



# Whistleblowing (Public Interest Disclosure) Policy

## 1. Introduction

- 1.1 Creative Education Trust is committed to maintaining a culture of openness, accountability and integrity, and is committed to tackling any malpractice or wrongdoing. This policy is one component of that approach.
- 1.2 The UK Government introduced legislation in the form of the Public Interest Disclosure Act 1998, ("PIDA"), which was amended in June 2013. PIDA is designed to give protection to workers who disclose confidential information about malpractice in the workplace, whether carried out by other workers or the employer. Such disclosures are commonly referred to as "whistleblowing". The Act sets out rules defining what counts as "malpractice" for these purposes and prescribing the person(s) or bodies to whom a protected disclosure can be made.

## 2. Purpose

- 2.1 This policy aims to:
  - Encourage workers to feel confident in raising concerns.
  - Establish a fair and impartial investigative procedure.
  - Ensure that workers receive a response to concerns and are aware of how to pursue them if they are not satisfied.
  - Reassure workers that they will be protected from reprisals or victimisation for whistle-blowing where they have a genuine concern and a disclosure has been made in an appropriate manner.

## 3. Scope

- 3.1 This policy may be used by all workers to raise concerns where the wellbeing of others or the school or Creative Education Trust is at risk. The term worker broadly includes employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the school or Creative Education Trust.
- 3.2 The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest, which are as follows:
  - a) That a crime has been committed, is being committed, or is likely to be committed.
  - b) That a person has failed, is failing, or is likely to fail to comply with any legal

obligation to which they are subject.

- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- d) That the health and safety of an individual has been, is being, or is likely to be endangered.
- e) That the environment has been, is being or likely to be damaged.
- f) That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

3.3 Concerns that may fall within the terms of this policy include, for example, willful maladministration and corruption, misuse of funds, theft or fraud.

3.4 Whistleblowing is distinct from the grievance procedure. The grievance policy should be used if employees have a complaint not covered by the circumstances listed at 3.2, other workers may use the Complaints Procedure. If the designated officer, as set out in 7.2 below) concludes that the concern does not fall under the circumstances at 3.2 they will advise the complainant of these alternative routes of complaint.

3.5 Concerns relating to the safeguarding of children should be raised through the child protection policy.

#### **4 Equal Opportunities**

4.1 The whistleblowing procedure must always be applied fairly and in accordance with the Equality and Diversity in Employment Policy and relevant employment law.

#### **5 Timing**

5.1 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 this is initiated by management, the worker should be given an explanation if this occurs and informed when a response or meeting can be expected.

#### **6 Assurances to workers**

6.1 Creative Education Trust is committed to ensuring that any concerns of this nature are taken seriously and investigated. A disclosure to Creative Education Trust will be protected if the individual:

- Has an honest and reasonable suspicion that any of the circumstances listed at 3.2 above has occurred, is occurring or is likely to occur; and
- Has reasonable belief that the disclosure is made in the public interest.

6.2 Individuals who raise concerns reasonably and responsibly will not be penalised and will be protected from harassment and victimisation. Briefings will be issued to ensure an awareness of what is covered in the Whistleblowing Policy and training given to those who must deal with Whistleblowing Concerns.

6.3 Additional information is available at [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing) or through the Advisory, Conciliation and Arbitration Service (ACAS) [www.acas.org.uk](http://www.acas.org.uk). Workers may also wish to seek advice from their trade union or professional association.

## **7. Reporting a concern**

- 7.1 School workers should normally raise their concerns with the Headteacher or Principal or in their absence another member of the Senior Leadership Team (SLT).
- 7.2 If the activities of the Principal, a member of Head Office staff, or a member of the Academy Council or Rapid Improvement Board are part of the concern, then the Creative Education Trust's Chief Executive is the appropriate contact ([ceo@creativeeducationtrust.org.uk](mailto:ceo@creativeeducationtrust.org.uk)). If the activities of the Chief Executive or a non-executive director of the Creative Education Trust are part of the concern, then the appropriate contact is the Chair of the Board of Directors ([ChairofTrustees@creativeeducationtrust.org.uk](mailto:ChairofTrustees@creativeeducationtrust.org.uk)).
- 7.3 Concerns must be raised in writing, and where possible should include the following information:
- The background and history of the concern, giving relevant dates and providing as much supporting evidence as possible;
  - The reason(s) why the worker is particularly concerned about the situation.

## **8. Investigation**

- 8.1 The person receiving the disclosure will acknowledge receipt in writing within five working days and provide an intended timetable for the investigation. They may ask another person to undertake the investigation, or in some exceptional circumstances it may be appropriate to refer the matter to an external body such as the police.
- 8.2 The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.
- 8.3 At any stage, the individual making the disclosure, or the person the disclosure is about, may be accompanied by a work colleague (who is not involved in the area of work to which the concern relates) or trade union representative. Any companions must respect the confidentiality of the disclosure and any investigation.
- 8.4 The investigator will report their findings to the person who received the disclosure, who will then decide if there is a case to answer and if any further action is necessary. The investigation process must be completed as quickly as possible, and should usually take no more than 15 working days,
- 8.5 A worker raising a concern under this policy and procedure will be informed, where appropriate, of the final outcome. In some circumstances, e.g. where disciplinary action has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

## **9. Confidentiality**

- 9.1 Workers should feel able to voice whistleblowing concerns openly under this policy. The Creative Education Trust will make every effort to protect a worker's identity if confidentiality is requested.

9.2 Whilst identity will be protected as far as possible, should the investigation into the concern require the worker to be named as the source of the information, that this will be discussed with the worker before their name is disclosed.

## **10. Anonymous Allegations**

10.1 Workers are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if an allegation is anonymous. Anonymous allegations will be considered at the discretion of the Creative Education Trust. In exercising the discretion, the factors to be considered would include:

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

## **11. Untrue Allegations**

11.1 If a worker makes an allegation where they have a genuine concern, but this is not confirmed by the investigation, no action will be taken against that worker. If, however, it is concluded that a worker has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that worker.

## **12. Unfounded Allegations**

12.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the worker who raised the concern, who will be informed that the Creative Education Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

## **13. External disclosures**

13.1 The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrong doing in the workplace. In most cases, workers should not find it necessary to alert anyone externally.

13.2 The law recognises that in some circumstances it may be appropriate for workers to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Workers are strongly encouraged to seek advice before reporting a concern externally.

13.2 The whistleblowing charity, Protect, operates a confidential helpline and they have a list of prescribed regulators for reporting certain types of concern. Further details may be found on the Protect website <https://protect-advice.org.uk/>

## **14. Monitoring**

14.1 The Creative Education Trust Board take matters of Whistleblowing very seriously and consider that Whistleblowing complaints should be thoroughly investigated. For this reason the Audit and Risk Committee will receive regular anonymized reports of the Whistleblowing cases within the Trust.