

The Learning for Life Partnership



Whistleblowing Policy

Written by the Trustees of The Learning for Life Partnership
for adoption by all schools within the Multi-Academy Trust.

Implemented: Summer 2021

Review date: Summer 2022

Signed: _____ (Chair of the Trustees board)

Signed: _____ (CEO)

The Learning for Life Partnership
Working in partnership to improve life chances for all

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1. Introduction

This policy will be made visible to all employees, trustees, members of the Local Advisory Board, contractors and suppliers and be displayed throughout the Trust and in the individual Academy's as well as the Learning for Life Partnership's website.

1.1 Employees are often the first to realise that there may be something seriously wrong within a school however they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of a serious issue.

1.2 This Whistleblowing Policy is intended to encourage and enable employees, Trustees, members of the Local Advisory Board, contractors and suppliers to raise serious concerns within the Trust rather than overlooking a problem or blowing the whistle outside.

1.3 This policy applies to all employees, Trustees, members of the Local Advisory Board, contractors and suppliers, and provides them with a secure basis for reporting suspicions of impropriety, in the knowledge that if requested the matter will be treated confidentially.

2. Aims and Scope of this Policy

2.1 Whistleblowing can be described as a disclosure made by an employee, Trustee, member of the Local Advisory Board, contractor or supplier who has concerns about a danger or illegality that has a public interest to it, usually because it threatens others.

2.2 A grievance or private complaint is by contrast, a dispute about an individual's own employment or personal position and has no public interest to it.

2.3 The Whistleblowing Policy has been developed in line with best practice and aims to:

- Encourage the whistleblower to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for them to raise those concerns and receive feedback on any action taken;
- provide reassurance that they will be protected from possible detriment if they have a reasonable belief that any disclosure they have made is true.
- Offer reassurance in line with the Public Interest Disclosure Act 1998 (which you can consult at <http://www.opsi.gov.uk/acts/acts1998>) to enable workers to raise issues of concern in an appropriate manner.

2.4 The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Criminal offences

- Failure to comply with legal obligations
- Dangers to Health and Safety, including risks to pupils and the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Other unethical conduct
- Deliberate concealment of any of the above categories

2.5 If the whistleblower's concerns relate to their own employment, contractual position or their personal position as a Trustee or member of a Local Advisory Board then they do not fall under the scope of this policy and should be raised via the Learning for Life Partnership's Grievance Procedure or Dignity at Work policy.

2.6 This policy does not cover members of the public and any reports received will be dealt with under the Complaints Policy.

2.7 Concerns around Child Protection should be referred through the relevant Academy's Safeguarding Procedure.

2.8 We recognise 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.

2.9 As a result, we will not tolerate any detrimental treatment (including informal pressures) and will take appropriate action to protect the whistleblower when they raise a concern that they believe to be true. The Designated Officer will monitor disclosures and ensure that the whistleblower does not face any detrimental treatment.

3. Detriment

3.1 Subjecting a worker to a detriment means subjecting the worker to any disadvantage because they blew the whistle. This could include (but is not limited to) any of the following:

- failure to promote
- denial of training
- closer monitoring
- ostracism
- blocking access to resources
- unrequested re-assignment or re-location

- demotion
- suspension
- disciplinary sanction
- bullying or harassment
- victimisation
- dismissal
- failure to provide an appropriate reference
- failing to investigate a subsequent concern

3.2 If someone is found to have subjected a bona fide whistleblower to any detriment this will be dealt with under the Trust's disciplinary procedure.

3.3 Should the whistleblower believe that they have suffered a detriment as a result of raising a concern they should raise the issue through the Trust's grievance procedure.

3.4 Please be aware however, that should the whistleblower already be the subject of disciplinary or redundancy procedures, these procedures will not be halted as a result of the whistleblowing report.

4. Open disclosures

4.1 The best culture is one where individuals have sufficient faith in the whistleblowing arrangements and culture of the Trust to allow them the confidence to make open disclosures. This is where those involved know what the issues are along with who raised them.

4.2 This is the aim for the Learning for Life Partnership and it is hoped that any individual with a whistleblowing concern will feel able to raise their issues openly.

4.3 This openness makes it easier to assess the report, gather additional information and carry out an investigation.

4.4 It also allows any hidden agendas to be identified, helps to prevent witch hunts and reduces the risk of mistrust and paranoia developing within the area being investigated.

5. Confidentiality

5.1 It is, however, recognised that some individuals may not feel that they can make such a report. Where this is the case the policy provides the whistleblower with the option of requesting that their name remains confidential.

5.2 Where confidentiality is requested we will do our best to ensure that the whistleblower's name is not revealed. This cannot, however, be guaranteed as there are certain circumstances where the name of the whistleblower may be made known. For example:

- The report is found to be knowingly false, or
- Disclosure is ordered by the courts.
- A formal statement is required as part of a police investigation.

6. Anonymous Allegations

6.1 This policy encourages the whistleblower to put their name to their allegation whenever possible and actively discourages anonymous reports.

6.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust.

6.3 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

6.4 Anonymous reports also raise a specific problem with regard to the legal requirement that personal data should only be collected fairly.

6.5 In addition, people making anonymous reports cannot be covered by the safeguards put in place to protect named whistleblowers.

7. Untrue Allegations

7.1 If the whistleblower makes an allegation that they believe to be true, but it is not confirmed by the investigation, no action will be taken against them.

7.2 If, however, the whistleblower makes allegations that they know to be false, then disciplinary action may be taken against them under the Trust's procedures.

8. How to raise a concern

8.1 As a first step, the whistleblower should normally raise concerns with their immediate manager or Principal. However, depending upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, this may not be appropriate.

8.2 Where this is the case the whistleblower should report their concern directly to the Chair of Local Advisory Board or if the concern is with the Local Advisory Board report to any of the Trustees or the Chair of the Trustees Board. Contact details can be requested confidentially where required from cfo@tflfp.co.uk.

8.3 There are two ways to formally make a whistleblowing disclosure;

- Verbally, either face to face or by telephone, or
- In writing, either by sending a letter or email to the relevant person

8.4 It is preferable for concerns to be raised in writing and where this is the case the following details are requested;

- The Whistleblower's name and contact details;
- background information and history including details as to why they are concerned;
- whether the issue has already been reported to management and the outcome of this;
- whether they wish their name to remain confidential;
- whether they want feedback;
- the names and jobs of any other employees who may support their concern.

8.5 Where reports are made verbally to one of the named officers they should attempt to ascertain the same information (named officer roles detailed below).

8.6 The earlier the whistleblower expresses the concern the easier it is to take action.

8.7 Although the whistleblower is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

8.8 Should the whistleblower wish to obtain independent advice in relation to a potential whistleblowing report the organisation 'Protect' operate a confidential call back helpline. Further advice and guidance can also be found on their website <https://protect-advice.org.uk/>

8.9 The whistleblower may wish to consider discussing their concern with a colleague or their trade union first and they may find it easier to raise the matter if there are two (or more) of colleagues who have had the same experience or concerns.

8.10 The whistleblower may invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised.

8.11 Where a Trustee would like to raise a concern, this can be raised with the Chair of the Board or any other Trustee. If this concern is about the full board this would be raised with the Chair of the Members Board.

9. How the Trust will respond

9.1 The Trust will respond to the whistleblowers concerns. The whistleblower needs to note that testing out their concerns is not the same as either accepting or rejecting them.

9.2 The Local Advisory Board or Trustees Board should appoint a Designated Officer to be point of contact for concerns raised under the Whistleblowing Procedure. He/she should be a member of the

Senior Leadership Team. The Designated Officer should be impartial and capable of taking an independent view on the concern raised. If this is not appropriate an Independent Designated Officer may be considered.

The Learning for Life Partnership appoints the Deputy CEO as the Designated Officer, where he is unavailable the Director of Primary would fulfil this role. Where there is a concern about the Designated Officer and it is not appropriate to contact them directly, concerns can be raised directly with the CEO.

9.3 As part of this process contact will be made with the whistleblower to clarify their concerns and obtain any further information that they may have.

9.4 Where appropriate, the matters raised may:

- be investigated internally
- be referred to the police

9.5 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

9.6 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

9.7 The amount of contact between the designated officer 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, the designated officer will seek further information from them.

9.8 Where any meeting is arranged, off-site if the whistleblowers so wish, they can be accompanied by a union or professional association representative or a friend.

9.9 The Trust will 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 arrange them to receive advice and support about the procedure.

9.10 The Trust understands that the whistleblower may wish to be assured that the matter has been properly addressed. Therefore, where possible an estimate of the length of any investigation will be provided and, subject to legal constraints, if requested we will keep the whistleblower updated at least on a monthly basis during the process and will inform them of the outcome of any investigation. This may include where disciplinary action is taken as a result of an investigation but not details of any sanctions that may be issued.