



Staff Whistleblowing Policy

Policy Number	HR/07
Review Frequency	1 Year
Reviewed	December 2018
Next Review Date	Autumn Term 2019

(This policy supersedes all previous Staff Whistleblowing policies)

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Amendments

Policy Date	New Version Number	Summary of change	Comments

Union Consultation

Date	Action (meeting, email etc.)	Comments	Attendance
20/11/18	Draft policy sent to all unions and staff for comment	30 day consultation period	

*** Trust – Refers to all Schools, Academies & Operations Team within the Learning Academy Partnership**

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1. Introduction

- 1.1 The Trust is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct. 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.
- 1.2 This policy has been implemented following consultation with the recognised trade unions.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. Scope and purpose

- 2.1 The aims of this policy are:
 - (a) 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
 - (b) To provide staff with guidance on how to raise concerns.
 - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken
- 2.2 This policy applies to all employees of the Trust, Trustees, Local committee members, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3. What is whistleblowing?

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that wrongdoing or dangers at work. This may include:
 - (a) criminal activity
 - (b) miscarriages of justice
 - (c) danger to health and safety
 - (d) damage to the environment
 - (e) failure to comply with any legal or professional obligation or regulatory requirements
 - (f) bribery
 - (g) financial fraud or mismanagement
 - (h) negligence

- (i) breach of our internal policies and procedures (including our Code of Conduct)
- (j) conduct likely to damage our reputation
- (k) unauthorised disclosure of confidential information
- (l) other unethical behaviour
- (m) the deliberate concealment of any of the above matters

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

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

3.4 If you are uncertain whether something is within the scope of this policy, you can seek advice from Trust's HR Team.

3.5 If your concern is in relation to safeguarding and the welfare of young person, you should consider whether the matter is better raised under the Trust's Safeguarding and Child Protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in this policy may still apply.

4. **Raising a whistleblowing concern**

4.1 We hope that you will be able to raise any concerns with your Head of Academy. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

4.2 However, if you feel that your Head of Academy has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with:

- (a) Trust Lead - Governance & Compliance. The Trust Lead as a member of the Trust Executive Team has delegated responsibility managing whistleblowing complaints.
- (b) Executive Head
- (c) Director of Education
- (d) Director of Operations
- (e) Chief Executive Officer
- (f) The Chair of Board

4.3 Contact details are set out at the end of this policy (**Appendix A**).

4.4 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

4.5 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

5. Confidentiality

5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.

5.3 Where we receive anonymous complaints we will make a determination about whether to investigate based on:

- (a) the seriousness of the issue raised
- (b) the credibility of the concern
- (c) the likelihood of confirming the allegation from other sources

5.4 We will keep a central record of disclosures made under the Whistleblowing policy.

6. External disclosures

6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Public Concern at Work holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively the list is available from the Department for Business, Energy & Industrial Strategy¹.

6.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility.

¹ <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

7. Investigation and outcome

- 7.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases, we 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) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to the Chief Executive Officer and Chair of Board for actioning.
- 7.3 We will aim to keep you informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If we conclude that a whistleblower has made false allegations maliciously, or with a view to personal gain, the whistleblower may be subject to disciplinary action.

8. If you are not satisfied

- 8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. Alternatively, you may contact the Chair of Board or our external auditors. Contact details are set out at the end of this policy.

9. Protection and support for whistleblowers

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns 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 genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied, you should raise it formally using our Grievance 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 A confidential counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

10. Monitoring & Data Protection

10.1 The Trust will monitor this policy and ensure that its application is compliant, consistent and fair to all staff.

10.2 As part of the application of this policy, the Trust will collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being(i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulations ((EU) 2016/679 and any national implementing laws, regulations and secondary legislation, as amended and updated from time to time, in the UK and then (ii) any successor legislation to the GDPR 2018 or the Data Protection Act 1998) in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our Workforce Privacy Notice and our Records Management and Retention Policy and in line with requirements of Data Protection Legislation.

11. Review of policy

11.1 This policy is reviewed every year or upon change of relevant legislation. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix A – Contacts

Whistleblowing Officer (Trust Lead - Governance & Compliance)	Karen Barnett E-mail: partners@lapsw.org Tel: 01626 248800
Director of Operations	Steve Bulmer Tel: 01626 248800
Director of Education	Tracey Cleverly Tel: 01626 248800
Executive Head – Torquay Hub	Emma Bone Tel: 01626 248800
Interim Executive Head – South Hams Hub	Lesa Garside Tel: 01548 560494
Executive Head – South Hams Hub	Susan Rowe-Jones Tel: 01548 560494
Head of Academy Ilsham	Dawn Ryan Tel: 01803 292313
Head of Academy Warberry	Jacqi Stephens Tel: 01803 292642
Interim Head of Academy All Saints Marsh	Julie Edwards Tel: 01626 365293
Head of Academy Ellacombe	Evie Semmens Tel: 01803 293040
Head of Academy Dunsford	Ruth Alphey Tel: 01626 248797
Head of Academy Tower	TBC

Trust's External Auditors	Thompson Jenner LLP Dave Tucker E-mail: davet@tjllp.com Tel: 01392 258553
Chief Executive Officer	Lynn Atkinson Tel: 01626 248800
Chair of Board	Ryan Hewitt E-mail: clerk@lapsw.org
Confidential Counselling Hotline	Devon Therapeutic Counselling Service (DTCS) Jayne Meek Tel: 07798 938236
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk