

HOLLINGWORTH LEARNING TRUST WHISTLEBLOWING POLICY

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VERSION INFORMATION

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1 INTRODUCTION

The Hollingworth Learning Trust is committed to the provision of the highest quality services to its residents and is proud of its track record of probity and high ethical standards. However, it also recognises that irregularities, wrong doing or serious failures in standards can sometimes occur.

The greatest deterrent to malpractice or wrongdoing is the probability that it will be reported and investigated, that those who are responsible for it will be punished and that the matter will be promptly remedied. This Policy is therefore intended, as a clear statement that any malpractice by members, Trustees, Governors, employees or third parties (including contractors) reported to the Hollingworth Learning Trust will be swiftly and thoroughly investigated. The Hollingworth Learning Trust will also look at ways to ensure that such malpractice or wrongdoing can be prevented for the future.

This policy is non contractual.

This policy applies to all employees regardless of length of service. Members of the public can also raise genuine concerns under this policy where applicable. If you are not an employee you would still follow the steps below for reporting concerns.

The purpose of this policy is to resolve whistleblowing concerns. This whistleblowing policy cannot be followed for the same incident alongside a grievance/other complaint within the last three months. Employees should consider the criteria of a whistleblowing concern before raising a matter under this procedure.

1.1 WHAT IS WHISTLEBLOWING?

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. In this guidance, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first, is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

The second thing, that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (this may include, for example, types of financial impropriety such as fraud).
- Failure to comply with an obligation set out in law.
- Miscarriages of justice.
- Endangering of someone's health and safety.
- Damage to the environment.
- Covering up wrongdoing in the above categories.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job

because they have 'blown the whistle'.

This policy is intended to encourage staff to raise serious concerns internally, without fear of reprisals.

Covering up someone else's wrongdoing is a disciplinary offence. You should never agree to remain silent about a wrongdoing, even if you are told to do so by a person in authority, such as your line manager. You should report the matter to a more senior member of staff.

1.2 RESPONSIBILITY FOR SUCCESS OF THIS POLICY

Our Board of Trustees has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

For specific academies, the Headteacher has day-to-day operational responsibility for this policy within our academies, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

For Trust staff, the person responsible for the day-to-day management of this policy is the Chief Operating Officer, who is also able to offer advice on specific cases.

The Board of Trustees will review this policy as required no later than three years following its implementation date from a legal and operational perspective. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved.

2 AIMS AND SCOPE OF THIS POLICY

The Hollingworth Learning Trust aims to create an open, transparent and safe working environment where employees feel able to speak up. This Policy aims to provide all employees, and members of the Hollingworth Learning Trust with a framework that gives staff the structure required to raise concerns about perceived wrongdoing at work. This policy also provides protection for workers who "blow the whistle" providing a right not to be dismissed or suffer any detriment at work as a result of making a "protected disclosure". This document will include:

- Avenues to raise concerns and receive feedback on any actions taken.
- Reassurances that they will be protected from victimisation for whistleblowing.

Set out below is a list which is intended to illustrate the types of issues which may be legitimately raised under this Whistleblowing Policy:

- any offence, unlawful act, failure to comply with legal obligations or where a miscarriage of justice has occurred, is occurring or is likely to occur;
- maladministration, as defined by the Local Government Ombudsman;
- breach of any statutory Code of Practice;
- breach of, or failure to implement or comply with any Trust or Academy policy or procedure rules;
- failure to comply with appropriate professional standards;
- corruption, theft or fraud;

- misuse or damage of Trust assets;
- risks to the health and safety of any individual or the abuse of any vulnerable person;
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the Trust;
- unethical conduct, the abuse of power, or the use of Trust's powers and authority for any unauthorised or malicious purpose;
- unfair discrimination in The Trust's employment or the provision of services;
- causing damage to the environment;
- the deliberate falsification or destruction of information or data;
- the deliberate concealment of information in relation to any of the items on this list.

This Whistleblowing Policy is primarily intended for people to raise genuine concerns relating to any suspected wrong doing or danger affecting any of the school activities, are in the public interest and where the interests of others or of the organisation itself are at risk.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should refer to the grievance procedure as appropriate.

Should you raise a concern whilst subject to any formal procedures, this will not automatically halt those processes. Consideration will be given to the circumstances. However, we will take your concern seriously and deal with it in line with this policy.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier, service provider or contractor. The law allows you to raise a concern in the public interest in a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first.

We recognise that the scope of this policy may overlap with other policies. Any concerns raised under this policy may be dealt with under the policy that is most appropriate for the circumstances, ensuring that the welfare and interests of our pupils and staff are placed at the forefront of our response.

Should the Trust feel it is more appropriate to deal with your concern under a different policy, we will confirm this to you in writing. The same protections as outlined in this policy will continue to apply, provided the concern is raised in the public interest.

Where employees are unsure whether something is within the scope of the policy, they can seek advice from either the Trust HR Department, the Chief Operating Officer or go to <https://www.gov.uk/whistleblowing> for further information.

3 CONFIDENTIALITY AND ANONYMOUS DISCLOSURES

We are committed to treating all concerns in confidence and will do our best to protect your identity. It may become necessary to disclose your identity as part of an investigation, for instance if police involvement is required, however this will not be done until the reasons for this have been fully discussed with you.

We do not encourage anonymous disclosures. Proper investigation may be more difficult or impossible if we cannot obtain further information from you and we wouldn't be able to provide you with feedback on our investigation or outcomes. It is also more difficult to establish whether any allegations are credible and have been made in the public interest.

We will use our discretion when deciding whether to investigate an anonymous disclosure. Factors that may be taken into consideration when making this decision include the seriousness of the issue raised and the likelihood of establishing facts in relation to the allegation through other sources.

4 FALSE ALLEGATIONS

If you make what you believe to be a genuine allegation in the public interest under this policy and, following investigation, it is found your allegation is not confirmed then no action will be taken against you for raising a concern in good faith. We would rather allegations were raised, provided this is done in good faith.

However, if, following an investigation, it is concluded that your allegation was of a vexatious or malicious nature, then you may be subject to disciplinary action.

5 PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

We recognise the decision to report a concern can be a difficult, the Trust will take action to protect you, if you raise a concern.

You will not suffer any detrimental treatment as a result of raising a concern in the public interest. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment from the employer or co-workers connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Headteacher or Chief Operating Officer immediately.

If you feel the matter is not appropriately dealt with, you should raise it with the Trust's HR Department. This can also be raised with the Clerk to Trustees should the matter not be able to be raised with HR.

If you feel you need further support throughout this process or prior to raising a concern, you are encouraged to contact your union. We have an Employee Assistance Programme (EAP) available to all employees free of charge. If employees feel troubled by this process they can discuss this with the Trust's HR Department, or contact the EAP for free confidential advice and support.

6 WHISTLEBLOWING AND SAFEGUARDING

We recognise that children cannot be expected to raise concerns in an environment where staff fail to do so.

All staff should be aware of their duty to raise concerns about the attitude or actions of colleagues. If you are concerned that a member of staff or adult in a position of trust poses a danger to a child or young person, or that they might be abusing a child or young person, you should report your concerns to the Safeguarding Lead or Headteacher in the

first instance. Where those concerns relate to the Headteacher the concerns should be reported to the Safeguarding Lead and the Trust HR Department, and will be addressed using the procedure for dealing with allegations of abuse against staff.

7 HOW TO RAISE A CONCERN

Employees are expected to initially report any concerns to the designated member of SLT for their department. If an employee feels unable to do this, they can raise the matter under this policy or their union representative or professional association may report whistleblowing on their behalf.

Concerns should be raised verbally in the first instance, but should be followed up in writing. Written concerns should contain the following information:

- The background and history of the concern.
- The reasons why the individual is concerned about the situation.
- Which category they believe the concern will fall in to.
- How is this concern raised "in the public interest"?
- Provide any evidence gathered.

It will be the member of SLT's responsibility to initially investigate all matters reported to them promptly in accordance with this policy, or for more serious concerns the member of SLT should raise this with senior staff in line with the Trust procedure.

If employees feel unable to report concerns in this manner then they should contact the Trust HR Team. For further staff guidance on how to raise a concern, please see Appendix 1.

Depending on the seriousness of the concern, the concern may be escalated to senior staff as follows:

- Member of SLT responsible for the department.
- Headteacher.
- Local Governing Board.
- Trust HR.
- Chief Operating Officer.
- Chief Executive Office.
- The Chair of the Trusts Audit Committee.
The Trust Audit Committee have been given special responsibility in dealing with whistleblowing concerns.

8 HOW HOLLINGWORTH LEARNING TRUST WILL RESPOND

The Trust will respond to all concerns within ten working days of a concern being received.

In order to protect both individuals and the Hollingworth Learning Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific policies or procedures (for example child protection or discrimination issues), will normally be referred to the appropriate department for separate consideration under those procedures.

Some concerns may be resolved by agreed action without the need for a detailed investigation.

The Trust will respond to all concerns raised within ten working days of a concern being received. The member of SLT or the officer who is designated to carry out the whistleblowing investigation (on behalf of the Headteacher/CEO) will write to the whistleblower and the letter will include the following where applicable:

- to acknowledge that the concern has been received;
- to indicate how the trust proposes to deal with the matter;
- to give an estimate of how long it will take to respond to the concern or when a further update will be provided;
- stating whether any initial enquiries have been made;
- stating whether further investigations will take place, and if not, why not;
- If further detail is required to fully understand the concern, this will be requested.
- Provide details on support which is available to staff during the process.

The timeframe for completing initial enquiries cannot be specified easily, as each situation is different and in some cases, further issues may arise which require follow up. The investigator will seek to ensure that this part of the process is carried out as suitably and efficiently as possible, without compromising the thoroughness of the enquiry.

The amount of contact between the staff member of the Trust considering the issues and the whistleblower, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the whistleblower.

When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by either a Trade Union or professional association representative or a colleague who is not involved in the area of work to which the concern relates. Meetings can take place on or off the school site, dependant on the wishes of the employee.

The Hollingworth Learning Trust will, as far as it is able, take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Trust will, where appropriate and as far as it is able to do so, provide advice about the procedure.

The Hollingworth Learning Trust accepts that the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, information about the outcomes of any investigations will be provided.

If a member of staff raises a concern and then wishes not to proceed with the disclosure, the person receiving the disclosure will be obliged to consider whether the matter should still be investigated because of the nature of the issue. The employee will be informed of this decision. The decision will be based on what is in the public interest.

9 HOW MATTERS CAN BE TAKEN FURTHER

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace/setting. In most cases you should not find it necessary to alert anyone externally. 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. It will rarely, if ever, be appropriate to alert the media. If an employee chooses to approach the media with their concerns, they can expect in most cases to lose their whistleblowing law rights. It is only in exceptional circumstances that you can go to the media without losing your rights.

The Trust strongly encourages employees to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Further information on this can be found in Appendix 2.

With concerns relating to Child Protection, the NSPCC Whistleblowing Advice Line offers free advice and support to professionals with concerns about how Child Protection issues are being handled in their own or another organisation. Further information on this can be found in Appendix 2.

If you have reported a concern in accordance with the Trust's Whistleblowing Policy but are not satisfied that the issues have been properly addressed, then they you may contact:

- Chair of Trustees or any member of the Hollingworth Learning Trust.
- Chair of Trustees or any member of the Hollingworth Learning Trust's Audit Committee.
- The External Auditor.
- The NSPCC (for concerns about children at risk of abuse).
- Relevant professional bodies or regulatory organisations, for example, the Information Commissioner's Office.

If the employee takes matters outside the Academy/Trust, it will be necessary to ensure that the do not disclose confidential or legally privileged information. It is advisable to take advice before doing so.

If you are not satisfied with the actions taken by the Trust regarding a concern you have raised and you feel it is right to take the matter further, possible contact points are provided in Appendix 3.

10 SUPPORT AVAILABLE FOR EMPLOYEES WHO RAISE A CONFIDENTIAL CONCERN

Employees who raise a confidential concern under this procedure can be provided with support. This support can be provided in a variety of ways including:

- Professional Association Representative/Trade Union Representative.
- Employee Assistant Programme.
- Counselling referral.

11 STAFF TRAINING

Training will be made available to all senior staff and stakeholders within the Trust to enable them to recognise and deal with whistleblowing concerns. Training will take place online or in face to face courses as appropriate.

12 INDEPENDENT ADVICE

Free, confidential advice on how to raise a concern about malpractice at work can be sought from the independent charity Public Concern at Work on 020 7404 6609.

13 REVIEW OF THE POLICY

The Policy will be subject to review as and when required in line with changes to guidance or legislation, or every three years.

14 APPENDICES

14.1 APPENDIX 1: STAFF WHISTLEBLOWING GUIDANCE DOCUMENT

HOW TO RAISE A CONCERN INTERNALLY

In line with our commitment to honesty and integrity, we actively encourage staff with genuine concerns to raise these. The process is outlined below. Please remember that you do not need to have firm evidence of malpractice before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

STEP ONE – YOUR DESIGNATED MEMBER OF SLT

If you have a concern about malpractice, we hope you will feel able to raise it first with the member of SLT responsible for your department. Concerns should be raised verbally in the first instance, but should be followed up in writing. Written concerns should contain the following information:

- The background and history of the concern.
- The reasons why the individual is concerned about the situation.
- Which category they believe the concern will fall in to.
- How is this concern raised “in the public interest”?
- Provide any evidence gathered.

The member of SLT may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Headteacher or a senior member of the Trust.

STEP TWO – SENIOR MANAGEMENT

Where the matter is more serious, or you feel that the member of SLT has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- Headteacher
- Local Governing Body
- Trust HR
- Chief Operating Officer
- Chief Executive Officer
- The Chair of the Trusts Audit Committee
The Trust Audit Committee have been given special responsibility in dealing with whistleblowing concerns.

HOW THE HOLLINGWORTH LEARNING TRUST WILL HANDLE THE MATTER

The Trust will acknowledge receipt of your concern within ten working days. The Trust will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation.

Concerns or allegations that legally fall within the scope of other organisations (for example, the police, Ofsted, and the Care Quality Commission) it will be referred onward.

The Trust will write to you to advise you on who will be handling the matter, how you can contact them, and what further assistance may be needed from you. Where there is an investigation, we will write to you summarising your concern, setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset.

If we think your concern falls more properly within our grievance or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. You may be advised of any general outcomes/recommendations, but no specific outcomes linked to an individual will be provided.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

If an employee is required to give evidence in criminal or disciplinary proceedings, the Trust will advise them about the procedure and offer the appropriate level of support.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact the Trust's HR department.

14.2 APPENDIX 2 – INTERNAL CONTACTS

Below is the list of contacts for the members of the trust discussed within this policy.

Hollingworth Academy	01706292800 info@hollingworthacademy.co.uk
Headteacher: Mr D Randle	head@hollingworthacademy.co.uk
Local Governing Board	cog@hollingworthacademy.co.uk

Newhouse Academy	01706 369436 office@newhouseacademy.co.uk
Headteacher: Mr A Burnham	office@newhouseacademy.co.uk
Local Governing Board	ThompsonL@newhouseacademy.co.uk

Hollingworth Learning Trust

Trust Chief Executive	ceo@hltrust.co.uk
Trust Chief Operating Officer	coo@hltrust.co.uk
Trust HR	hr@hollingworthacademy.co.uk
Chair of Trust Audit Committee	cotac@hltrust.co.uk

14.3 APPENDIX 3 – EXTERNAL SUPPORT

The independent whistle blowing charity, Public Concern at Work, operates a confidential helpline on 020 7404 6609. They also provide a list of prescribed regulators for reporting certain types of concern which can be found below:

Advice, Conciliation and Arbitration Service (ACAS)

For information and help on employment issues and dispute resolution.

0300 123 1100

www.acas.org.uk

Community Legal Service

For free information, help and advice direct to the public on a range of common legal issues.

0845 345 4345

www.legalservices.gov.uk

Equality Advisory and Support Service (EASS)

For advice on discrimination issues.

0808 800 0082

www.equalityadvisoryservice.com

Liberty

For advice on human rights.

020 7329 5100/020 3145 0460

www.liberty-human-rights.org.uk

Local Citizens Advice Bureau

For general advice and information on a range of legal fields.

03444 111444

www.citizensadvice.org.uk

Local Law Centre

For free legal advice and in some cases representation.

info@lawcentres.org.uk

www.lawcentres.org.uk

Pay and Work Rights Helpline

For help and advice on government enforced rights.

0800 917 2368

Royal Mencap Society

For whistleblowing advice for workers in health and adult social care.

08000 724 725

NSPCC Whistleblowing helpline

For advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation.

0800 028 0285

Email help@nspcc.org.uk

14.4 APPENDIX 4 – TAKING MATTERS FURTHER

If you are not satisfied with the actions we have taken regarding a concern you have raised and you feel it is right to refer the matter to an external body, the following possible contact points could be used.

- The Department for Education.
- Member of Parliament.
- National Audit Office.
- Health and Safety Executive.
- The Police.

If you do not feel able to raise your concern using the external bodies outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.