



Wessex  
Learning Trust

*We Learn Together!*

# Whistle-Blowing Policy

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Wessex Learning Trust. Registered in England. Company Number 7348580.

### 1. Introduction

This Whistle-Blowing Policy is intended to encourage and enable employees, members of the Local Governing Bodies, Directors, contractors and suppliers to raise serious concerns within the Wessex Learning Trust rather than overlooking a problem or blowing the whistle outside.

This policy applies to all employees, Governors, Directors, contractors and suppliers, and provides them with a secure basis for reporting suspicions of impropriety, in the knowledge that if requested the matter will be treated confidentiality.

### 2. Aims and Scope of this Policy

Whistle-Blowing can be described as a disclosure made by an employee, Governor, Director, contractor or supplier who has concerns about a danger or illegality that has a public interest to it, usually because it threatens others.

A grievance or private complaint is by contrast, a dispute about an individual's own employment or personal position and has no public interest to it.

The Whistle-Blowing Policy has been developed in line with best practice and aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Provide reassurance that you will be protected from possible detriment if you have a reasonable belief that any disclosure you have made is true.

The Whistle-Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures, including:

- Criminal offences
- Failure to comply with legal obligations
- Dangers to Health and Safety, including risks to pupils and the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Other unethical conduct
- Deliberate concealment of any of the above categories

This policy does not cover members of the public and any reports received will be dealt with under the Complaints Policy.

Concerns around Child Protection should be referred in accordance with the Child Protection and Safeguarding Policy.

We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice.

As a result, we will not tolerate any detrimental treatment (including informal pressures) and will take appropriate action to protect you when you raise a concern that you believe to be true.

Subjecting a worker to a detriment means subjecting the worker to any disadvantage because they blew the whistle. This could include (but is not limited to) any of the following:

- failure to promote
- denial of training
- closer monitoring
- ostracism
- blocking access to resources
- unrequested re-assignment or re-location
- demotion
- suspension
- disciplinary sanction
- bullying or harassment
- victimisation
- dismissal
- failure to provide an appropriate reference and failing to investigate a subsequent concern

If someone is found to have subjected a bona fide whistle-blower to any detriment this will be dealt with under the disciplinary procedure.

Should you believe that you have suffered a detriment as a result of raising a concern you should raise the issue through your Academy's grievance procedure.

Please be aware however, that should you already be the subject of disciplinary or redundancy procedures, the procedures will not be halted as a result of the whistle-blowing report.

### **3. Open Disclosures**

The best culture is one where individuals have sufficient faith in the whistle-blowing arrangements and culture of the Academy to allow them the confidence to make open disclosures. This is where those involved know what the issues are along with who raised them. This is the aim for the Wessex Learning Trust and it is hoped that any individual with a whistle-blowing concern will feel able to raise their issues openly. This openness makes it easier to assess the report, gather additional information and carry out an investigation. It also allows any hidden agendas to be identified, helps to prevent witch hunts and reduces the risk of mistrust and paranoia developing within the area being investigated.

### **4. Confidentiality**

We recognise that some individuals may not feel that they can make such a report. Where this is the case the policy provides the whistle-blower with the option of requesting that their name remains confidential. Where confidentiality is requested we will do our best to ensure that your name is not revealed. This cannot, however, be guaranteed as there are certain circumstances where the name of the whistle-blower may be made known. For example:

- The report is found to be knowingly false, or
- Disclosure is ordered by the courts.
- A formal statement is required as part of a police investigation.

## 5. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible and actively discourages anonymous reports. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust.

In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

Anonymous reports also raise a specific problem with regard to the legal requirement that personal data should only be collected fairly. In addition, people making anonymous reports cannot be covered by the safeguards put in place to protect named whistle-blowers.

## 6. Untrue Allegations

If you make an allegation that you believe to be true, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make allegations that you know to be false, then disciplinary action may be taken against you under the Trust's procedures.

## 7. How To Raise A Concern

As a first step, you should normally raise concerns with your Headteacher. However, depending upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, this may not be appropriate. Where this is the case you should report your concern directly to the Chair of your Local Governing Body.

There are two ways to formally make a whistle-blowing disclosure:

- Verbally, either face to face or by telephone, or
- In writing, either by sending a letter or email to the relevant person.

It is preferable for concerns to be raised in writing and where this is the case the following details are requested:

- Your name and contact details
- Background information and history including details as to why you are concerned
- Whether the issue has already been reported to management and the outcome of this
- Whether you wish your name to remain confidential
- Whether you want feedback
- The names and jobs of any other employees who may support your concern

Where reports are made verbally the person receiving the concern should attempt to ascertain the same information. The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Should you wish to obtain independent advice in relation to a potential whistle-blowing report then Public Concern at Work operate a confidential helpline 02074046609. Further advice and guidance can also be found on their website [www.pcaaw.co.uk](http://www.pcaaw.co.uk)

You may wish to consider discussing your concern with a colleague or your Professional Association and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. How We Will Respond**

The Headteacher or Chair of the Local Governing Body will be responsible for investigating any concerns raised under this policy.

As part of this process contact will be made with you to clarify your concerns and obtain any further information that you may have.

Where appropriate, the matters raised may:

- be investigated internally
- be referred to the police
- referred to the Education Funding Agency

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Academy will have in mind is the public interest. 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 those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The amount of contact between the Headteacher or Chair of Governors and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Headteacher or Chair of Governors will seek further information from you.

Where any meeting is arranged you can be accompanied by a Professional Association representative or a friend.

The relevant Academy will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Academy will arrange you to receive advice and support about the procedure.

The relevant Academy understands that you may wish to be assured that the matter has been properly addressed. Therefore, where possible an estimate of the length of any investigation will be provided and, subject to legal constraints, if requested, we will keep you updated at least on a monthly basis during the process and will inform you of the outcome of any investigation. This may include where disciplinary action is taken as a result of an investigation but not details of any sanctions that may be issued.

## **9. How The Matter Can Be Taken Further**

This policy is intended to provide you with an avenue to raise concerns within the Wessex Learning Trust and it is hoped that you will utilise it. However, should you feel unable to raise your concerns internally, the following are possible alternative contact points:

- Public Concern at Work 020 7404 6609
- The Police
- To the Department of Education at [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

It is stressed that this list is not exhaustive and you are free to contact any organisation that you feel will be able to deal properly with your concerns. This may include:

- your solicitor
- other relevant professional or regulatory bodies as prescribed by the Secretary of State

You should, however, take legal advice before reporting an issue to a body other than those specified above to ensure that you are making a protected disclosure.

You will be protected under the Public Interest Disclosure Act 1988 if you raise your concerns with any of the above, provided that:

- you believe the disclosure to be in the public interest
- you reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- you do not make the disclosure for personal gain

If you do take the matter outside the Wessex Learning Trust, you should ensure that you do not disclose confidential information.

## **10. The Law**

This policy has been written to take into account the Public Interest Disclosure Act 1988, which protects workers making disclosures about certain matters of concern, where those disclosures are made within the act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.

## **11. Review**

The policy will be reviewed by the Wessex Learning Trust Board every three years or sooner in the light of operating experience and or changes in legislation or further issued guidance from the Department for Education.

Approved by the Wessex Learning Trust Board: 6/2/17

Review date: February 2020