



Learning
Community Trust

Whistleblowing Policy

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| Approved by: | Trust Board | Date: 27/09/2021 |
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| Last reviewed on: | September 2021 |
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| Next review due by: | September 2023 |
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These procedures should be read in conjunction with the LCT academies' Child Protection & Safeguarding Policy which is available on each school's website. Safeguarding concerns, or allegations against staff (including supply staff and volunteers) will be dealt with in accordance with Keeping Children Safe in Education 2021.

Summary & aims

This policy and procedure sets out the Trust's procedure to protect staff members who report colleagues or governors they believe are doing something wrong or illegal, or who are neglecting their duties. This procedure has a key role to play in safeguarding children.

Working Together to Safeguarding Children 2018 says 'organisations and agencies should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including: ... clear whistleblowing procedures, which reflect the principles in Sir Robert Francis' Freedom to Speak Up Review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed.'

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy and procedure builds on the provisions of the Act.

Principles of whistleblowing (with reference to Sir Robert's Francis' Freedom to Speak Up review report)

The Learning Community Trust promotes a culture of safety. We aim to develop practice as we learn and reflect. It is our aim for concerns to be raised, including whistleblowing in accordance with our policies and procedures. We aim to promote a culture that is free from bullying between adults.

Within our academies our senior leadership team will be visible to all staff, volunteers and visitors to help assist anyone who needs to raise a concern to do so without barriers. Our Principals/Headteachers or nominated persons will also be known to staff and volunteers. Visitors will be informed of their name and contact details as part of our visitors' procedures.

At the Learning Community Trust we value those who raise concerns and contribute to our reflective practice. Senior leaders, Governors and Trustees will take all opportunities to reflect on practice at leadership, governor and trust meetings. This will be a regular agenda item.

We welcome all concerns to be raised either informally or formally through the steps set out below. This will enable us to swiftly and thoroughly find a resolution to concerns. All concerns will be dealt with promptly and swiftly by our nominated persons. While investigating any concerns they will adopt a proportionate approach and not lay blame on others. If necessary, this may involve mediation and/or dispute resolution. It may also be necessary to involve the CEO, COO or nominated Trustee of the Learning Community Trust.

At the Learning Community Trust, we understand the need for these measures to support good practice. We will ensure those who raise concerns receive the necessary support they need, such as support from a member of the senior leadership team, governing body, Learning Community Trust officer and/or access to the employee well-being service.

All staff within the Learning Community Trust, including supply staff and volunteers will receive training about how to raise concerns and how they will be handled as part of their induction. Those responsible for handling concerns must also ensure they have the relevant knowledge and skills to do so.

It is our aim that the handling of these concerns is done through a transparent and accountable process. If necessary, the Principal/Headteacher and/or nominated persons in each school may seek an external review of the concern or report it themselves to the Learning Community Trust or a responsible person or body. The Learning Community Trust supports good practice in the effective management of whistleblowing in schools.

The Learning Community Trust recognises the need to take particular measures for vulnerable groups. We will ensure that supply staff and volunteers in each school have access to the same support and procedures as permanent staff. Staff from black and minority ethnic backgrounds who raise concerns might need particular support and protection. Students and trainees will also be subject to the principles set out in these procedures. Our primary concern will be embedding standards of practice to empower and protect staff to enable them to raise concerns freely.

The Learning Community Trust have chosen to appoint a 'Freedom to Speak Up' Guardian. This person is: the Chair of LCT Audit and Risk Committee. This will help ensure that all staff feel that they have someone to speak to without having to approach a senior leader. The contact details for this person can be accessed by the Company Secretary email.

What is a whistleblower

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example, pupils of the school.

As a whistleblower you're protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law

You're protected if you're a worker, for example you're:

- an employee, such as a teacher or lunchtime supervisor
- a trainee, such as a trainee teacher
- an agency worker, such as supply teacher
- A volunteer

You can get independent advice if you're not sure you're protected, for example from Citizens' Advice or through your trade union.

A confidentiality or 'gagging' clause in a settlement agreement is not valid if you're a whistleblower.

Complaints that count as whistleblowing

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- a criminal offence, for example fraud;
- where someone's health and safety is in danger;
- risk or actual damage to the environment;
- a miscarriage of justice;
- the company is breaking the law, for example does not have the right insurance, or
- you believe someone is covering up wrongdoing.

You're protected by law if you report any of the above.

Concerns in education settings may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

- deliberately ignoring the best interests of the child or young person;
- teasing, harassing or touching a child or young person inappropriately;
- threatening a child, young person or a parent or distressing them in some way;
- neglecting a child by not giving them the support they need, including medical attention or care;
- hitting or restraining a child inappropriately;
- using a child or young person's money or possessions in an inappropriate way.

Complaints that do not count as whistleblowing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

These should be reported using the Trust Grievance Policy.

Who to tell and what to expect

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern, and
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

This policy and procedure should not be used for complaints about an employee's personal circumstances, such as the way s/he has been treated at work. In these cases an employee should use the Trust Grievance Procedure.

Where staff have a concern, they should aim to report it internally first before using an external 'prescribed person or body'. Making a report to an external person may only be undertaken where the staff member thinks the school will 'cover it up', would treat them unfairly if they complained or have raised the matter before, but the concern hasn't been dealt with.

In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that,

however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.

The earlier an employee expresses the concern, the easier it is to take action.

Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

Process for reporting

Step 1

You report your concern to the **Principal/Headteacher** unless you feel they will cover it up, would treat you unfairly if you complained or have raised the matter before, but the concern hasn't been dealt with.

Step 2

You should report your concern to your **Chair of Governor** unless you feel they will cover it up, would treat you unfairly if you complained or have raised the matter before, but the concern hasn't been dealt with.

Step 3

Or you can raise it directly with the **CEO or COO** contactable via email (found on the LCT website) or through the LCT Company Secretary unless you feel they will cover it up, would treat you unfairly if you complained or have raised the matter before, but the concern hasn't been dealt with.

You could report your concern to the '**Freedom to Speak Up**' **Guardian** - Chair of the LCT Audit and Risk Committee contactable via the LCT Company Secretary unless you feel they will cover it up, would treat you unfairly if you complained or have raised the matter before, but the concern hasn't been dealt with.

Step 4

You may report your concern to prescribed person or body, including but not limited to:

Ofsted, call their whistleblowing hotline on 0300 1233155, email whistleblowing@ofsted.gov.uk or write to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.

NSPCC, call their whistleblowing helpline on 0800 028 0285 or email help@nspcc.org.uk

Children's Commissioner for England, call 020 7783 8330, email info.request@childrenscommissioner.gov.uk or write to: The Office of the Children's Commissioner, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT

Secretary of State for Education, call 0370 000 2288, electronic contact at www.gov.uk/contact-dfe or write to: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

ESFA, For financial allegations relating to academy trusts, please use the ESFA [online enquiry form](#). You can also write to the ESFA at: Counter Fraud and Investigation Team
Education and Skills Funding Agency
Bishopsgate House
Feethams

Darlington
DL1 5QE

Alternatively contact the **Whistleblowing charity**, 'Public Concern At Work' www.pcaw.org.uk

Step 5

There are other options if you do not want to report your concern to your employer or a prescribed person or body, for example you can get **legal advice** or contact your **MP**.

Making your claim anonymously or confidentially

You can tell the identified persons at your academy, the Learning Community Trust or a prescribed person anonymously but they may not be able to take the claim further if you have not provided all the information they need.

You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

What your employer or a prescribed person will do

The prescribed person will listen to your concern and decide if any action is needed. You may be asked for further information.

You must say straight away if you do not want anyone else to know it was you who raised the concern.

You will not have a say in how your concern is dealt with.

The Learning Community Trust or the prescribed person will keep you informed about the action they've taken, but they cannot give you much detail if they have to keep the confidence of other people.

A prescribed person cannot help you with your relationship with your employer.

If you're not satisfied with how the Learning Community Trust dealt with your concern you should tell someone else or a prescribed person or body if you believe your concern was not taken seriously or the wrongdoing is still going on. Contact the Advisory, Conciliation and Arbitration Service (Acas), the whistleblowing charity Protect or your trade union for more guidance.

The role of the Principal/Headteacher, Guardian or Chair of Governors

The Principal/Headteacher, Guardian or nominated governor may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person or in writing or over the phone.

Where a concern is reported directly to the Guardian they should then report it to the Learning Community Trust CEO.

The Principal/Headteacher or nominated governor should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

Stage One:

At the initial meeting the Principal/Headteacher or governor should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistleblowing Policy.

The Principal/Headteacher or nominated governor should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unable to do this the Principal/Headteacher or nominated governor will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The Principal/Headteacher or Chair of Governors should make notes of the discussions with the employee. The employee's letter and/or Principal/Headteacher's or nominated governor's notes should make it clear that the employee is raising the issue via the Whistleblowing procedure and provide:

- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Principal/Headteacher or Chair of Governors should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Principal/Headteacher or Chair of Governors should follow the policy as set out above and in particular explain to the employee:

- who he/she will need to speak to in order to determine the next steps
- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that the employee will receive a written response within ten working days;
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded unless new evidence becomes available.

Stage Two:

Following the initial meeting with the employee, the Principal/Headteacher or Chair of Governors should consult with the Learning Community Trust to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Principal/Headteacher or Chair of Governors should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be investigated by the Learning Community Trust;
- be referred to the police;
- be referred to the external auditor; or
- form the subject of an independent inquiry.

Principals/Headteachers or Chairs of Governors should have a working knowledge and understanding of the Trust policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

Stage Three:

Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved.

Untrue Allegations

If an employee makes an allegation where s/he has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

If you're treated unfairly after whistleblowing

You can take a case to an employment tribunal if you've been treated unfairly because you've blown the whistle.

You can get further information from the Advisory, Conciliation and Arbitration Service (Acas), Citizens' Advice, the whistleblowing charity Protect or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

You must notify Acas if you want to take your case to an employment tribunal.