



Learn-AT

Learning ~ Fellowship

Whistleblowing Policy

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Please note that this policy supersedes and replaces any equivalent policies or sections of policies. This policy is non-contractual and can therefore be amended without consultation. Before you use this policy, please check you have the latest version using the footer reference and Learn-AT Policy Index.

This policy applies to all Learn Academies Trust schools and should be read in conjunction with the latest associated guidance issued by Learn- AT.

This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.

1. What is 'whistleblowing'?

1.1. Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of suspected wrongdoing on the part of management, the Governing Body or by fellow employees. This may include:

- Criminal activity
- Failure to comply with any legal obligation
- Miscarriages of justice
- Danger to health and safety, an act creating a risk to health and safety
- Damage to the environment
- Bribery
- Facilitating tax evasion
- Fraud
- Corruption
- Malpractice
- Negligence
- Any unethical conduct or breaches of the Trust Code of conduct likely to damage our reputation or financial wellbeing
- Concerns about the safeguarding of children under the Keeping Children Safe in Education
- Unauthorised disclosure of confidential information
- The deliberate concealment of information about any of the above matters.
- Employees may, for this purpose include, for example, contractors and agency workers.

2. Protecting the whistleblower

2.1. Under the Public Interest Disclosure Act 1998 a Whistleblower is protected from detriment and unfair dismissal. The Trust will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any

claim is made in good faith.

3. When should whistleblowing procedures be used?

- 3.1. If an employee has concerns about wrongdoing within the Trust or any of the Academies and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
- 3.2. Each individual member of staff should feel able to speak freely on such matters. However, the Trust and colleagues have the right to protect themselves against unfounded false or malicious accusations.
- 3.3. Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
- 3.4. Whistleblowing is not appropriate for dealing with issues between an employee and the Trust which relate to the employee's own employment or rights or employment conditions generally.
- 3.5. Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.
- 3.6. Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in the safeguarding policies.

4. The procedure

- 4.1. Other than for the purposes of implementing this policy, any issue raised will be kept strictly confidential, We hope that staff feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If you want to raise your concern confidentially, we will make every effort to keep your identity confidential and only reveal it where necessary to those involved in investigating your concern. .
- 4.2. The Representor (the person raising the concern) should raise their concern orally or in writing with;
 - 4.2.1. Academy based staff - their Academy Head Teacher
 - 4.2.2. Centrally based staff - the CEO.
- 4.3. However, if the concern relates to their Academy Head Teacher, the Representor should raise the issue with the Chair of Trustees.
- 4.4. If the concern relates to a Trustee or the CEO, the Representor should raise the matter with the Chair of Trustees.
- 4.5. If the concern relates to the Chair of Trustees, the Representor should raise the matter with the Deputy Chair of Trustees.
- 4.6. The person with whom the matter is raised is referred to as the "Assessor".

- 4.7. The Assessor will:
- 4.7.1. Interview the Representor as soon as possible within seven working days, in confidence. An earlier interview may be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
 - 4.7.2. Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
 - 4.7.3. Consult with the Representor about further steps which could be taken;
 - 4.7.4. Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
 - 4.7.5. Other than in the case of paragraph 4.5, report all matters raised under this procedure to the Chair of the Trustees. In the case of 4.5 the Deputy Chair of Trustees will seek legal advice and act accordingly.
- 4.8. At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The representative must respect the confidentiality of the disclosure and any subsequent meetings / investigation. The Assessor may be accompanied by a member of the Trust staff to take notes.
- 4.9. The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.
- 4.10. Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
- 4.10.1. The matter be further investigated internally by the Trust;
 - 4.10.2. The matter be further investigated by external consultants appointed by the Trust;
 - 4.10.3. The matter be reported to an external agency;
 - 4.10.4. Disciplinary proceedings be implemented against an employee;
 - 4.10.5. The route for the Representor to pursue the matter if it does not fall within this procedure; or
 - 4.10.6. That no further action is taken by the Trust.
- 4.11. The grounds on which no further action is taken include:
- 4.11.1. The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
 - 4.11.2. The Assessor is satisfied that the Representor is not acting in good faith;
 - 4.11.3. The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;

- 4.11.4. The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 4.12. The recommendation of the Assessor will be made to the CEO. However, should it be alleged that the CEO is involved in the alleged wrongdoing; the recommendation will be made to the Trust Board.
- 4.13. The CEO or Chair of the Governing Body, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.
- 4.14. The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
 - 4.14.1. Where the Assessor is under a legal obligation to do so;
 - 4.14.2. Where the information is already in the public domain; or
 - 4.14.3. On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 4.15. The outline conclusion, subject to any confidentiality requirements, of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.
- 4.16. All responses to the Representor will be made in writing and sent to the Representor's home address.
- 4.17. If the Representor has not had a response within the above time limit or such reasonable extension as the Trust requires, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.
- 4.18. The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

5. Malicious accusations

- 5.1. A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

6. If the employee is not satisfied with the outcome.

- 6.1. If you are not happy with the way in which your concern has been handled, you can raise it with Trust CEO alternatively you may contact Chair of Trustees
- 6.2. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external.

7. Informing external agencies

- 7.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 7.2. Within the Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.
- 7.3. Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body /regulator. We would strongly encourage you to seek advice before reporting a concern to anyone external. The external agencies which may be used if disclosure is permitted under paragraph 6.1 are:
 - 7.3.1. Department for Education (EFA). (In these circumstances, the DfE/EFA will assess whether all school processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/EFA will refer the matter back to the Assessor);
 - 7.3.2. Member of Parliament;
 - 7.3.3. National Audit Office;
 - 7.3.4. Health and Safety Executive;
 - 7.3.5. Police.
 - 7.3.6. The NSPCC's what you can do to report abuse dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school. Staff can call 0800 028 0285 from 8am to 8pm Monday to Friday or email help@nspcc.org.uk.
- 7.4. Whistleblowing to the media is not appropriate or permitted in any circumstances.

8. Confidential employee enquiries

- 8.1. Employees may, on a confidential basis seek prior guidance from the CEO or a Head Teacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The CEO or Head Teacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.
- 8.2. In addition, a charity organisation, Protect, will provide advice to individuals with

whistleblowing dilemmas at work.

Helpline: 020 3117 2520, Email whistle@protect-advice.org.uk, Website:
<https://protect-advice.org.uk>

9. Review and approval

- 9.1. This Policy will be reviewed by the Finance Committee on a 3-yearly cycle and approved by Trustees.