



Whistleblowing Policy

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Finance/Pastoral

Author NF

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“WHISTLEBLOWING” POLICY

Introduction

- 1 The staff, Trustees and Governors of The Learning Trust seek to run all aspects of Trust business and activity with full regard for high standards of conduct and integrity. In the event that members of Trust staff, parents, governors or the Trust community at large become aware of activities which give cause for concern, The Learning Trust has established the following Whistleblowing policy, or code of practice, which acts as a framework to allow concerns about wrongdoing in the public interest (whistle blowing) to be raised confidentially, safely and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.
- 2 Throughout this policy, the term *whistleblower* denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the *Second Report of the Committee on Standards in Public Life: Local Spending Bodies* published in May 1996.
- 3 The Learning Trust is committed to tackling fraud and other forms of malpractice, treats these issues seriously and operates this policy in accordance with the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). A disclosure may be legally protected if it is a ‘protected disclosure’ meaning a ‘qualifying disclosure’ made through appropriate channel. The Learning Trust recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the

Trust environment but also has recourse to an external party outside the management structure of the Trust. Because of the gravity of child protection issues, these are covered in the relevant Safeguarding and Child Protection Policy.

- 4 The Learning Trust is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.
- 5 The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of more general grievance which should be dealt with under The Learning Trust's grievance procedures.
- 6 Whistle-blowing covers concerns made that report wrongdoing that is 'in the public interest'. Examples of whistle-blowing include (but are not limited to):
 - manipulation of accounting records and finances;
 - inappropriate use of Trust assets or funds;
 - decision-making for personal gain;
 - any criminal activity;
 - danger to health and safety;
 - damage to the environment;
 - abuse of position;
 - fraud and deceit;
 - serious breaches of Trust procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest);
 - the deliberate concealment of any of the above matters.
 - Sexual harassment

- 7 A whistle-blower is a person who raises a genuine concern relating to the above. These concerns should be reported under this policy.

Not all concerns about the trust, or individual schools in the trust, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an Individual, or relates to an individual employment contract, this is likely a grievance.

The Learning Trust encourages the *whistle-blower* to raise the matter internally in the first instance to allow those Trust staff and governors in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

The Learning Trust has designated a number of individuals to specifically deal with such matters and the *whistleblower* is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

<u>Position</u>	<u>Contact details</u>
Headteacher	Please see relevant school website for contact details.
Chair of Trustees	chairoftrustees@tltrust.co.uk
Chair of Governors	Please see relevant school website for contact details.
CEO	CEO@tltrust.co.uk

If you are uncertain whether something is within the scope of this policy you should seek advice from the designated individuals above.

- 11 The *whistle-blower* will raise the matter in written form marked private and confidential and addressed to one of the above-named individuals. All matters will be treated in strict confidence, and anonymity will be respected wherever possible.
- 12 Alternatively if the *whistleblower* considers the matter too serious or sensitive to raise within the internal environment of the Trust, the matter should be directed in the first instance to the Department of Education (DfE), see www.gov.uk for further details.
- 13 The *whistle-blower* can also raise concerns with the Secretary of State for Education by using the online contact form which can be found at the following link: <https://www.gov.uk/contact-dfe>
- 14 In addition, information and advice can be obtained from the charity Protect This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Protect-advice.org.uk
 Advice line: 020 7404 6609 and 020 3117 2550
 Email: whistle@protect-advice.org.uk
- 15 The individual(s) in receipt of the information or allegation will write to the individual within 10 working days of receipt of the allegations to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter. The investigating officer(s) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of Trust staff, legal or personnel advisors, the police, the Department for Education or the LA.
- 16 Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Trustee Board, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third-party referral such as the police.
- 16 The *whistle-blower* will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation

and whether or not it has been substantiated, the matter will be reported to the Trustee Board.

- 17 If the *whistle-blower* is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the Trustee Board and/or directed to the ESFA.
- 18 Wherever possible The Learning Trust seeks to respect the confidentiality and anonymity of the *whistle-blower* and will as far as possible, protect him/her from reprisals. The Learning Trust will not tolerate any attempt to victimise the *whistle-blower* or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.
- 19 Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

Existing good practice within The Learning Trust in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the Trust operates ensure that cases of suspected fraud or impropriety rarely occur. This “whistleblowing” policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the Trust. This document is a public commitment that concerns are taken seriously and will be actioned.

- 21 The Trustees are responsible for ensuring the ratified Whistleblowing policy is published on the trust’s website.
- 22 This policy does not form part of any employee’s contract of employment and we may amend it at any time.

NB: In all TLT policies, the use of the word ‘Trustees’ may also be read to mean ‘Local Governors’ and ‘Head teacher’ may also mean ‘CEO’ ... and vice versa