



# WHISTLEBLOWING POLICY

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## 1. Introduction

- 1.1 LEAP Multi-Academy Trust is committed to the highest possible standards of openness and accountability and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures.
- 1.2 However, all organisations face the risk of things going wrong from time-to-time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.3 This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. As part of our safeguarding culture, we would encourage all staff to report "low level concerns" that do not meet the harm threshold, in a timely fashion so that we can intervene and support staff (See Keeping Children Safe in Education 2022 paragraphs 424-445). Where staff are concerned that a colleague's behaviour may have met the harm threshold, they should report these concerns to the Principal (or Chief Executive in case of the Principal or Chair of Trustees in the case of the Chief Executive) as a matter of urgency; it may be that they feel the need to use this policy to support them to do this.

**This procedure is only for the purpose of raising concerns about wrongdoing** and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

- 1.4 **This procedure should only be used where all other existing internal procedures are felt to be inappropriate.**

## 2. Aims of Policy

- 2.1 Aims of the policy are:-
- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
  - To provide staff with guidance as to how to raise those concerns
  - To re-assure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistaken
  - This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Protect (previously Public Concern at Work)
  - It is provided for guidance to all members of staff at the Trust and the Trust reserves the right to amend its content at any time
  - This Policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including its Academies, Local Governing Bodies and all staff who are advised to familiarise themselves with its content.

## 3. What is Whistleblowing?

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:-
- criminal activity
  - child protection and/or safeguarding concerns (see point 10 at the end of this policy)
  - danger to health and safety
  - damage to the environment
  - failure to comply with any legal or professional obligation or regulatory requirements
  - financial fraud or mismanagement

- negligence
- breach of the school's internal policies and procedures including its Code of Conduct
- conduct likely to damage the Trust's reputation
- unauthorised disclosure of confidential information
- the deliberate concealment of any of the above matters.

3.2 A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) you should report it under this policy.

3.3 This policy should not be used for complaints relating to staffs' own personal circumstances, such as the way you have been treated at work. In those cases, you should follow the Grievance Policy and Procedure.

3.4 If staff are uncertain whether something is within the scope of this policy they should seek advice from the Principal (for Academy based staff) and if the matter is in relation to alleged wrongdoing by the Principal then staff should seek the advice of the Chief Executive and if the matter is in relation to an alleged wrongdoing by the Chief Executive then staff should seek the advice of the Chair of Board of Trustees.

#### **4. Raising a Whistleblowing Concern**

4.1 The Trust hopes that in many cases staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases, they may wish to refer the matter to a member of SLT/Principal. However, where the matter is more serious, or staff feel that their Line Manager has not addressed their concern, or the staff member prefers not to raise it with them for any reason, individuals should contact the Chief Executive or Chair of the Board of Trustees ( if the matter is about the Chief Executive).

4.2 The Chief Executive will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. The Lead Governance Professional will be present for the meeting. As a minimum the LGP will record the name of the employee but also indicate whether the individual wishes their identity to remain confidential, if possible, and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Chief Executive should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to their identity becoming known to enable the concern to be effectively dealt with.

4.3 Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

4.4 The Lead Governance Professional will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The Trust will give the 'whistleblower' an indication of how it proposes to deal with the matter.

#### **5. Confidentiality**

5.1 The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith.

- 5.2 The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise their concern confidentially, the Trust will endeavour to keep their identity secret in so far as it is possible to do so when following this policy and procedure. **If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's' identity, the Trust will discuss this with the member of staff first.**
- 5.3 'Whistleblowers' who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality. If the 'whistleblower' is concerned about reprisals or other consequences, this should be discussed when the matter is first raised.
- 5.4 If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues, this could give rise to action under the Trust's Disciplinary Procedure. If the Chief Executive knows or has a suspicion that an employee comes into this category, then they will take further advice to determine what action should be taken.
- 5.5 If an individual is in any doubt, advice can be sought from Protect (previously Public Concern at Work), the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:-

Protect (Independent whistle blowing charity)

Helpline: 020 3117 2520. E-mail via the contact advice line: <https://protect-advice.org.uk/contact-protect-advice-line/>: Website: <https://protect-advice.org.uk/>

## **6. Concerns Against a Governor(s) or a Trustee(s)**

- 6.1 If a concern against a Governor or Trustee is received then this will be treated in the same way as any other concern.
- 6.2 The concern will be raised by the Chief Executive with the Chair of the Academy's Local Governing Body (LGB) or Chair of the Board of Trustees who will decide how it should be dealt with.
- 6.3 If the concern is against a Chair of a LGB or Chair of the Board of Trustees, then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Chief Executive and Lead Governance Professional who will seek further advice. In some circumstances such a concern would be referred to the Department for Education for action.

## **7. External Disclosures**

- 7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, staff should not find it necessary to alert anyone externally.
- 7.2 The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to contact or alert the media. We strongly encourage everyone to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. A list of prescribed bodies to whom staff can raise concerns with is included in the link below:  
[Prescribed people and bodies](#)
- 7.3 Whistleblowing concerns usually relate to the Staff Code of Conduct, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows

staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact the Chief Executive for guidance.

## **8. Investigation and Outcome**

- 8.1 Once a member of staff has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. The Trust will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information. The Trust will aim to keep the member of staff informed of the progress of the investigation and its likely timescale.
- 8.2 In most cases, a panel of 3 Trustees will investigate any issue. In rare cases the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing. OR The Trust may appoint an investigating officer or a team of investigating officers including staff with relevant experience of investigations or specialist knowledge of the subject matter. (This team may include the Chief Executive; a member of the Board of Trustees; HR Advisor and/or external professionals as appropriate depending on the particular circumstances of the disclosure) The investigators, as part of their findings, may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.
- 8.3 However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.
- 8.4 If the Trust concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.
- 8.5 Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the Trust will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which their concern has been handled, they can raise it with one of those contacts listed in section 7.2.
- 8.6 Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating officer(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

The report will be submitted to a panel of Trustees who will consider the outcome and recommendations and ensure that appropriate actions are considered and completed. This will include consideration of whether referral is required to an external organisation
- 8.7 The person who raised the concern will be informed of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.
- 8.8 Beyond the immediate actions, the Chief Executive, Trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

8.9 There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Chief Executive will have the right to refer any particular case to the Board of Trustees for review.

## **9. Protection and Support for ‘Whistleblowers’**

9.1 It is understandable that ‘whistleblowers’ are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

9.2 Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that they have suffered any such treatment, they should inform the Chief Executive immediately. If the matter is not remedied the member of staff should raise it formally using the Trust’s Grievance Policy and Procedure.

9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

9.4 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Chief Executive in the first instance.

## **10. Safeguarding**

10.1 If a member of staff suspects there is a serious safeguarding issue that they feel the Chief Executive is not taking seriously, or that they believe there is a serious safeguarding issue involving the Chief Executive, they should in the first instance contact the Chair of the Board of Trustees via the Lead Governance Professional.

10.2 Contact details:-

Lead Governance Professional  
Email: [info@leap-mat.org.uk](mailto:info@leap-mat.org.uk)

Tel: 01909 550066