



# WHISTLEBLOWING POLICY

Last review date	November 2022
Date approved by the Trust Board	October 2019
Date for next review	November 2023

## Table of Contents

<b>Introduction</b> .....	<b>4</b>
<b>Related policies</b> .....	<b>4</b>
<b>Policy Statement</b> .....	<b>4</b>
<b>Aims and Scope of this Policy</b> .....	<b>5</b>
<b>Who is covered by the Policy?</b> .....	<b>5</b>
<b>Safeguards</b> .....	<b>5</b>
<b>Harassment or Victimisation</b> .....	<b>5</b>
<b>Confidentiality</b> .....	<b>6</b>
<b>Anonymous Allegations</b> .....	<b>6</b>
<b>Untrue Allegations</b> .....	<b>6</b>
<b>Policy Procedure</b> .....	<b>7</b>
<b>How to Raise a Concern</b> .....	<b>7</b>
<b>How the Trust will respond?</b> .....	<b>8</b>
<b>Detriment</b> .....	<b>9</b>
<b>How the matter can be taken further</b> .....	<b>9</b>
<b>Further Advice and Contacts</b> .....	<b>10</b>

## Introduction

The Leading Edge Academies Partnership (the 'Trust') is a team of school leaders that aim to be Leading Edge and pioneering in their approach to education and well-being. We are a growing family of like-minded schools that offer a values-based education to the communities we serve and welcome staff, workers, pupils, parents/carers and volunteers from all different ethnic groups and backgrounds.

The term 'Trust Community' includes all staff, trustees, governors, pupils, parents/carers, volunteers and visitors.

We are a values-based Trust, which means all actions are guided by our three 'Es' as follows:

- **Excellence** – 'Outstanding quality'
- **Evolution** – 'Continuous change'
- **Equity** – 'Fairness and social justice'

This policy is based on the value of **'Equity'**

## Related policies

This policy is based on a series of comprehensive and inter-related policies:

- Safeguarding and Child Protection Policy
- Equality and Diversity Policy
- Complaints Policy
- Employees Code of Conduct
- Trustee/Governor Code of Conduct
- Financial Regulations
- Disciplinary Procedure

## Policy Statement

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the work place. The policy set out in this document applies those statutory provisions to the Leading Edge Academies Partnership (the 'Trust').

Employees are often the first to realise that something wrong may be happening within their academy or Trust. However, they may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues, to the school or to the Trust. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability, as shown in the Trust's Employee Code of Conduct given to all staff. In line with that commitment it encourages employees and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that employees can do so without fear of reprisal and is intended to encourage and enable employees to raise serious concerns within the Trust, rather than overlooking a problem or publicly disclosing the matter.

This policy has been discussed with the relevant trade unions and professional organisations and has their support. Seeking advice from and being represented by your trade union may be the best course of action to raise any issue under this policy. The Trust recognises and endorses the role trade unions and their officers play in this process.

### **Aims and Scope of this Policy**

This policy aims to:

- provide avenues for employees ('you') to raise concerns and receive feedback on any action taken;
- provide a mechanism for you to receive a written response detailing the outcome of the process;
- allow you to take the matter further if you are dissatisfied with the Trust's response; and
- reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith. Consideration will be given to any requests for redeployment.

This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust, nor is it an alternative to well-established disciplinary or grievance procedures. It may, however, overlap with other policies for dealing with complaints.

Concerns raised under the Whistleblowing Policy should be about something that is in the public interest and is or may be:

- unlawful or a criminal offence;
- a breach of legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest);
- a miscarriage of justice;
- mistreatment or abuse of a pupil/student or a member of the public for whom the school has a responsibility;
- in disregard of legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application; or against the Trust's Financial Regulations;
- has led to or could lead to damage to the environment; or
- deliberately covers up information tending to show any of the above.

### **Who is covered by the Policy?**

This policy applies to you if you work for or on behalf of the Trust or any of the academies within the Trust e.g., an employee, contractor, casual worker, secondee or volunteer.

This policy is designed to be used for concerns raised in the public interest and not for issues that concern personal interests. If you have concerns over your own personal circumstances, you must use the Grievance Procedure, a copy of which is available from the Human Resources department.

## **Safeguards**

### **Harassment or Victimisation**

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence, which will be dealt with under the appropriate procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you. If allegations of malpractice arise during a disciplinary process, those allegations will be investigated at the same time as the disciplinary procedure.

### **Confidentiality**

All concerns will be treated in confidence and the Trust will endeavour to protect your identity if you do not wish to disclose your name. If the investigation of a concern discloses a situation that is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness, until the reasons for its disclosure at this stage have been fully discussed with you.

An anonymous concern will be assessed as best it can to establish whether there is substance to the concern and whether it can be addressed. The Trust will be unable to reassure or protect a worker who discloses information anonymously.

### **Anonymous Allegations**

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, although they will be considered at the discretion of the Trust against the following criteria;

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources;
- the Trust's best interests; and
- the protection of the Trust's assets.

You should also bear in mind that if you do choose to raise a concern anonymously, it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concerns anonymously, this may best be done through your trade union.

### **Untrue Allegations**

If you make an allegation in good faith that is not confirmed by the investigation, no action will be taken against you. If, however, you are an employee and you make an allegation maliciously or for personal gain, this may result in disciplinary action being taken against you. If you are a contractor or you are employed by another organisation but working on behalf of the Trust and you make an allegation maliciously or for personal gain, the Trust may discontinue using your services.

## Policy Procedure

### How to Raise a Concern

If you have a concern about malpractice, the Trust hopes that you will be able to raise the matter with your immediate manager or his/her line manager.

If you suspect fraud, bribery or corruption, please refer to the Trust's Anti-Fraud, Bribery and Corruption Policy, which requires staff and managers who suspect fraud, bribery or corruption, or who have such suspicions to report them immediately to the Trust's/academy's financial management team and/or Principal/Headteacher, who will notify the CEO.

If the concerns involve your immediate manager or his/her line manager or it is not appropriate due to the nature of your concerns, you should initially raise the concerns with the Principal/Headteacher. If you are a member of a trade union or professional association, you may consider it useful to contact them for advice at the earliest opportunity.

If the concerns involve the Principal/Headteacher, you should initially raise the concerns with the Chief Executive Officer (CEO). Concerns about the Chief Operating Officer (COO) should also be raised with the CEO in the first instance. Any whistleblowing concerns involving the CEO should be reported to the Chair of the Trust Board in the first instance.

The individual receiving the concern will be referred to as the 'Lead Officer' throughout the remainder of this policy.

The Lead Officer will then liaise accordingly to ensure the concern is properly investigated. If the allegations arise from a disciplinary matter, they will be investigated as part of the disciplinary investigation.

Alternatively, if you feel you cannot express your concerns as detailed above, you can raise your concern(s) externally to one of the bodies listed on the 'List of prescribed persons and bodies'.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and\\_bodies-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and_bodies-2.pdf)

Where the concern relates to a child protection matter and you do not wish to raise it via the school, you should inform the Local Authority Designated Officer (LADO) for Safeguarding (via email at [lado.cornwall.gov.uk](mailto:lado.cornwall.gov.uk) or on 01872 326536 (within Cornwall and the Isles of Scilly)). The LADO must be contacted within 24 hours of you becoming aware of an issue or incident. If the concern requires police or other agency/authority involvement, the whistleblowing process will be halted until the relevant agencies have completed any necessary investigations and confirmed it is appropriate to continue with the whistleblowing procedure.

It is best to raise any concern as early as possible. Concerns may be raised verbally and/or in writing and must convey the facts, however, it is good practice for the concern to be recorded in writing at an early stage to ensure all the details are correctly understood.

A written allegation should set out the background and history of the concern. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your trade union representative to give you an opportunity to agree this as a correct record. The following headings may help you organise your thoughts but do not need to be followed exactly:

- why you are concerned and background information about the matter;
- any other procedures you have already used and what happened;
- the people involved and where they work;
- dates or periods of time; and

- the names and jobs of any other people who will support your concern.

If you wish to make a written report, you should mark it private and confidential.

Although you are not expected to prove the truth of your allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously, this may be done through your trade union.

If you are personally involved in the matter raised, please inform the Trust at the outset. You may invite your trade union representative, a member of staff from Human Resources or a work colleague to be present during any meetings or interviews (which may be arranged away from your normal workplace if you so wish) in connection with the concerns you have raised.

## How the Trust will respond?

The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness, the matters raised may;

- be investigated by the Trust leadership, internal audit or through the disciplinary process;
- be referred to the police;
- be referred to external auditors;
- need to be the subject of a referral to the National College for Teaching and Leadership;
- form the subject of an independent enquiry.

Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required in response to a concern, this may be taken before a full investigation is conducted.

Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.

In any event, the Trust will write to you at your home address within **ten** working days of a concern being received to:

- acknowledge that the concern has been received;
- indicate how it proposes to deal with the matter;
- give an estimate of how long it will take to provide a final response;
- tell you whether any initial enquiries have been made;
- tell you whether further investigation will take place, and if not, why not; and
- where appropriate, name an independent Support Officer to support you during any investigation.

Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contact and explain their role to you, which is to:

- keep you informed about the progress of the investigation;
- inform the Investigating Officer of any further issues you may have;
- raise any concerns you may have about the conduct of the investigation;
- take appropriate steps to support you in the workplace; and
- support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern.

If you wish to retain your anonymity you will need to nominate a representative and/or a contact address

where correspondence may be directed in order to keep you informed.

The amount of contact between Investigating Officers and you will depend on the nature of the matter(s) raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the Trust).

The Trust accepts that you need to be assured the matter has been properly addressed. Accordingly, subject to legal and/or confidentiality constraints, the Principal/Headteacher (CEO/Chair of the Trust Board/Lead Officer) will ensure that you are provided with information about the outcome of any investigations and/or proceedings.

## **Detriment**

The Trust is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

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

This policy is intended to provide you with a way to raise concerns within the Trust. The Trust hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with one of the following contacts:

- a diocesan authority (for Church schools)
- relevant professional bodies or regulatory organisations
- your trade union or professional association
- your solicitor or legal adviser
- the police
- the Local Government Ombudsman
- the Health and Safety Executive
- 'Public Concern at Work' – Registered Charity
- Education and Skills Funding Agency (ESFA)
- Regional Schools' Commissioner for the South West (RSC)

You can refer your concern to an external regulator and still be protected by the law if:

- you act in good faith;
- you reasonably believe that the information you are disclosing is substantially true; and
- your concern falls within the remit of one of the prescribed external regulators as listed by the Department for Business, Innovation and Skills.

If you report an issue to an external regulator, you must ensure you have chosen the correct body or person for the issue concerned. The Department for Business, Energy and Industrial Strategy has published guidance on the list of prescribed persons and bodies to whom concerns can be raised in certain circumstances ([Whistleblowing: Prescribed Persons Guidance](#)).

Finally, in circumstances where you genuinely believe that the matter cannot or will not be dealt with internally or by a prescribed external regulator and you have evidence to back up your concern, you may consider it appropriate to contact a non-regulatory external body, for example, the Police.

### **Further Advice and Contacts**

If you require independent advice at any time, you may contact your trade union or the independent charity 'Public Concern at Work' on 020 7404 6609 or email them at [helpline@pcaw.demon.co.uk](mailto:helpline@pcaw.demon.co.uk). Their lawyers will give you free confidential advice at any time on how to raise a concern about serious malpractice at work.