

Note on policy not forming part of this policy

This policy is the previous Cmat policy, updated to make reference to TLA. No further changes have been considered necessary at this time, and the policy is being tabled to ensure consistent trust naming only.



## Confidential Reporting (Whistleblowing) Policy and Procedure

<b>Policy lead:</b>	<b>David Twambley</b>
<b>Last review date:</b>	1 December 2020
<b>Next review date:</b>	1 December 2021
<b>Approval needed by:</b>	<b>Trust Board</b>

The Learning Alliance 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.

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.

The aims of this policy are:

- 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;
- To provide staff with guidance as to how to raise those concerns;
- 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 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 CEO, Head teachers, members of the Senior Leadership Team, Heads of Faculty, Heads of Year, Heads of Key Areas, officers, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

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 the Director of Human Resources in the first instance.

### **What is Confidential Reporting?**

Confidential reporting is the disclosure or communication of information about possible malpractice by individuals or organisations. Staff should feel they can disclose information about malpractice internally and without subsequent victimisation, discrimination or disadvantage. This helps detect and deter malpractice, demonstrating the Trust's accountability, and maintains public confidence and the Trust's good reputation.

### **Concerns**

Should you have concerns about the operation of the Trust or any individual member of staff's conduct and feel unable to raise these with either your manager or other relevant manager, you should follow the guidelines below. Initially, your concerns should be dealt with through internal procedures. Although public disclosure may be justified at some point, you are required not to pursue this until the Trust has had the opportunity to investigate the concern. Premature or unnecessary publicity may impede formal investigations, hurt individuals or damage the Trust's reputation, which may lead to disciplinary action.

Examples of concerns that may need to be reported confidentially are:

- Law breaking
- Health and safety risks (to anyone)
- Damage to the environment

- Unauthorised use of money
- Dishonesty, fraud and corruption
- Sexual, physical or mental abuse
- Other unethical or inappropriate conduct

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

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Policy and Procedure or Anti-harassment and Bullying Policy as appropriate.

If Staff are uncertain whether something is within the scope of this policy, you should seek advice from the CEO.

If you raise a concern in good faith and genuinely believe it to be well-founded, you should have nothing to fear. You will be doing your duty to the Trust and its stakeholders. The Trust will not tolerate harassment or victimisation (including covert pressure) and will do all it can to protect you. If you are involved in other procedures, such as disciplinary or redundancy, these will be kept quite separate from the investigation of your complaint. However, a concern that is raised frivolously, maliciously or for personal gain may result in action being taken against you.

### **Confidentiality**

The Trust hope that Staff will feel able to voice whistle blowing concerns openly under this policy and your concern will be treated in strict confidence. The Trust does not encourage Staff to make disclosures anonymously, however, your identity will be kept secret (if this is what you want). Please note that you may have to be a witness at some point and it might then not be possible to keep your identity fully secret. 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.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work  
(Independent whistleblowing charity)

Helpline: (020) 7404 6609  
E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)  
Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

### **Raising a concern**

You can raise your concern face to face or in writing with a senior manager. If you are not employed by the school, please state your role and connection with the school. You may ask your trade union, professional association or other support to raise a matter on your behalf. In this case, you can remain anonymous when the concern is first raised. However, you may have to be involved personally if the matter goes further.

The Trust will arrange a meeting with you as soon as possible to discuss your concern. Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of your disclosure and any subsequent investigation.

The Trust will take down a written summary of the concern raised and provide the member of the staff with a copy as soon as practicable after the meeting. The Trust will also aim to give you an indication of how we propose to deal with the matter.

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.

### **Procedure**

As a start, discreet enquiries will be made by a member of the Leadership Team to decide whether an investigation is needed and, if so, how it should be carried out. This will help protect everyone concerned. The overriding principle will be the public interest. Unless the concern is about the CEO or other relevant senior manager, communication will normally be made with them.

If this first stage indicates that the concern should be followed up, there will either be a special examination or another procedure may be used, if appropriate. Examples of special procedures are Disciplinary Procedures or Safeguarding Procedures. It may be necessary to involve other agencies, for example the police. Any urgent action will be taken before the investigation starts. It may be possible to address the concern without a detailed investigation. The member of staff raising the concern may be required to attend additional meetings in order to provide further information. In some cases, the Trust 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) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

### **What you will be told**

Within 10 working days of your concern being received, the manager who carries out the initial enquiries will write to you confirming:

- What initial enquiries have been made
- How your concern has been or will be dealt with
- How long any further action may take (as far as this can be known)
- What further work is planned and how you may be involved.

The amount of contact you have with the people considering the matter will depend on many things. These include the type of concern, the potential difficulties of investigating it and the availability of information. You may need to provide more help. Wherever possible, you will be told the final outcome of an investigation.

The Trust will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. 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.

If the Trust concludes that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.

Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the Trust will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in

which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

### **If you are not satisfied with the Trust's response**

This procedure is meant to give everyone an effective way to raise a concern *within* the Trust (and, if possible, to resolve it internally). You should not feel that you have to take an issue outside the school to feel it has been addressed. However, if you are still unhappy after using the procedure (and getting a final response), you are entitled to consider taking your concern elsewhere. If you do this, these are some contacts which are available:

- The Chair or Vice Chair of Governors
- The Local Authority
- Your trade union
- A relevant professional or regulatory body
- A relevant voluntary organisation
- The police

If you raise the matter outside the school you must take into account the rules about disclosing confidential information (for employees, see the relevant section of the Code of Conduct).

### **Personal Support**

The Trust will do all it can to minimise any difficulties which you may have because you have mentioned your concern. As far as possible, you will be offered personal support, which the manager leading the investigation will arrange. For example, if you had to give evidence in disciplinary or criminal proceedings, full advice about the procedure would be given to you.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. 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 the CEO 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 whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.