



Transforming Lives

EDUCATIONAL TRUST

Whistleblowing Policy

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1 – Scope

- 1.1 This policy applies to all employees, volunteers, agency workers, contractors, Academy Improvement Management (AIM) Board Partners and Trustees across the Transforming Lives Educational Trust (the Trust).
- 1.2 This procedure provides a framework for reporting serious concerns about any aspect of work or practice within the Trust or one of its academies.
- 1.3 This policy and procedure should be used to raise concerns about an employee that is reported to the employer (see 2.1.1). It should not be used to raise a grievance between an employee and the employer, which is covered in the Trust's Grievance Policy.

Whistleblowing

- ✓ Risk to others – whistleblowing is about raising concerns relating to wrongdoing risk or malpractice that you witness in the workplace.
- ✓ Public interest – these concerns should be in the public interest, and unlike grievances, the concerns may not even affect you at all, but will have wider implications on the public.
- ✓ Process – there is no set process for investigating whistleblowing concerns however there is good practice guidance. There is also no right to be accompanied to a meeting with your employer to discuss your concerns.
- ✓ Confidentiality – your employer should respect your wish for confidentiality.
- ✓ Feedback – you may never know the outcome of a whistleblowing concern, for example, if your employer investigates the behaviour of another individual and disciplines them as a result, that would be confidential information between the employer and that other individual.
- ✓ Appeal – there is no general right to appeal if you are unhappy with how your employer deals with your whistleblowing concerns, however this is where you may want to consider escalating your concerns (but check their policy to see if they have one).

Grievance

- ✓ Risk to self – grievances are typically issues about how you exclusively are being treated and not the treatment of others.
- ✓ Types of issues – grievances can be raised about things you are asked to do about your job, if your employer has breached your employment rights or your contract of employment, and the way you are personally being treated at work – this is not an exhaustive list.
- ✓ Process – ACAS has set out [Codes of Practice](#) in relation to discipline and grievance procedures. You can find more information about how to raise a grievance on the [ACAS website](#).
- ✓ Support – you have the right to be accompanied at a grievance hearing where the complaint is about your employer breaching a term of your employment contract.
- ✓ Outcome – grievances come to a legal determination on the issue that you raise. The ACAS Codes provide for employees to be given the outcome of their grievance e.g. an apology, a payment due or a change to the working practices.
- ✓ Appeal – you should be given the opportunity to appeal should you feel unsatisfied with the outcome.

2 – Policy Statement

2.1.1 The Trust shall:

- Manage Public Interest Disclosures in accordance with guidance from Warwickshire Education Services, the [Bribery Act 2010](#), and any subsequent Act/s and/or regional/national guidance;
- Use the [Public Interest Disclosure Act 1998](#) definition of whistleblowing:
A worker raising a concern about wrongdoing, risk or malpractice that affects others with someone in authority either internally and/or externally (e.g. regulators, media, MPs).
- Encourage all of its employees with serious concerns about any aspect of their work to follow the procedures outlined in this document to raise concerns;
- Give due consideration to all concerns and will deal with any concerns in an appropriate manner as provided by the legislation in this area;
- Use any concerns raised through whistleblowing procedures to aid quality control, risk management and good governance and to highlight any problems within the organisation;

- Investigate any matters raised under the following procedures in a thorough, prompt and confidential way and report back the outcome of such an investigation to the employee who raised the concern;
- Never victimise an employee for raising a matter under this procedure;
- Not penalise any employee for being genuinely mistaken and who makes an allegation that turns out to be unfounded;
- Consider any false and/or malicious allegations as a disciplinary offence;
- Use disciplinary procedures if misconduct is discovered as a result of an investigation, in addition to any appropriate external measures;
- Regard theft, fraud, bribery and corruption as a serious disciplinary offence, which will be addressed in accordance with the Trust's disciplinary policies and associated procedures;
- Make this policy available on the Trust's website and those of its academies.

3 – Principles

- 3.1 The Trust is committed to the highest possible standards of openness, probity and accountability and to tackling wrongdoing;
- 3.2 The Trust will implement good practice in the context of whistleblowing in order to encourage openness, transparency and public integrity, comply with legislation and to protect employees from dismissal and detriment short of dismissal for making a protected disclosure;
- 3.3 The Trust considers any covering up of wrongdoing as a disciplinary offence including where an individual is told not to pursue any concern, even by a person in authority – an employee should not agree to remain silent.

4 – Definition of Terms

- 4.1 **Employee**, for the purpose of this policy, means any member of staff, volunteer, agency worker, contractor, AIM Board Partner or Trustee of the Trust.
- 4.2 **The Trust**, for the purpose of this policy, means the Transforming Lives Educational Trust and its academies.

5 – Procedure

5.1 Incidents of Misconduct or Wrongdoing

- 5.1.1 Particular instances of misconduct or wrongdoing may relate to:
- any unlawful act, whether criminal or a breach of civil law;
 - maladministration, as defined by the Local Government Ombudsman;
 - breach of any statutory Code of Practice;
 - breach of, or failure to implement or comply with the Financial Regulations or Standing Orders;
 - breach of contract;
 - any failure to comply with appropriate professional standards;
 - theft, bribery, fraud, corruption, dishonesty or the abuse of public funds;
 - actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property;
 - sexual or physical abuse of pupils or members of staff;
 - loss of income to the Trust;
 - abuse of power, or the use of the Trust powers and authority for any unauthorised or ulterior purpose;
 - discrimination in employment or in the provision of education;
 - any other matter which cannot be raised under any other procedure;

- an attempt to cover up any of the above.

5.1.2 The above list is not exhaustive and further advice can be taken from Public Concern at Work, (see Section 5.2) if an employee is unclear as to whether the use of this Policy is appropriate to their particular circumstances.

5.1.3 Where an employee wishes to make a disclosure about possible misconduct by an employee of the Trust, or about a health and safety issue, they should follow the procedures laid down in Section 5.2.

5.1.4 Where an employee wishes to make an allegation about safeguarding issues concerning a child, young person or vulnerable adult, they should follow the procedures laid down in the **TLET Child Protection and Safeguarding Policy**.

5.2 Confidential Reporting Procedures

5.2.1 Disclosure

- Any employee knowing or suspecting that another employee, a contractor or any other person connected with the Trust is responsible for malpractice or misconduct as outlined in this Policy, must use the procedures set out herewith.
- Under no circumstances should an employee suspecting malpractice or misconduct make the matter public; such an action may itself be considered to be misconduct and expose the employee concerned to disciplinary action.
- The procedure to be followed is to contact the immediate line manager, Principal or Chair of the AIM Board, possibly via another member of staff or their trade union representative and arrange a meeting.
- In order to make an allegation, the Model Whistleblowing Form (see **Appendix 1**) should be used.

| If the allegation concerns the: | The Model Whistleblowing Form should be sent to: |
|---------------------------------|--|
| Principal | Chair of Trust Board |
| SLT | Chair of the AIM Board |
| Academy Staff | Chair of the AIM Board |
| CEO | Chair of the Trust Board |
| Executive Staff | CEO |
| Central Team Leader | CEO |
| Central Team Staff | CEO |

- The recipient of the Model Whistleblowing Form will appoint an Investigating Officer.

| If the allegation concerns the: | The Investigating Officer will be: |
|---------------------------------|--|
| Principal | Chair of the AIM Board |
| SLT | Academy Principal or another member of the SLT |
| Academy Staff | Member of the SLT |
| CEO | Chair of the Trust Board |
| Executive Staff | CEO |
| Central Team Leader | Member of the Executive. |
| Central Team Staff | Central Team Leader or a member of the Executive |

- Different procedures cover allegations of abuse of children, young people and vulnerable adults and should be used in such cases, including initially reporting all such allegations to the Local Authority Designated Officer (LADO).
- All communications between the employee making the allegation and the Trust on the subject of the allegation will be to the employee's home address.

5.2.2 Model Whistleblowing Form (Appendix 1):

- The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.
- While there is no set method through which an employee must make a protected disclosure, it is good practice to provide a form for him or her to set out the disclosure. This allows the Trust to identify an issue as a formal public interest disclosure before invoking its whistleblowing procedure.
- The form also has the advantage of prompting an employee to provide details of his or her concerns, such as examples of the dates and times of when the wrongdoing is alleged to have taken place, and what action the employee would like to see taken. The form may also prompt the employee to think about whether or not the issue is serious enough to warrant invoking the whistleblowing procedure in the first place and allow the Trust to distinguish between a genuine public interest disclosure and a personal grievance that would be better dealt with under its grievance procedure.
- The form is also designed to allay any concerns that the employee may have that individuals implicated in the wrongdoing, (for example, his/her/their line manager) will be involved in the investigation.

5.2.3 Initial Interview

- The Investigating Officer (see 5.2.1) will arrange an interview with the employee making the allegation. The interview will be arranged at a time and place, which will ensure confidentiality and may therefore be held away from the employee's usual place of work.
- Where the employee making the allegation agrees, this interview will take place in the presence of a witness. The employee may be accompanied by a friend, who may be a work colleague, trade union representative or other person. The friend should not be a legal representative unless notice is given, to enable the Investigating Officer to be accompanied by a legal representative, should the Investigating Officer so choose.
- The Investigating Officer will take a full note of the allegation. The Investigating Officer will provide the employee making the allegation a copy of the note within **five clear working days** of the interview. The Investigating Officer will invite the employee making the allegation to clarify any matter or record a disagreement with the note. The Investigating Officer will then ask the employee making the allegation to sign a copy of the note and return it.
- Within **five clear working days** of the interview the Investigating Officer will write to the employee making the allegation:
 - acknowledging that the allegation has been received;
 - providing the note of the initial interview;
 - giving an estimate of how long it will take to provide a final response;
 - outlining whether any initial enquiries have been made;
 - clarifying whether further investigations will take place, and, if not, why not;
 - where an investigation is to be made, indicating how it will be dealt with and where possible who the investigating officer will be.

5.2.4 Investigation

- Where there appears to be some substance in the disclosure, the Investigating Officer will arrange an investigation into the allegation, except where:
 - the disclosure suggests criminal activity may be involved, in which case paragraph 5.2.5 of this procedure will apply;

- the allegation concerns weak management rather than malpractice. In this case, with the agreement of the employee making the allegation, the Investigating Officer will report the matter to the Principal and will inform the employee making the allegation that the matter will be handled through the normal line management structure. If the allegation concerns the Principal, the Chair of the Trust Board will undertake the investigation.
- The nature of the investigation will depend on the type of allegation i.e. police matter (with potential criminal allegations) or internal safeguarding/conduct matter. The Investigating Officer will be advised of the approach to match these circumstances as a consideration of the timings may be necessary. For example, if there were a police investigation this might need to be concluded before an internal investigation commences. Once the investigation can proceed the Investigating Officer should seek guidance from the Trust's HR Department.
- The Investigating Officer may, at his/her/their discretion seek an external auditor (or appropriately trained or experienced professional) to conduct the investigation.
- In some cases, the Investigating Officer may consider it appropriate to suspend the employee 'without prejudice', and with approval from the Principal/CEO/Trust Chair, to allow the impunity of the evidence being investigated or there is a possible risk of harm to children posed by an accused person needs, which needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. **Suspension must not be an automatic response when an allegation is reported.** If the Trust is concerned about the welfare of other children in the community or the employee's family, those concerns should be reported to the LADO or police but suspension is highly unlikely to be justified on the basis of such concerns alone.
- Suspension should only be considered in a case where there is cause to suspect a child or other children in the Trust is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case. The Trust must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children in the Trust until the allegation is resolved and should seek advice from the Trust's HR Department.

5.2.5 Action

- Where the investigation shows there is a prima facie case for taking some action, the following will apply:
 - if the Investigating Officer suspects that a criminal offence has taken place, he/she/they will inform the Chair of the Trust Board who will inform the police, having taken advice as necessary. In this case, any internal investigation will be postponed until the police investigation and any criminal proceedings which may arise, have been completed;
 - otherwise, the action to be taken at the end of the investigation will be covered by other Trust policies and procedures (for example the Disciplinary Policy) and will not be dealt with here.

5.2.6 Response

- The length of time over which the investigation will be carried out will vary but should be as short as is consistent with a thorough approach. If the investigation is prolonged, the Investigating Officer will report to the employee making the allegation at regular intervals. All allegations must be investigated as a priority to avoid any delay. Target timescales are shown below for different actions in the summary description of the process. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that

80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

- For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week. Otherwise, it may need a full investigation to determine this. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the AIM Board to deal with it, although if there are concerns about child protection, the AIM Board Chair/Principal should discuss this with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the Principal should institute appropriate action within 3 working days.
- At the end of the investigation, the Investigating Officer will, as far as is possible and with due regard to third party rights, inform the employee making the allegation of the outcome. If the decision is that no action be taken because the allegation has not been made out or it concerns weak practice, the reasons for this decision will be made known to the employee making the allegation.

5.2.6 Appeal

- If the employee reasonably believes that the appropriate action has not been taken, he/she/they should report the matter to the Chair of the Trust Board, or in the case where the Chair of the Trust Board has led the investigation, to the appropriate regulatory authority. With regard to the latter, legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
 - Education & Skills Funding Agency (ESFA);
 - Regional Schools Commissioner (West Midlands);
 - HM Revenue & Customs;
 - the Financial Services Authority;
 - the Office of Fair Trading;
 - the Health and Safety Executive;
 - the Environment Agency;
 - the Director of Public Prosecutions; and
 - the Serious Fraud Office.

5.2.7 Safeguards

- The Trust recognises that the decision to report a concern can be a difficult one to make not least because of fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect employees who raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation.
- It is accepted by the Trust that employees may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This will not be the case and those raising concerns in the public interest may be assured that those concerns will be treated with the utmost respect and will play no part in future decisions related to an employee's progress or promotion.
- If an employee who raises a concern is already the subject of disciplinary, redundancy or similar procedures, confidential reporting will not halt these procedures, but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

5.2.8 Confidentiality

- All efforts will be made to protect an employee's identity when they raise a concern and do not want their name to be disclosed; however, it must be appreciated that the investigation process may reveal the source of the information and a written statement by the employee may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

5.2.9 Anonymous Allegations

- The Trust accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind, employees are encouraged to put their names to any allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove, however, they will be considered at the Trust's discretion.
- In deciding whether to investigate an anonymous allegation, it will be necessary to consider the seriousness of the allegation, its validity and whether evidence can be obtained in order to proceed with an investigation. In making this consideration 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 other sources in the face of a denial from the accused person(s).

5.2.11 Untrue Allegations

- If employees make an allegation without personal gain, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against that employee who will be fully supported after the event. If, however, employees make malicious or vexatious allegations, disciplinary action may be taken.
- Equally, if malicious allegations are made against the employee, the Trust will ensure that the employee is fully supported and that appropriate disciplinary action is taken against the person making the malicious allegations.

5.2.12 Further Information for Employees

- There may be circumstances when employees wish to seek independent advice before raising a concern internally. The charity [Protect](#) provides free confidential advice to workers who have concerns about wrongdoing in the workplace.

6 – Monitoring of Policy

- 6.1 It is the responsibility of the Trust Board, and those to whom it delegates the authority, to ensure that the principles and procedures of this policy are adhered to. The use of this policy will be subject to routine monitoring to ensure its fidelity in practice. The evidence gathered from monitoring shall inform any reviews and future revisions to the policy, which will be carried out at regular intervals and no later than as stated on Page 2 of this policy.

Related Documents

TLET Child Protection and Safeguarding Policy

TLET Staff and Volunteer Behaviour (Code of Conduct) Policy

TLET Staff Disciplinary Policy

[Keeping Children Safe in Education](#) (latest edition)

[Working Together to Safeguard Children](#)

Appendix 1 – Model Whistleblowing Form

Making a Public Interest Disclosure (Whistleblowing)

Guidance

This form is intended for use by any individual working in the Trust, (including contractors, agency workers and volunteers) who wishes to raise an issue about wrongdoing.

This form should be used to report wrongdoing within the Trust, (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under the Whistleblowing Policy or Grievance Procedure, please read the Whistleblowing Policy, which provides examples of the issues that should be reported using this form. If, having read the Whistleblowing Policy, you remain unsure about which procedure to use, please consult the Chair of the AIM Board for further advice.

Once you have submitted this form, the whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone, (for example, your line manager) you may have implicated below.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the organisation will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to the Chair of the AIM Board in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal Public Interest Disclosure (Whistleblowing)

Employee's name:

Employee's job title:

Employee's department:

Date:

Does your public interest disclosure relate to your line manager? Yes / No

Summary of disclosure:

Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

Individuals involved:

Please provide the names and contact details of any people involved in your concerns, including witnesses.