



# Tove Learning Trust

## TLT 1.1 Whistleblowing Policy

<b>Approved by:</b>	TLT Board of Trustees	<b>Date:</b> 20/09/2021
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## Control Sheet

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## **1. Introduction**

- 1.1. Whistleblowing is a disclosure in the public interest of certain information to an employer, other responsible person or body by an individual who knows, or suspects, that an organisation is responsible for/is about to/has taken part in specified wrongdoing. It may often be the case that the whistle-blower may often not be directly or personally affected by the danger or illegality.
- 1.2. The Trust is committed to achieving the highest possible standards of service and ethical standards.
- 1.3. This policy applies to all employees, workers, agency workers including trainee teachers, volunteers, contractors and members of the Governing Body.
- 1.4. The aim of this policy is to set out how the Trust will deal with concerns raised by employees which relate to suspected wrongdoing or dangers at work.
- 1.5. This whistleblowing procedure must be read and applied in conjunction with the Tove Learning Trust Staffing Policy Statement.
- 1.6. Allegations of child abuse against teachers and other employees and volunteers will be dealt with as outlined in each school's Safeguarding Policy and in accordance with 'Keeping Children Safe in Education - statutory guidance for schools and colleges'.

## **2. Background**

- 2.1 As employees are often the first to realise that there may be something wrong within the Trust, 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 (in force since January 1999) 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 builds on the provisions of the Act.
- 2.2 The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's/Trust's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside of the Trust in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

## **3. Aims and Scope of the Policy**

- 3.1 This policy aims to:
  - provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
  - provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;

- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
- allow employees to take the matter further if they are dissatisfied with the Trust response.

3.2 A whistle-blower is a person who raises a genuine concern relating to the matters listed below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this procedure. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity
- Miscarriages of justice
- Danger to health and safety of any individual
- Damage to the environment
- Failure to comply with any legal or professional obligation or regulatory requirements
- Bribery
- Financial fraud or mismanagement
- Negligence
- Breach of our internal policies and procedures
- Conduct likely to damage our reputation
- Unauthorised disclosure of confidential information
- Public examination fraud
- The deliberate concealment of any of the above matters

3.3 Concerns which fall within the scope of the whistleblowing policy may be about something that is unlawful; or is against the Trust's policies; or falls below established standard or practice; or amounts to improper conduct.

3.4 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 their line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- 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.

3.5 All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, volunteers or outside agencies.

3.6 Concerns raised by employees about their own conditions of service, should be addressed via the Grievance Policy or, if the matter relates to salary, the salary review procedures documented in the pay policy.

## 4. Safeguards

### 4.1 Harassment or Victimisation

4.1.1 The Trust recognises 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. The Trust will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

### 4.2 Confidentiality

4.2.1 The Trust will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Trust to address the concern and in some circumstances.

### 4.3 Anonymous Allegations

4.3.1 Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Trust. In exercising the 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.

### 4.4 Untrue Allegations

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

### 4.5 Unfounded Allegations

4.5.1 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 Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

### 4.6 Support to Employees

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

## **5. How to raise a Concern**

- 5.1 As a first step, an employee should normally raise concerns with their line manager or a senior leader. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their line manager or more senior colleague is involved, they should approach the Headteacher, Chair of Governors or Chair of Trustees via the Clerk to Governors. An employee (including the Headteacher and members of the leadership team) can by-pass the direct management line and the Trust if they feel the overall management and Trust of a school is engaged in an improper course of action. In this case please refer to section 7 below.
- 5.2 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, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure.
- 5.3 The earlier an employee expresses the concern, the easier it is to take action.
- 5.4 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 5.5 In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf or accompany them to a whistleblowing meeting.

## **6. The Role of Senior Leaders**

- 6.1 A senior leader may be informed by an employee about concern(s) and that they are "blowing the whistle" within the procedure in person; or in writing or over the phone.
- 6.2 The senior leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.
- 6.3 Stage One:
  - 6.3.1 At the initial meeting the senior leader should establish that:
    - there is genuine cause and sufficient grounds for the concern; and
    - the concern has been appropriately raised via the Whistle-blowing Policy.
  - 6.3.2 The senior leader should ask the employee, to put their concern(s) in

writing, if they have not already done so. The senior leader should make notes of the discussions with the employee. The employee's letter and/or senior leader's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

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

6.3.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior leader 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.

6.3.4 The senior leader should follow the policy as set out above and in particular explain to the employee:

- what steps they intend to take to address the concern;
- how they will communicate with the employee during and at the end of the process; and that a written response will be provided 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 Trust 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; and
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

6.3.5 The senior leader should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that they have 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 Trust will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

#### 6.4 Stage Two:

6.4.1 Following the initial meeting with the employee, the senior leader should

consult with the Trustees or CEO of TLT 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.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior leaders 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.

6.4.3 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 referred to the police;
- be referred to the trust's external auditor
- form the subject of an independent inquiry.

6.4.4 Senior leaders should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the school's personnel advisers.

## 6.5 Stage Three

6.5.1 Within ten working days of a concern being received, the leader 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; and
- providing the employee with details of whom to contact should they be dissatisfied with this response (see 7.1 below).

## 7. Raising Concerns outside the Trust

7.1 The whistle-blowing policy is intended to provide employees with a procedure for raising concerns and resolving these within the trust. If an employee is not satisfied with the Trust's response, the manager should ensure that they are made

aware with whom they may raise the matter externally:

- 'Protect 0207 404 6609\*
- recognised trade union
- the school's external Auditor
- relevant professional bodies or regulatory organisations
- a solicitor.

Guidance is available at: [www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2)

\*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

Further information as to how the EFSA handles whistleblowing is available at: <https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>

- 7.2 The leader should stress to the employee that if they choose to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party. The employee (as defined in 1.1 for the purposes of this policy) is not protected if the law is broken when something is reported, that is, unlawful disclosure.