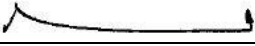




PHMAT WHISTLE-BLOWING POLICY

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CONTENTS

1. COMMITMENT & PURPOSE	3
2. WHAT IS WHISTLEBLOWING?	3
3. SCOPE	4
4. EXEMPTIONS	4
5. PROTECTION FOR WHISTLEBLOWERS	5
6. RAISING A WHISTLEBLOWING CONCERN INTERNALLY	5
7. ACKNOWLEDGING RECEIPT &/OR REQUESTING FURTHER INFORMATION	6
8. INITIAL ASSESSMENT & INVESTIGATION	6
9. RAISING A WHISTLEBLOWING CONCERN EXTERNALLY	8
10. WHISTLEBLOWING BY MEMBERS OF THE PUBLIC	8
11. CONFIDENTIALITY & ANONYMITY	8
12. IF YOU ARE NOT SATISFIED	10
13. RECORDING & MONITORING COMPLAINTS	10
14. REVIEW OF POLICY	10
APPENDIX 1 - USEFUL CONTACTS	14

1.0 Commitment & Purpose

1.1 The Board of Trustees of Perry Hall Multi Academy Trust (“PHMAT”) is committed to the highest possible standards of honesty and integrity and expects all employees to maintain these standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur. It therefore encourages all individuals to raise any concerns that they may have about the conduct of others within PHMAT, or about the way in which PHMAT is run.

1.2 The purpose of this Policy is to:

- a) encourage a culture of openness and accountability whereby employees and/or their representatives feel confident in raising concerns in the public interest about suspected serious wrongdoing, without fear of reprisals or victimisation, even where the concerns are not subsequently confirmed by an investigation;
- b) set out how PHMAT will handle and respond to such concerns;
- c) give a clear message that disclosures are taken seriously;
- d) ensure that when a disclosure proves to be well-founded, the individuals responsible for serious wrongdoing will be dealt with in an appropriate manner;
- e) set out what employees can expect by way of confidentiality and protection when making a disclosure; and
- f) identify independent support for employees who wish to make a disclosure.

1.3 This Policy does not form part of an employee’s contract of employment, and it may be amended by PHMAT at any time in consultation with staff and recognised trade unions.

2.0 What is whistleblowing?

2.1 “Whistleblowing” is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others. It is referred to in law as “making a protected disclosure”. It has a specific legal definition under the Public Interest Disclosure Act 1998 (“PIDA”), i.e. “*a disclosure of information which, in the reasonable belief of the employee, is made in the public interest and tends to show serious misconduct*”.

2.2 The law provides protection for whistle-blower who raise legitimate concerns about specified matters or “qualifying disclosures”. A qualifying disclosure may relate to:

- 2.2.1 Criminal activity (e.g., fraud, corruption or theft);
- 2.2.2 Miscarriages of justice;
- 2.2.3 Danger to health & safety (e.g. the use of unsafe equipment);
- 2.2.4 Damage to the environment (e.g. a chemical spillage);
- 2.2.5 Failure to comply with any legal or professional obligation or regulatory requirements (e.g. knowingly employing illegal immigrants);

- 2.2.6 Bribery;
 - 2.2.7 Financial fraud or mismanagement (e.g. false returns to HM Revenue & Customs);
 - 2.2.8 Negligence;
 - 2.2.9 Breach of PHMAT's internal policies and procedures;
 - 2.2.10 Conduct likely to damage PHMAT's reputation;
 - 2.2.11 Unauthorised disclosure of confidential information;
 - 2.2.12 Other unethical behaviour;
 - 2.2.13 The deliberate concealment of any of the above matters.
- 2.3 To be protected under the law on whistleblowing, which is contained in the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act (PIDA) a whistle-blower only has to have a reasonable belief that the wrongdoing being complained about is being, has been, or is likely to have been committed.
- 2.4 In this Policy, receipt of any such information as defined at 2.1, will be referred to as a "disclosure".

3.0 Scope

- 3.1 The Policy applies to disclosures from employees of PHMAT regardless of length of service as well as, agency staff, volunteers, contractors and/or consultants providing services for PHMAT. whistle-blower
- 3.2 PHMAT recognises that as a public body, it might receive a disclosure not only from those referred to at 3.1, but also from members of the public. The Policy therefore applies equally to disclosures from members of the public. A member of the public may include a member, trustee, member of an academy advisory board, the parent of a PHMAT pupil, or somebody who uses PHMAT's services.
- 3.3 The Board of Trustees is committed to dealing with disclosures from all relevant whistle-blower in the same way.

4.0 Exemptions

- 4.1 This Policy should not be used for:
- 4.1.1 Complaints relating to an employee's own personal circumstances, such as the way that they perceive they have been treated at work. PHMAT would expect such complaints to be lodged under other appropriate internal policies such as Grievance, Dignity at Work or PHMAT's general complaints procedure.
 - 4.1.2 If a concern relates to safeguarding and the welfare of pupils at a PHMAT academy, the whistle-blower should consider whether the matter is better raised under PHMAT's Safeguarding Policy and in accordance with the arrangements for reporting such concerns, i.e. via the Designated Safeguarding Lead, although the principles in this policy will still apply.

- 4.1.3 Allegations that fall within the scope of specific statutory procedures (for example child or vulnerable adult protection) e.g. child protection &/or safeguarding matters, which will normally be referred for consideration under the relevant procedure, unless the whistle-blower has good reason to believe that the appropriate process is not being followed or will not be followed effectively, in which case the provisions of this policy shall apply in relation to that allegation; or
- 4.1.4 Appealing against any complaint or grievance handled under any of the above procedures.
- 4.2 Where a disclosure falls outside the scope of this Policy, PHMAT will advise the whistle-blower of this and consult with them in respect of taking the matter further, if appropriate. Wherever possible, PHMAT will comply with the reasonable views of the whistle-blower in relation to the disclosure of information, but there may be situations where PHMAT is legally required to pass on details of a disclosure, without the consent of the whistle-blower, such as in Police investigations or legal proceedings.
- 4.3 Whistle-blowers who are unsure whether something falls within the scope of this Policy, or another Policy, should consult with the HR team via People team via h.support@perryhallmat.co.uk and/or their trade union representative as appropriate before making a disclosure under this policy.
- 5.0 Protection for whistle-blowers**
- 5.1 If a whistle-blower makes a disclosure under PIDA that is in the public interest and in accordance with this Policy, they are legally protected from harassment or victimisation, and will not be subject to any other detriment as a result of the disclosure (examples of detriment can be found in the Whistleblowing Toolkit or in the national whistleblowing charity "Protect's" FAQs at <https://protect-advice.org.uk/frequently-asked-questions-2/>)
- 5.2 The person making the disclosure does not have to be directly or personally affected by the concerns raised, but must believe that the disclosure is true, and the disclosure must be made in the public interest.
- 5.3 PIDA will protect the whistle-blower, irrespective of whether or not the disclosure relates to information gained in the course of their employment (e.g. a protected disclosure made by a whistle-blower acting as a service user would still fall under the PIDA protection).
- 5.4 Any employee who makes a 'protected disclosure' which meets the definition in PIDA is legally protected against victimisation and shall not be subject to any detriment for whistleblowing.
- 5.5 If a whistle-blower claims that, despite that commitment to protection from victimisation, they perceive they have he or she has been victimised for making a disclosure, they should make a further complaint under this Policy directly to the Chair of the Board of Trustees (Andrew Brocklehurst) or to the CEO. If the

disclosure involves them, the whistle-blower should report this to the h.support@perryhallmat.co.uk

- 5.6 A whistle-blower has the right to complain of victimisation as a result of any whistleblowing to an employment tribunal.
- 5.7 Any allegation that an employee has been victimised for whistleblowing will be taken seriously by PHMAT, and managed appropriately. In particular, the employee alleged to have caused the victimisation could:
 - 5.7.1 be subject to an internal PHMAT investigation, and potential disciplinary action;
 - 5.7.2 face a civil claim personally, as the affected whistle-blower could be entitled to directly issue a legal claim against them.

6 Raising a whistleblowing concern internally

- 6.1 Whistle-blowers who believe that they have concerns arising from their employment may wish to seek independent advice from their trade union representative or the national whistleblowing charity “Protect” (020 3117 2520 <https://protect-advice.org.uk/>) before raising their concerns. This will enable them to get advice on whether the information which they wish to report would meet the definition of a “disclosure” under PIDA, and whether they should be using this policy or a different one.

PHMAT employees may also access confidential/free telephone counselling via their Employee Assistance Programme

- 6.2 The Board of Trustees encourages employees to promptly raise relevant concerns with their line manager. This can be done in person or in writing and may enable the matter to be resolved quickly and/or effectively. Whistle-blowers wishing to submit a written disclosure should use the form in the whistleblowing toolkit or ensure that the points covered in that are sent in email form.
- 6.3 However, whistle-blowers who perceive that their line manager has not addressed their concerns, or they prefer not to raise it with them for any reason, perhaps because they are perceived to be the subject of the concern being raised or suspected of being connected with it, can raise the matter in writing to:

Contact details are set out in at appendix 1.

Complaint/concern raised about	Complaint sent to
PHMAT members (1 member or the group)	Company Secretary, (Jeremy Parks j.parks@perryhallmat.co.uk) who will consult with the Chair of Trustees and may seek external legal advice as appropriate
Chair of Trustees	Vice Chair of the Board, who will consult with the Company Secretary, (Jeremy Parks j.parks@perryhallmat.co.uk) and HR

Other board trustees (excluding the Chair)	Chair of the Board (Andrew Brocklehurst a.brocklehurst@perryhallmat.co.uk), who will consult with the Company Secretary, (Jeremy Parks j.parks@perryhallmat.co.uk)
Whole board of trustees	Company Secretary, (Jeremy Parks j.parks@perryhallmat.co.uk) and HR
CEO	Chair of the Board, Company Secretary, (Jeremy Parks j.parks@perryhallmat.co.uk) and HR
Executive Leaders or Core Team	CEO, who will consult with the HR
Any other core team employee	Appropriate Executive Leader, who will consult with the HR
Head of Academy	CEO or Executive Leader, who will consult with the HR
Any other academy employee	Relevant Head of Academy, who will consult with the HR

7.0 Acknowledging receipt &/or requesting further information from recipient.

7.1 The individual or individuals with whom a whistleblowing concern has been raised, shall acknowledge receipt of a whistle-blower's written disclosure within 5 working days, unless there are exceptional circumstances.

7.2 If the whistle-blower provides insufficient information with their initial disclosure (in the reasonable opinion of the recipient at 6.3 or 6.4 above), they may be asked to provide further information before any further investigation or next steps take place. The recipient is advised to take early advice from the HR Team at h.support@perryhallmat.co.uk

8.0 Initial assessment & investigation

8.1 Once all relevant information has been obtained from the whistle-blower, the recipient will, in consultation with appropriate advice from the HR team and/or legal advice, decide whether the disclosure meets the definition of a "disclosure" under PIDA and this Policy. If it is considered that the concerns raised do not fall under this Policy and/or that another internal PHMAT Policy would be more suitable, the recipient will be advised of this in writing, within 5 working days after acknowledging receipt of their initial disclosure in writing.

8.2 Alternatively, when a disclosure is considered to qualify under this Policy, the recipient will notify the whistle-blower in writing within 5 working days of acknowledging receipt of the initial disclosure, unless there are exceptional circumstances (see Whistleblowing Toolkit). The purpose of this letter will be to update the whistle-blower on how their complaint will be progressed (including who will investigate and likely timescales). Prior to writing this update letter, the recipient at 6.4 will carry out an initial assessment to determine the scope of any investigation/internal enquiry following advice from the People team and/or their legal advisors. This may or may not require the whistle-blower to attend a meeting to provide additional information in support of their disclosure. If necessary, they will have the right to be accompanied by a workplace colleague or trade union representative.

8.3 The recipient of the whistleblowing complaint shall appoint a suitably trained and impartial investigator at the earliest available opportunity. Subject to the seriousness and nature of the disclosure, this may be an appropriate member of PHMAT staff, or an external/independent investigator as appropriate. In any event, the recipient of the complaint shall ensure that the investigator is provided with a clear brief (known as terms of reference), a copy of this Policy and the PHMAT toolkit, a copy of the original disclosure and any supporting paperwork.

8.4 Once the recipient of the complaint has commissioned an investigator, they will be instructed to contact the whistle-blower at the earliest available opportunity, and in any event, no later than 10 working days from the date of their appointment. The investigator will advise the whistle-blower in writing of the following:

- 8.4.1 The name/role of the investigator appointed;
- 8.4.2 Arrangements for confidentiality (see further at 11 below);
- 8.4.3 How the person making the disclosure will be expected to contribute to the investigation;

- 8.4.4 The outcome of any discussions which may have taken place over anonymity (see 11 below);
 - 8.4.5 An estimate of how long the investigation is likely to take;
 - 8.4.6 Their right (as a PHMAT employee) to be accompanied by a recognised trade union or work place colleague at any meeting; and
 - 8.4.7 If they are a member of the public (rather than a PHMAT employee, to discuss whether it would be appropriate for them to bring support or representation to any meeting.
- 8.5 The recipient will arrange to keep the whistle-blower updated throughout the process, either by telephone or in writing.
- 8.6 Subject to any legal constraints, the whistle-blower will be informed in writing of the final outcome of any investigation, including recommendations for further action. There are situations (such as investigations regarding the ill treatment or abuse of children or vulnerable adults) where it is not appropriate for PHMAT to disclose the existence of or outcome of investigations.
- 8.7 If the investigator concludes that there is a case to answer for disciplinary action as a result of a whistleblowing complaint and this is agreed by the recipient of the complaint/commissioning officer, the principles and process within PHMAT's Disciplinary Policy and Procedure will be followed. Where possible, the investigation from the whistleblowing complaint will be used rather than there being a need to commission a separate disciplinary investigation.
- 9.0 Raising a whistleblowing concern externally**
- 9.1 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within PHMAT. With that in mind, the Board of Trustees is hopeful that whistle-blowers and/or members of the public will raise matters directly with PHMAT rather than alerting external bodies.
- 9.2 However, if a whistle-blower has good reason to believe that a) their disclosure will not be managed properly by PHMAT; or b) that they will be exposed to victimisation, or any other detriment as a result of making the disclosure internally; or the disclosure is not related to PHMAT, or another service provided by PHMAT; then the whistle-blower may make the disclosure directly to:
- 9.2.1 The Education & Skills Funding Agency ("ESFA"); and/or
 - 9.2.2 The Department for Education ("Dfe"); and/or
 - 9.2.3 One of the "Prescribed Persons/Regulators" set out in the Whistleblowing policy, as appropriate to the nature of the concern(s) being raised.
- 9.3 PHMAT employees who make a disclosure directly to one of the external contacts at 9.2 should set out in writing why they feel unable to make the disclosure internally in line with 9.2 above. Whistle-blowers are encouraged to approach the Charity, "Protect" Work" before reporting a concern to any external bodies or individuals (see 6.1 above for contact details).

9.4 If a whistle-blower has concerns about the actions of a third party, such as a contractor, supplier, or service provider, they may raise their concerns with the third party direct, where they reasonably believe that it relates to their actions or to something that is legally their responsibility. However, the Board of Trustees encourages whistle-blowers to report such concerns to PHMAT first using one of the named recipients at 6.4 above.

10.0 Whistleblowing by members of the public

10.1 Unlike disclosures by employees, PIDA does not offer legal protection for disclosures made by members of the public. However, PHMAT will take reasonable and appropriate action to protect members of the public when they make a disclosure.

10.2 PHMAT considers that any disclosure made by members of the public in respect of serious misconduct should be handled in the same way as disclosures made by employees. Once a disclosure from a member of the public has been received by PHMAT, it will be handled in the same way as a disclosure made by a whistle-blower under PIDA and the provisions of sections 7 & 8 shall apply.

11.0 Confidentiality & anonymity

11.1 The Board of Trustees acknowledges that the best way to raise a concern under this Policy is to do so openly. Openness makes it easier for the employer to assess the issue, to work out how to investigate the matter and to obtain more information. A whistle-blower raises a concern confidentially if s/he gives his or her name on the condition that it is not revealed without his or her consent.

11.2 PIDA does not specifically require employers to guarantee confidentiality in whistleblowing matters. PHMAT will nevertheless seek to treat all disclosures in confidence as a means of preventing victimisation and will try to avoid disclosing information identifying any whistle-blower, even if PHMAT considers that the disclosure falls outside of the scope of a protected disclosure. However, there may be situations where, due to the nature of the wrongdoing being alleged, that it is impossible to avoid disclosing information identifying any whistle-blower. If this is the case, the recipient of the whistleblowing concern will consult with the whistle-blower about this.

11.3 PHMAT may also be required to disclose the identity of the whistle-blower to third parties, where necessary for the purposes of undertaking investigations, for example where the disclosure relates to criminal offences and PHMAT considers that the Police should investigate.

11.4 There may also be situations where PHMAT is obliged to disclose information, such as where there are legal proceedings following on from investigation of the disclosure. This may require the disclosure of witness statements or correspondence, and there is also the possibility that the whistle-blower may be expected to give evidence at any hearing. In these circumstances, PHMAT will discuss the implications for the whistle-blower and, where appropriate, discuss appropriate support arrangements.

11.5 A whistle-blower raises a concern anonymously if they do not give his or her name

at all when making a whistleblowing complaint. PHMAT does not encourage whistleblowers to make anonymous disclosures. This is because they can make proper investigation more difficult or impossible if we cannot obtain further information from the whistle-blower. It is also more difficult to establish whether concerns raised are credible. In addition, if nobody knows who provided the information, it is not possible to reassure them that they will be protected from suffering a detriment for having raised the concern.

11.6 Anonymous disclosures will always be considered but, depending on the information given and the credibility of the evidence, there may not be enough information or sufficient evidence to pursue an investigation without the investigator being able to contact the whistle-blower for further information.

11.7 Where PHMAT receives anonymous complaints, it will make a determination about whether to investigate based on:

11.7.1 The seriousness of the issue(s) raised;

11.7.2 The credibility of the concern(s); and

11.7.3 The likelihood of confirming the allegation from other sources.

11.8 PHMAT is subject to the Freedom of Information Act 2000. This means there is a presumption that it discloses any information it holds, unless that information falls under one or more exemptions and, in most cases, that the application of that exemption is in the public interest (for further information see PHMAT's Freedom of Information Policy on Trust website)

11.9 The Freedom of Information Act 2000 contains exemptions that may be applicable to permit the withholding of information identifying the whistle-blower, including:

11.9.1 Personal Data.

11.9.2 Information which, if disclosed, would give rise to an actionable breach of confidence.

11.10 If PHMAT receives a request for information identifying a whistle-blower, it will contact the whistle-blower to seek their reasonable views in respect of the disclosure or withholding of the information requested and, wherever possible, it will seek to comply with those views.

11.11 PHMAT is mindful, in reconciling the legal obligation to disclose information it holds under the Freedom of Information Act 2000, of its legal obligations under:

11.11.1 The Public Interest Disclosure Act 1998 to avoid the discrimination or victimisation of employees or any other detriment on the part of the employee; and

11.11.2 The Health and Safety at Work etc. Act 1974, to protect the health and safety (including mental health) of employees.

11.12 As part of the application of this policy, PHMAT may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly

applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Workforce Privacy Notice, our Retention Policy and in line with the requirements of Data Protection Legislation.

12.0 If you are not satisfied

- 12.1** Whilst the Board of Trustees cannot always guarantee the outcome that a whistle-blower may be seeking under this Policy, it will seek to deal with any concerns raised fairly, consistently and promptly. By using this Policy, whistle-blowers can help us to achieve this objective.
- 12.2** If, however, whistle-blowers are not happy with the way in which their concern has been handled under this Policy, they may raise this with one of the other key contacts at 6.4 above. Alternatively, they may contact one of the “prescribed regulators” set out, or contact their legal adviser or their MP.

13.0 Recording & monitoring complaints

- 13.1** PHMAT’s People team shall maintain a confidential log of disclosures made under this Policy from the date that this Policy is ratified (known as the whistleblowing register).
- 13.2** The HR team shall review the number and type of internal and/or external complaints being raised by whistle-blowers and/or members of the public on an ongoing basis about PHMAT or its staff or practices, with the intention of:
- 13.1.1 Preventing the occurrence of similar concerns being raised in the future; and
 - 13.1.2 Ensuring that a consistent approach and/or strategies are being implemented across PHMAT to minimise such concerns.
 - 13.1.3 Reporting termly to the Staffing & Pay Committee on numbers and nature of concerns raised.

14.0 Review of Policy

- 14.1** This Policy will be reviewed every year by the HR team so that its application and outcomes can be monitored. Changes may be proposed as appropriate in line with employment law and/or HR practice and following consultation with recognised trade unions.

Appendix 1 Useful contacts

Chair of PHMAT Board of Trustees & Trust Safeguarding Trustee	A Brocklehurst a.brocklehurst@perryhallmat.co.uk
Vice Chair of PHMAT Board of Trustees	M Edwards m.edwards@perryhallmat.co.uk
CEO of PHMAT	A Cheema a.cheema@perryhallmat.co.uk
Executive Leaders of PHMAT	R Kohli r.kohli@perryhallmat.co.uk D Asbury d.asbury@perryhallmat.co.uk
Heads of Academy <ul style="list-style-type: none"> • Perry Hall Primary – L Fellows • Dunstall Hill Primary – R Chander • Woodthorne Primary – T Hinkley • Berrybrook Primary – A Smith • Forest Hills – S Powell • Birds Bush – M Day • Tillington Manor – K Brocklehurst & J Brain • Mesty Croft – L Bray • Sledmere Primary – E Reading • Stanley Road – L Adams 	l.fellows@perryhallmat.co.uk r.chander@perryhallmat.co.uk t.hinkley@perryhallmat.co.uk a.smith@perryhallmat.co.uk s.powell@perryhallmat.co.uk m.day@perryhallmat.co.uk kbrockhurst@tmpps.perryhallmat.co.uk jbrian@tmpps.perryhallmat.co.uk l.bray@perryhallmat.co.uk e.redding@perryhallmat.co.uk l.adams@perryhallmat.co.uk
PHMAT external auditors	Dains - 0845 555 8844
ESFA	0370 267 0001
Protect (Independent Whistleblowing Charity)	Helpline: 020 3117 2520 Email: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk

