at:

[www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies);

Employees may also wish to raise a concern with:

- An elected member of the local authority
- Relevant Trade Union or professional association where the Employee is a member
- A solicitor
- The police

## Support for Employees

- Confidential Counselling Service – *Employee Assistance Programme*
- Teachers Support Line [www.teachersupport.info](http://www.teachersupport.info);
- Trade Union or professional association where the employee is a member
- Citizen's Advice Bureau [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)