




# The LETTA Trust

## Whistleblowing Policy

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<b>Reviewed by:</b>	TB Resources	<b>Signed:</b>	



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## **1. Introduction**

The Whistleblowing Policy applies to all LETTA Trust employees, contractors or agency workers. It is published on the Trust website and each school's website.

Employees are often the first to realise that there may be something seriously wrong within the school or Trust. Normally, employees would be expected to raise any concerns initially with their headteacher. However, they may not express their concerns because they feel that speaking up would be disloyal. They may also fear harassment or victimisation. In these circumstances it could be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The LETTA Trust is committed to the highest possible standards of openness, professionalism and accountability. We expect employees who have concerns about any aspect of the Trust's activities to come forward and voice those concerns. Anyone who raises a concern is protected by the Public Interest Disclosure Act 1998.

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

The policy also applies to contractors working for the Trust or on school premises. It also covers suppliers and those providing services under a contract with the Trust. If you would like to speak to someone informally about a concern, prior to raising an issue under the Whistleblowing Policy you may contact the CEO.

## **2. What is whistleblowing?**

Whistleblowing is the term used to describe reporting by employees or ex-employees of wrongdoing on the part of leaders, those in a governance role or fellow employees. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, breaches of the Trust's Staff Code of Conduct or any other illegal or unethical act.

## **3. Protecting the whistle-blower**

Under the Public Interest Disclosure Act 1998 a Whistle-blower is protected from detriment and unfair dismissal. The Trust will support concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.

## **4. When should whistleblowing procedures be used?**

If an employee has concerns about wrongdoing at the school and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.



Each individual member of staff should feel able to speak freely on such matters. However, the school and colleagues have the right to protect themselves against unfounded false or malicious accusations.

Whistleblowing should only be used when the whistle-blower has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.

Whistleblowing is not appropriate for dealing with issues between an employee and the school which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.

Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.

Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the headteacher or Designated Safeguarding Lead.

## **5. Who to report to**

Any issue raised will be kept confidential while the procedure is being used.

- In the first instance, raise the concern with your line manager. This may be done orally or in writing
- If the concern relates to your line manager or a senior leader, raise it with the headteacher
- If your concern relates to the headteacher, raise the matter with the CEO or the Chair of the Local Governing Board
- Concerns relating to the CEO or those in governance should be referred to the Chair of Trustees

The person with whom the matter is raised is referred to as the "Assessor".

## **6. The procedure**

The Assessor will:

- Interview the whistle-blower within seven working days, in confidence. Early interview is essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils
- Obtain as much information as possible from the whistle-blower about the grounds for the belief of wrongdoing
- Consult with the whistle-blower about further steps which could be taken
- Advise the whistle-blower of the appropriate route if the matter does not fall under this procedure
- Report all matters raised under this procedure to the Chair of the LGB and CEO



- At the interview with the Assessor, the whistle-blower may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the school staff to take notes.
- The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

Within ten working days of the interview, the Assessor will recommend one or more of the following, that:

- The matter be further investigated internally by the school
- The matter be further investigated by external consultants appointed by the school
- The matter be reported to an external agency
- Disciplinary proceedings be implemented against an employee
- The route for the whistle-blower to pursue the matter if it does not fall within this procedure
- That no further action is taken by the school

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur
- The Assessor is satisfied that the whistle-blower is not acting in good faith
- The matter is already (or has been) the subject of proceedings under one of the school's other procedures or policies
- The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency

The recommendation of the Assessor will be made to the headteacher. However, should it be alleged that the headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Chair of the Local Governing Board and CEO.

The headteacher or CEO, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Local Governing Board.

The whistle-blower's identity will be kept confidential unless the whistle-blower otherwise consents or unless there are grounds to believe that the whistle-blower has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the whistle-blower except:

- Where the Assessor is under a legal obligation to do so
- Where the information is already in the public domain
- On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice



The conclusion of any agreed investigation will be reported by the Assessor to the whistle-blower promptly within twenty eight working days of the initial interview. All responses to the whistle-blower will be made in writing and sent to the whistle-blower's home address.

If the whistle-blower has not had a response within the above time limit or such reasonable extension as the school requires, the whistle-blower may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.

The whistle-blower may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **7. Malicious accusations**

A deliberately false or malicious accusation made by a whistle-blower is a disciplinary offence and will be dealt with under the school's disciplinary procedure, as well as potentially exposing the whistle-blower to legal liability.

## **8. Informing external agencies**

Within the Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the school fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

Whistleblowing to an external agency without first going through the internal procedure is a breach of the school's code of conduct. The external agencies which may be used if disclosure is permitted are:

- Department for Education (DfE/ESFA). In these circumstances, the DfE/ESFA will assess whether all school processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/ESFA will refer the matter back to the Assessor
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police

Whistleblowing to the media is not permitted in any circumstances.

## **9. Confidential employee enquiries**

Employees may, on a confidential basis, seek prior guidance from the headteacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential.



The headteacher will provide guidance on the basis of the information provided, but such guidance will not prejudice the rights of the school or any person under these procedures.

#### **10. Monitoring, evaluation and review**

The Trust Board Resources Committee will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the schools in the Trust.

The Whistleblowing Policy will be reviewed by the Trust Board Resources Committee annually and signed by the Chair of the Resources Committee.