



WHISTLEBLOWING POLICY

Document Control:

This document has been approved for operation within:	Apex Collaborative Trust		
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Owner	Apex Collaborative Trust		
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Review period	Every three years	Version	2

Version	Changes identified
2	Contact name of Head of Governance changed Removal of references to Deputy CEO

1. Legal Framework

1.0 This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

1.1 This policy has been created with regard to the following guidance documents:

- ESFA 'Academies financial handbook'
- GOV.UK 'Whistleblowing for employees'
- DfE 'Whistleblowing procedure for maintained schools'
- Sir Robert Francis (2015) 'Freedom to speak up report'

1.2 This policy operates in conjunction with the following Trust documents / procedures:

- Disciplinary Procedure
- Trust Financial Handbook
- Scheme of Delegation
- Articles of Association
- Funding Agreement

2. Introduction

2.0 Apex Collaborative Trust is committed to the highest standards of quality, probity, openness and accountability. This Policy covers all categories of colleague, including employees, workers, agency workers and volunteers.

2.1 Legislation – this policy is written in line with Academy Trust Handbook, the government guidance on whistleblowing and the Public Interest Disclosure Act 1998 and complies with our funding agreement and articles of association.

2.2 As part of that commitment, we encourage those who work with us or others with concerns about any aspect of our work to come forward and express those concerns. In most cases, concerns or complaints will be dealt with through normal procedures, such as mechanisms for resolving grievances, disciplinary matters, or concerns relating to equal opportunities.

2.3 However, in some cases, we recognise that individuals will need to come forward with a matter that is outside of normal procedures under the Public Interest Disclosure Act 1998. The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true.

2.4 This statement is intended to underline our commitment to the process and our support for those who come forward to express their concerns and that they can do so without fear of reprisal or victimisation.

2.5 Whistleblowing is a term used when a worker passes on information concerning wrongdoing – making a disclosure or “blowing the whistle”. The wrongdoing will typically, although not necessarily, be something they have witnessed or believe to be happening at work.

2.6 This policy covers “protected disclosures” made in the public interest that fall outside the scope of other Trust policies and procedures. It is not intended as recourse against financial or business decisions made by the Trust / school, and in most cases personal grievances (for example bullying, harassment, discrimination etc) which should be dealt with in accordance with the Grievance and Bullying & Harassment Procedures.

2.7 Under the Public Interest Disclosure Act you are protected by law if you report any of the following:

- a criminal offence, for example fraud;
- someone’s health and safety is in danger;
- risk or actual damage to the environment;
- a miscarriage of justice;
- the company is breaking the law, for example does not have the right insurance;
- you believe someone is covering up a wrongdoing.

3 Consultation and Information

3.0 Through our induction procedures for all employees (including volunteers and governors), we will ensure that you know how to recognise the problems, and that you understand the effects they may have on the organisation and the service we provide in relation to:-

- fraud, corruption and malpractice [refer to Anti-Fraud & Anti Bribery Policy];
- abuse or neglect of vulnerable people (including child protection / safeguarding children) [refer to school Safeguarding and Child Protection Policy & Procedures];
- failure to deliver proper standards of service [refer to Capability or Disciplinary Procedures];
- bullying, discrimination, harassment or victimisation in the workplace [refer to Grievance and Bullying & Harassment Policy].

(The list is for guidance only and is not intended to be comprehensive. Note: these are not necessarily whistleblowing matters, please see 1.7 above)

3.1 When we are made aware or uncover a problem, we will ensure it is dealt with robustly and timely. We will pursue fraud and serious abuse as vigorously as possible through our disciplinary procedures, or if necessary, through courts. Fraudulent matters will always be reported to the police. We hope that you will feel confident that we will share your sense of right and wrong, and act on what you tell us.

3.2 Each school is responsible for ensuring all colleagues are aware of the Whistleblowing Policy, how to recognise problems and where to find the policy and procedures eg. School Bus & Websites.

4. Confidential Reporting

4.0 We know that it is never easy to report a concern, particularly one that may relate to fraud or corruption. We urge you to come forward with any concerns at an early stage, and before problems have a chance to become more serious.

4.1 If you prefer, we are happy for you to come forward with another colleague or other representative to report a concern.

4.2 We support concerned colleagues and that includes all Trustees and committee members. We will protect everyone from reprisals or victimisation. If anyone comes forward with a concern, they can be confident that this will not affect their position within the organisation. This applies equally to anyone who comes forward with a genuine concern which turns out later not to have been justified.

4.3 We will do everything we can to respect your confidentiality if you have requested this.

4.4 Discouraging a colleague from expressing concerns, victimising someone who has done so, or raising a concern with malicious intent, may be treated in accordance with the Disciplinary Procedure.

4.5 At all times confidentiality must be respected by all parties. If the concerns raised are not proven then the individual against whom the allegation has been made is considered innocent and the matter will be closed.

5. Reporting Structure / who to contact

5.1 School-based staff, in the first instance, should report all concerns to the headteacher or other member of the leadership team. If the concern is about the Headteacher, it should be reported to the CEO. Where it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the trustee Whistleblowing lead or the Head of Governance.

5.2 Central 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, then report the concern to the Head of Governance (Helen Whitaker) at whistleblowingcomplaints@penninetrust.org

5.3 Where the concern is believed to be Whistleblowing, please contact one of the following people, in this order, and ask for a confidential discussion. All discussions will be treated in confidence:

- Chief Executive Officer (Trust's Child Protection & Safeguarding Lead)
- Head of Governance
- Head of HR
- Whistleblowing Trustee
- Chair of the Trust Board, or another member of the Trust Board.

5.5 The trust encourages staff to raise their concerns internally with the School / Trust but accepts that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

6. Investigating the concern

6.0 When a concern is raised the following should be followed:

- Meet with the person raising the concern within 10 working days. The person raising the concern may be joined by a recognised trade union 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. However, note that if the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 10 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
- The recipient should refer the case following the structure in 5.0. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police.
- 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.

7. Child Protection / Safeguarding

7.0 All employees and volunteers in schools must comply with the most recent version of 'Keeping Children Safe in Education' (available on the DfE website), which includes taking action to protect a child who may be at risk of harm or in need of services, and to make appropriate referrals to children's social care. Any colleague should press for reconsideration if they believe a child is not being safeguarded. This section should be read in conjunction with:

- The school's child protection and safeguarding policy & procedures;
- The Trust's Allegations of abuse against staff Policy;
- The relevant Local Multi Agency Partnership arrangements;
- The relevant Keeping children safe in education.

8. If you have a concern(s) About a Child

In the first instance, you should discuss this with the Designated Safeguarding Lead in your school. Action may already have been taken and/or the designated staff may have sought advice from partner agencies such as children's social care or the police. If you are not satisfied with the outcome of this discussion, you should report your concerns to the Headteacher or the Trust Safeguarding Lead.

8.0 If you still have concerns about the safety or welfare of the child, you should contact at least one of the following:

- Chief Executive Officer and Trust's Child Protection & Safeguarding Lead (John Tarbox)
- Another member of the Trust's central management team (01282 508624)

8.1 If the child is in danger or at immediate risk of harm, anyone can make a referral to children's social care at their local authority. See your School's Child Protection & Safeguarding Policy for your local arrangements / contact details. You should inform your Designated Safeguarding Lead as soon as possible that a referral has been made. In exceptional circumstances, if a child has been or may be placed at immediate risk of harm, then the police should be contacted.

Any professional with concerns about child protection or safeguarding can also contact the NSPCC whistleblowing helpline on 0800 028 0285.

9. Concerns about a colleague / adult in school

9.0 This relates to concerns that a member of staff, volunteer or other adult in school may have harmed a child/ren or behaved in a way that suggests they may be unsuitable to work with children. In line with the Trust's Allegations of Abuse against Staff Policy, if you have concerns about the behaviour of another adult in school you should report this to the Headteacher in the first instance, unless the concern relates to that individual, including concerns about the Designated Safeguarding Lead unless they are the Headteacher. Where this is the case, you should follow the reporting structure in 5.0.

If you have reason to believe that the Headteacher is not taking the appropriate action, or you do not believe your concerns are being taken seriously you should contact the Chief Executive Officer (CEO) in the first instance, or if they are not available, at least one of the following, in no particular order:

- Head of HR
- Head of Governance
- CFO

10. Malicious or vexatious allegations

10.0 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 trust will consider whether any disciplinary action is appropriate against the person making the allegation.

11. Review

This policy will be reviewed every three years, or sooner if required.