Moorlands Learning Trust

Whistleblowing Policy

	Position/Committee	Date
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MOORLANDS LEARNING TRUST WHISTLEBLOWING POLICY

Policy Statement

The Trust is committed to an ethos of openness, accountability and transparency, where employees are encouraged to voice any concerns they have in a professional, responsible way. All individuals are encouraged to raise concerns they have, and this policy details the way in which individuals may raise concerns, without fear of victimisation, subsequent discrimination or disadvantage.

This policy is not contractual and may be amended at any time.

1. Purpose and scope

This policy applies to employees, workers, agency workers, trainees, contractors and volunteers. Issues relating to an employee's own pay or working hours, working conditions or volume of work do not fall within the scope of this policy where they are purely personal grievances, and should be addressed via other policies and procedures (e.g. the Trust's Grievance Procedure).

We understand how difficult it can be for individuals to share concerns and this policy aims to provide reassurance for individuals who may be considering sharing a concern. Protection is available to individuals reporting areas of malpractice or wrongdoing, and they will be treated with dignity and respect and offered access to appropriate support (e.g. the employee assistance programme).

Everyone should ensure they have an awareness and understanding of the importance of preventing and eliminating wrongdoing at work. They should be mindful of the potential for illegal or unethical conduct and report anything of that nature.

2. Definition

Whistleblowing refers to the act of a disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the organisation or any individual within it is responsible for, or has taken part in, some wrongdoing. Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

3. Qualifying disclosures

Certain disclosures are prescribed by law as "qualifying disclosures." A "qualifying disclosure" means a disclosure of information that an individual genuinely and reasonably believes is in the public interest and shows that the organisation or an individual has committed a "relevant failure" by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- sexual harassment (unwanted conduct of a sexual nature, as defined in the Equality Act 2010)
- environmental damage
- concealing any information relating to the above.

These acts can be in the past, present or future. For example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Trust will take any concerns relating to the above matters very seriously.

No-one will be victimised for whistleblowing. This means that continued employment and opportunities for future promotion or learning and development will not be prejudiced because someone has raised a legitimate concern. It is important that we protect whistleblowers and that we also ensure this policy is not misused. The following are examples of actions that would be considered disciplinary offences:

• Victimisation of an individual for whistleblowing.
• Maliciously making a false allegation.
• An instruction to cover up a potential wrongdoing.
If told not to raise or pursue a concern, even by a person in authority such as a manager, individuals must not agree to remain silent and should escalate the issue to either a more senior manager or a member of the HR team.

The Employment Rights Act provides protection for workers who "blow the whistle", where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure must be "in the public interest." We encourage employees and those working with us to use this policy to raise any such concerns.

Should the concern not meet the requirement to be a qualifying disclosure, individuals should share their concern with the Trust via the Trust's Grievance Procedure. Where a concern is raised under this policy where it is not appropriate to do so, i.e. it relates to a personal grievance, the receiving manager will confirm that the matter will be addressed under the Grievance Procedure.

4. Objectives

This policy aims to:

- Encourage individuals to feel confident in raising serious concerns and to question and act upon concerns.
- Provide a way for employees and others to raise those concerns and to be advised of any action taken.
- Ensure whistleblowers receive a response to their concerns, advising them how they can pursue their concerns if they are dissatisfied with the Trust's response.
- Reassure whistleblowers they will be protected from possible reprisal or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.

This policy is intended to provide whistleblowers with a route to raise concerns that do not relate to issues that should be addressed via the Grievance Procedure or the Disciplinary Policy, for example:

- Conduct which is an offence or a breach of law.
- Disclosures related to miscarriages of justice.
- Health and safety risks, including risks to the public as well as other employees.
- Damage to the environment.
- The unauthorised use of public funds.
- Possible fraud and corruption, facilitation of tax evasion or other criminal activity.
- Sexual Harassment or physical abuse.
- Other unethical conduct.

Any serious concerns about any aspect of service provision, the conduct of employees or members of the Trust, or others acting on behalf of the Trust, can be reported under this policy. This may be about something that:

- Makes the individual feel uncomfortable in terms of known standards, their experience or the standards they believe the Trust subscribes to.
- Is against the Trust or its policies and procedures.
- Falls below established standards of practice, or
- Amounts to improper conduct.

This policy is not to be used for raising concerns which are private individual matters (e.g. issues relating to an individual's contract of employment) as they can be addressed under the Trust's Grievance Procedure.

5. Safeguarding

In line with the statutory instrument, Keeping Children Safe in Education (KCSiE), individuals are expected to act on any concerns or information that gives them concern about the safety and wellbeing of a child or children arising from circumstances or events in or outside of school. Safeguarding concerns may relate to the conduct or behaviour of a worker towards an individual child or children; information that suggests a worker is unsuitable to work with children, or belief that the senior leadership team, the Trust Board, or a Local Governing Body (LGB) has failed to take appropriate action in response to a safeguarding concern raised.

The Trust's Child Protection policies detail the ways in which people can raise safeguarding concerns in our Trust, and this policy should be read as an additional measure to enable staff to raise their concerns. All concerns will be treated with the strictest confidence by all concerned. The Trust will protect the identity of whistleblowers as much as possible; however, it may not always be possible to do so. All staff involved in any related investigations must maintain confidentiality during and after its conclusion.

Where a concern relates to a child's safety or welfare, it must be reported immediately to the Designated Safeguarding Lead (DSL) or Deputy DSL in line with the Child Protection Policy. This policy does not replace safeguarding procedures. Whistleblowing routes should be used where:

- a safeguarding concern has not been properly acted upon;
- the concern involves senior leaders or the DSL; or
- there are wider concerns about safeguarding practice or culture.

If a child is at immediate risk, a referral must be made to children's social care or the police without delay.

6. Safeguards

The Trust is committed to good practice and high standards and aims to be experienced as a supportive employer. We recognise the decision to report a concern can be a difficult one to make, and we encourage employees and others working with us to share concerns without fear, as all employees have a duty to report concerns.

The Trust will not tolerate any harassment, sexual harassment or victimisation (including informal pressures) and will take appropriate action to protect whistleblowers when they raise a concern which they reasonably believe to be in the public interest.
No individual will be disadvantaged in accessing this procedure because of a protected characteristic under the Equality Act 2010.

Whistleblowers must not suffer any detrimental treatment resulting from raising a genuine concern. Any disclosure relating to sexual harassment will be treated as a protected disclosure according to whistleblowing legislation and relevant employment law protections and must be handled in line with statutory provisions, ensuring no worker is subjected to detriment for raising such concerns.

Employees must not threaten or retaliate against whistleblowers in any way, and breaches will be viewed seriously, and may result in disciplinary action.

7. Confidentiality

A concern reported under this policy will be treated confidentially, unless otherwise agreed. In the event of a concern disclosing alleged criminal activity, a whistleblower may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the Trust, a whistleblower may be asked to give evidence under the Trust's Disciplinary Policy and Procedure.

8. Anonymous allegations

The Trust encourages whistleblowers to put their name to their allegations whenever possible.

Concerns expressed anonymously will be considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

9. How to raise a concern

Whistleblowers should raise concerns with their immediate line manager. If the concern is about their immediate line manager, they should contact a Deputy Headteacher/senior leader, as appropriate, to raise their concerns. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes a senior leadership team member is involved, they should approach the Executive Headteacher or the Headteacher at the Trust school. If the concerns are regarding the Executive Headteacher or the Headteacher, they should contact the CEO and if the concern is about the CEO, they should contact the Chair of Trustees (chairoftrustees@moorlandslearningtrust.co.uk). All concerns reported will be treated in the utmost confidence.

Concerns may be raised verbally or in writing. Those who wish to submit a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why they are particularly concerned about the situation.

Employees and others are encouraged to raise concerns as they arise. The earlier a concern is shared the easier it is to take appropriate action.

Although whistleblowers are not expected to prove beyond doubt the truth of an allegation, they should demonstrate to the person contacted that there are reasonable grounds for their concern and hold reasonable belief that the issue is in the public interest.

Whistleblowers may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if their concern is shared.

Whistleblowers may invite their trade union representative, or a work colleague, to be present during any meetings or interviews in connection with the concerns they have raised.

10. How the trust will respond

Concerns raised under this policy will normally be referred to the Executive Headteacher or the Headteacher at the relevant Trust school, or a Trust executive leader for central Trust employees, however, if the concerns involve the Executive Headteacher, the Headteacher, or a Trust executive leader, the matter will be referred to the CEO, and if they involve the CEO the matter will be referred to the Chair of Trustees, who will determine whether the matters raised should:

- Be investigated by senior / executive leadership, our external accountants/auditors, or through the disciplinary process.
- Be referred to the LADO, police or another external body.
- Form the subject of an independent process.

The manager/senior.executive leader may undertake a preliminary investigation, which may be sufficient to determine a response and resolution, or it may be more appropriate for a more thorough investigation to follow. This will include an interview and statement from the individual who raised the issue(s) and potentially other witness statements alongside the collation of any relevant evidence. If urgent action is required, this will be taken before any investigation is conducted.

Once a concern has been referred to the Executive Headteacher/Headteacher/Exec leader/CEO/Chair of Trustees they will endeavour to write to the whistleblower as soon as reasonably practicable, acknowledging the concern has been received. The response will indicate how the concern is to be dealt with, detailing an estimate of how long it is likely to take to provide a final response, advising whether any initial enquiries have been made. The response will also advise the whistleblower whether further

investigations will take place and if not, why not.

Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under relevant Trust policies and procedures.

The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Trust will seek further information from the whistleblower.

Where any meeting is arranged, the whistleblower can invite their trade union representative or a work colleague to accompany them and arrangements can be made to hold the meeting at a mutually agreeable location off-site, if that is preferable.

The Trust will take steps to minimise any difficulties the whistleblower may experience due to raising a concern. For example, if the whistleblower is required to give evidence in criminal or disciplinary proceedings the Trust will arrange for them to receive advice about the procedure.

The Trust understands that whistleblowers need to be assured their concerns are properly addressed and, subject to any legal constraints, they will be informed of the outcome of any investigation. If the whistleblower is dissatisfied with the explanation or outcome, they may raise the matter with an appropriate official organisation or regulatory body.

Personal data collected through the operation of this policy will be processed in accordance with UK GDPR, the Data Protection Act 2018 and the Trust's data protection policies.

11. The responsible person

The Executive Headteacher, Headteacher or executive leader in each Trust school/the central team, has overall responsibility for the implementation of this policy in their respective schools, with the CEO and Chair of Trustees retaining oversight. The Executive Headteacher, Headteacher or executive leader maintains a record of concerns raised and the outcome and this will be reported to the Local Governing Body and the CEO who will subsequently report to the Board of Trustees.

12. HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide employees and others with a route within the Trust to raise concerns. The Trust hopes whistleblowers are satisfied with any action taken. If a whistleblower reasonably believes that appropriate action has not been taken by the Trust, they should report the matter to the proper authority (a prescribed person or body). Alternatively, the individual may choose to make a disclosure directly to prescribed people or bodies in the first instance.

The legislation sets out the prescribed people or bodies to which qualifying disclosures may be made, including:

- HM Revenue and Customs
- Financial Conduct Authority
- Competition and Markets Authority
- Health and Safety Executive
- Environment Agency
- Independent Office for Police Conduct
- Serious Fraud Office
- The Department for Education.
- National Audit Office.
- Trade union.
- Citizens Advice Bureau.
- Relevant professional bodies or regulatory organisations
- The police

Whistleblowers should ensure they do not disclose confidential information to any person who is not

authorised to receive it.

We strongly encourage whistleblowers to seek advice before reporting a concern to anyone externally. Protect operates a confidential helpline. Helpline: Protect Advice Line: https://protect-advice.org.uk/advice-line/ telephone: 020 3117 2520 or complete the online webform, https://protect.tfaforms.net/f/Contact-the-Advice-Line . Business Support: 020 3455 2252. Whistleblowers can also make a disclosure to Ofsted by telephone (0300 123 3155), via email (whistleblowing@ofsted.gov.uk) or in writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

The NSPCC Whistleblowing Advice Line is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – and the line is available from 08:00 to 20:00 Monday to Friday, and 09:00 to 18:00 at weekends. The email address is help@nspcc.org.uk.

A full list of prescribed people and bodies can be found on the Gov website: Whistleblowing: list of prescribed people and bodies - GOV.UK.

13. Untrue allegations

Action will not be taken against a whistleblower if they make an allegation which they reasonably believe to be in the public interest, but it is not confirmed by the investigation. However, if a whistleblower makes an allegation frivolously, maliciously or for personal gain, or which the Trust does not accept is reasonably in the public interest, disciplinary action may be taken against them.

Whistleblowers are advised that an untrue allegation that a person has committed a criminal offence may be classed as defamatory. Concerns raised within the Trust under this policy will normally be protected by qualified privilege as a defence to defamation proceedings unless made maliciously.

14. POLICY REVIEW

This policy will be reviewed every 3 years or sooner if relevant legislation changes.