



## WHISTLEBLOWING POLICY

### Statement of intent

The Willow Learning Trust is committed to open and honest communication and the highest possible standards in integrity and will treat whistleblowing as a serious matter.

In line with the Willow Learning Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response. Such action is termed "blowing the whistle"; this phrase is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

### 1. Introduction

Statutory protection for employees who whistleblow is provided by The Public Interest Disclosure Act 1998 (PIDA), which protects employees who speak out about concerns about conduct or practice within the Trust or its schools, which is potentially illegal, corrupt, improper, unsafe, unethical or amounts to malpractice.

This policy has been written in accordance with the [Whistleblowing for Employees](https://www.gov.uk/whistleblowing) guidance document <https://www.gov.uk/whistleblowing>

Serious malpractice may involve Trustees, local governors, senior leaders, middle managers, colleagues/clients or suppliers of goods and services to the Trust or its schools, therefore, the Willow Learning Trust has introduced this policy to enable staff to raise concerns, which are in the public interest, through internal trust procedures.

This policy applies to all school staff, including full and part time, casual, temporary, casual staff, and to individuals undertaking work experience within the school.

Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. However, details of any disclosure remain confidential.

### 2. Legislative framework

This policy has due regard to statutory legislation including, but not limited to, the following:

- The Public Interest Disclosure Act 1998
- The Public Concern at Work Guidelines 1997

### 3. Scope

This policy will:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with Trust or school standards and policies.
- Provide members and staff with avenues to raise concerns.

- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

This policy will not be confused with the procedure on dealing with harassment at work or the Willow Learning Trust's Grievance and Disciplinary procedures.

This policy will complement the aforementioned procedures by covering concerns that fall outside their scope, such as issues relating to:

- Unlawful conduct, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc.
- Inappropriate use of Trust or school assets or funds.
- Failure of the Trust or one of its schools to comply with their legal obligations e.g. in the areas of safeguarding or health and safety.
- Establishment standards of practice or procedures.
- Improper conduct or a miscarriage of justice.
- Risks or damages to the environment.

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action will be taken; however, if the inquiry shows that untrue allegations were malicious or made for personal gain, then the Willow Learning Trust will consider taking disciplinary action.

#### **4. What is a whistleblower**

A whistleblower is an individual who discloses confidential information regarding an employee, which relates to some danger, fraud or other illegal or unethical conduct which is connected with the workplace.

Under this policy, any of the following can raise a concern:

- Employees of the Trust.
- Employees of contractors working for the school for example, agency staff and building contractors.
- Employees of suppliers.
- Voluntary workers working with the school.
- A trainee, such as a student teacher.

#### **5. Harassment or victimisation**

The Willow Learning Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Trust or school as a whole. However, the Trust will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.

Staff are protected in law by the Public Interest Disclosure Act (PIDA), which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's staff disciplinary procedures.

## **6. Procedure**

Concerns should be expressed in writing to the Headteacher of the relevant school and must include: background and history of the concern, names, dates and places where possible, and express the reasons for the concern. Individuals are encouraged to let themselves be known, either in person, or through their union representative, as concerns expressed anonymously are difficult to investigate.

If the concern relates to the Headteacher, the matter should be raised with the CEO. If the concern relates to the CEO of the WLT the matter should be raised with the Chair of the Board of Trustees.

Anyone feeling unsure can seek confidential advice at any time from Protect, a registered charity which advises on serious malpractice in the workplace. For more information, visit their [website](#) or call on 020 31172520.

The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures.

## **7. What happens next**

Once a school within the Trust has been informed of the concern, it is then the responsibility of the school to investigate the matter further.

The Headteacher will write to the individual within 10 days of the initial meeting in order to confirm that the concern has been received, as well as indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed.

If an investigation is carried out, this will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice and assistance, for example involvement of other members of staff, legal or personnel advisors, the Police or the Department for Education.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s) will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third-party referral such as the Police.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative or work colleague not involved in the area of work to which the concern relates. This person will provide support only, and will not be allowed to become involved in the proceedings.

Depending on the nature of the concerns or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied. Where a case is proven on the balance of probability the matter will be reported to the full Board of Trustees, and where appropriate the Department for Education.

If no action is to be taken, and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust's Complaints Policy.

## **8. What the Willow Learning Trust asks of you**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not take the concern outside the school.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **9. At the end of the process**

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, in order to monitor any patterns of concern across the Trust or individual schools and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights; where action is not taken, the individual will be given an explanation.

## **10. Appeal process**

If the whistleblower disagrees with the decision made, they can request, in writing to the Headteacher, within two weeks of receiving the notification, a review of the decision stating the grounds for requesting the review. The review will be undertaken by the Chair of the Local Governing Body. If the allegation relates to the Headteacher or CEO, the request for a review will be made to the Chair of the Local Governing Body or Chair of Trustees respectively. In such cases, the review will be undertaken by a member of the Local Governing Body (for allegations against a Headteacher) or a member of the Board of Trustees (for allegations against the CEO).

## **11. If you're treated unfairly after whistleblowing**

An individual can take a case to an employment tribunal if they have been treated unfairly as a result of whistleblowing.

Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

Any claims of unfair dismissal need be made within three months of the investigation ending.

## **12. Monitoring and review**

The Willow Learning Trust Finance, Premises and Audit Committee will review this policy every two years, ensuring that all procedures are up-to-date.

Any changes made to this policy will be communicated to all members of staff.

Whilst every effort has been made to ensure this policy is up-to-date the Willow Learning Trust will adhere to any statutory legislation or regulations in force at the time.

Next review date: **March 2024**