

LT2 Whistleblowing Policy and Procedure

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LT2 Vision, Mission and Values

Vision

Vision is to build a group of outstanding schools across phases, including specialist provision, to become (a mid-size) Trust that provides vibrant and inclusive learning environments in which every member of the learning community is passionate about learning. The Trust is led by a CEO who works closely with Headteachers who lead the two schools supported by a central team to support finance, HR, estates and governance.

Mission

LT2 Trust and schools will have a relentless focus on high achievement, supported by robust organisational structures and governance. We aim to give children and young people in our care the knowledge, skills and experiences to expand their minds and world view to enable them to develop a naturally inquisitive approach to learning and life, fit for an ever-changing world.

Ultimately, we will educate and support all children attending LT2 schools to grow into capable and contributing citizens who have developed the personal attributes and characteristics that will enable them to become considerate, self-reliant and confident young people who are ready for the next stage of their lives.

Values

The Trust Values underpin the mission and provide the basis on which LT2 schools can articulate the key behavioural characteristics that promote a positive philosophy. Our six values are unseen drivers of our behaviour as experienced by others and are designed to create a shared organisational culture:

Kindness – The quality of friendliness, generosity, and consideration

Collaboration – The belief that working and learning with others will lead to greater success

Curiosity – A strong desire to know and to learn

Resilience – The ability to recover quickly and learn from the difficulties we face

Respect – To appreciate the importance of understanding and admiration for others and self,

Endeavour – The belief that hard work is needed to achieve something of which we can be proud

Definitions

- Where the word 'Trust' is used in this document it refers to The Learning Today Leading Tomorrow Trust.
- Where the words 'Trust Board' are used it refers to the board of Trustees who set the vision for the Trust and hold the executive leadership team to account for delivering the Trust's strategic plan.

1. Organisation and Responsibilities

1.1 Introduction

The Trust is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures from time to time in force.

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.

This policy aims 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
- Provide staff with guidance as to how to raise those concerns about potential wrongdoing in or by the Trust
- Set clear procedures for how the Trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistleblowing concern
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. 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 the Executive Team Headteacher, Heads of Department, teachers and associate staff, Trustees, Members, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual and agency staff, volunteers (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

The policy sets out the Trust's current practices and required standards of conduct. All are required to familiarise themselves with its content and comply with the provisions contained in it.

Breach of this policy will be treated as a disciplinary offence which may result in disciplinary action under the Trust's Disciplinary Policy and Procedure up to and including summary dismissal depending on the seriousness of the breach.

1.2 Legislation

The requirement to have clear whistleblowing procedures in place is set out in the Academies Financial Handbook.

This policy has been written in line with the above document, as well as government guidance on whistleblowing. We also consider the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

1.3 Guidance under this Policy

The CEO or the Trust's HR Advisors are responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

1.4 Board of Trustees

The Board of Trustees, as a corporate body, has the responsibility to set the strategic direction and objectives of all matters across the Trust.

The Board of Trustees is responsible for ensuring that high standards of corporate governance are maintained

The Chair of the Trust is responsible for managing the CEO, Trustees and Governors under this policy.

1.5 The Chief Executive Officer (CEO)

The CEO of Learning Today leading Tomorrow Trust (LT2):

- Takes overall responsibility for the implementation of policies and procedures
- Must provide reports as appropriate to Trustees in relation to this policy
- Ensure that sufficient resources are allocated and authorised within the organisations budget to meet statutory procedures and standards across the Trust
- Is responsible for managing the Headteachers and centrally appointed staff under this policy

1.6 Headteachers

Headteachers of LT2 schools are responsible for:

- The implementation of and compliance with this policy within their school ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance
- Identifying training needs
- Communicating this policy to all relevant people within the school
- Managing school-based teaching and associate staff under this policy

1.7 Senior and Middle Leaders (and other Supervisory Roles)

Although the Headteacher is responsible overall for the implementation of this policy in their school, managers have some specific responsibilities:

- Applying this policy within their own department and area of work
- Resolving any issues members of staff refer to them, informing the Headteacher of any issues to which they cannot achieve a satisfactory solution with the resources available to them
- Where required, conduct formal meetings, undertake relevant training in relation to this policy and ensure effective and competent operation of this policy

1.8 Other Employee Duties

All employees have a responsibility to:

- Comply with this policy and to co-operate with the schools' leadership and management on all matters relating to it
- Undertake any training recommended by their line manager

1.9 Related Policies and Procedures

- Child Protection and Safeguarding Policies (School Local) and LT2 Statement
- Complaints Policy

1.10 Review

This policy will be reviewed annually.

These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

2. What is whistleblowing?

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

This may include:

- criminal activity (incl. fraud and corruption);
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- 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;
- witnessing intimidation of staff members (different to bullying policy);
- breach of our internal policies and procedures including our 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.

A whistle-blower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If the member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy.

Not all concerns about the trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an

individual employment contract, this is likely a grievance. When staff have a concern they should consider whether it would be better to follow the grievance or complaints procedures.

If Staff are uncertain whether something is within the scope of this policy they should seek advice from their headteacher, CEO or Head of HR.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistleblowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

3. Procedure for staff to raise a whistleblowing concern

3.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

3.2 Who to report to

The Trust hopes that in many cases staff and others will be able to raise any concerns with their Headteacher (school-based) or CEO (Trust-based/Centrally-appointed staff) speaking to them in person or putting the matter in writing if preferred. They may be able to agree a way of resolving the concern quickly and effectively. In some cases they may refer the matter to the Board of Trustees.

However, where the matter is more serious, or the Headteacher has not addressed the concern, or the member of staff would prefer not to raise it with them for any reason, then they should contact the Chief Executive Officer.

If the matter concerns the Chief Executive or a matter relating to the trustees, the matter should be raised with the Chair of the Audit and Risk Committee.

3.3 How to raise the concern

Concerns can be made verbally or in writing. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

4. Confidentiality

The Trust hopes that Staff will feel able to voice whistle blowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the Trust will endeavour to keep his or her 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 their identity, the Trust will discuss this with the member of staff first.

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. Whistle-blowers 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 a member of staff is in any doubt they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

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| <p><i>Protect</i></p> <p><i>(Independent whistleblowing charity)</i></p> | <p><i>Helpline: (020) 3117 2520</i></p> <p><i>E-mail: whistle@protect-advice.org.uk</i></p> <p><i>Website: www. protect-advice.org.uk</i></p> |
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5. External disclosures

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.

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 alert the media. We strongly encourage a member of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of Trust Staff, 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 one of the other individuals set out above for guidance.

6. Safeguarding and Child Protection

As stated in [Keeping Children Safe in Education 2019](#), where a staff member feels unable to raise an issue with their employer in regard to pupil safety or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at- [Advice on whistleblowing](#)

- The NSPCC [whistleblowing helpline](#) is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

7. Trust Procedure for Responding to a Whistleblowing concern

7.1 Investigating the Concern

When a concern is received by the Headteacher/CEO/Chair of ARC/ Chair of Trustees/Trustees/another named person - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter and appoint an investigator (including staff with relevant experience or specialist knowledge of the subject matter). If appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps. 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.

7.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(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.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

7.3 Malicious or Vexatious Allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

8. Escalating Concerns beyond the Trust

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

9. Protection and Support for Whistle-blowers

It is understandable that whistle-blowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support Staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform their Line Manager immediately. If the matter is not remedied the member of staff should raise it formally using the Trust's Grievance Policy and Procedure.

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

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 their Line Manager in the first instance.

