



# Lingfield Education Trust

## Whistleblowing Policy

Policy Version Control	
Policy type	Academy Trust
Policy prepared by (name and designation)	Nick Blackburn CEO
Last review date	22 <sup>nd</sup> November 2019
Description of changes	None
Date of Board of Trustees approval	19 <sup>th</sup> November 2020
Date released	25 <sup>th</sup> November 2020
Next review date	Autumn 2021

## **Preamble**

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 to 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 malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of a school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all employees and those contractors working for the Trust on Trust premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Trust in their own premises, for example, care homes.

These procedures are in addition to the Trust's complaints procedures. You are responsible for making service users aware of the existence of these procedures.

This policy has been discussed with the relevant trade unions and professional organisations and has their support.

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

This policy aims to: -

- (a) Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.

- (b) Provide avenues for you to raise those concerns and receive feedback on any action taken.
- (c) Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- (d) Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include: -

- (a) Conduct, which is an offence or a breach of law.
- (b) Disclosures related to miscarriage of justice.
- (c) Health and safety risks, including risks to the public as well as other employees.
- (d) Damage to the environment.
- (e) The unauthorised use of public funds.
- (f) Possible fraud and corruption.
- (g) Sexual or physical abuse
- (h) Other unethical conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees or Trustees of the Trust or others acting on behalf of the Trust can be reported under the Whistleblowing Policy. This may be about something that:-

- (a) Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trust subscribes to.
- (b) Is against the Trust's Procedure Rules and policies.
- (c) Falls below established standards of practice.

(d) Amounts to improper conduct.

This policy does not replace the Trust's complaints procedure.

### **Safeguards**

Harassment or Victimisation.

The Trust is committed to good practice and high standards and wants to be supportive of employees.

The Trust recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

### **Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible.

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

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

-

(a) The seriousness of the issues raised.

(b) The credibility of the concern.

(c) The likelihood of confirming the allegation from attributable sources.

### **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **How to Raise a Concern**

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that the CEO/Deputy CEO/Executive Head Teacher/Head Teacher/Head of School is involved, you should approach the Chair of the Board of Trustees.

Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format: -

(a) the background and history of the concern(giving relevant dates);

and

(b) the reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

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

Obtain advice/guidance on how to pursue matters of concern may be obtained from: -

- Director of Operations

- Chair of Board of Trustees (in the case of a concern regarding the CEO/Deputy CEO/Executive Head Teacher/Head Teacher/Head of School)

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

### **How the Trust will Respond**

The Trust will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may: -

(a) be investigated by management through the disciplinary process.

or

(b) be referred to the Police.

(c) or be reported to the Education Skills Funding Agency

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.

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.

Within ten working days of a concern being raised, the person with whom you raised the concern will write to you: -

- (a) acknowledging that the concern has been received;
- (b) indicating how we propose to deal with the matter;
- (c) giving an estimate of how long it will take to provide a final response;
- (d) telling you whether any initial enquiries have been made;
- (e) supplying you with information on staff support mechanisms; and
- (f) telling you whether further investigations will take place and if not, why not.

The amount of contact between the Officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Union or professional association representative or a friend.

The Trust will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for you to receive advice about the procedure.

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

### **The Director of Operations**

The Director of Operations has overall responsibility for the maintenance and operation of this policy. The Director of Operations will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Trust Board of Trustees.

## How the Matter Can Be Taken Further

This policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points: -

Information and advice can be obtained for the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows: -

Public Concern at Work

CAN Mezzanine

7 – 14 Dover Street

London

SE1 4YR

Telephone number 020 3117 2520      [www.pcaw.co.uk](http://www.pcaw.co.uk)

or

- (a) your Trade Union;
- (b) your local Citizen Advice Bureau;
- (c) relevant professional bodies or regulatory organisations;
- (d) a relevant voluntary organisation;
- (e) the Police.
- (f) The Education Skills Funding Agency in the case of financial concerns

or contact a prescribed person or body (guidance is available from GOV.UK-Blowing the whistle: list of prescribed people and bodies).



If you do take the matter outside the Trust, you should ensure that you do not disclose confidential information. You should check with the Trust contact point prior to doing so.

**Review Date:** Autumn 2021