



WHISTLE BLOWING POLICY FOR ALL TRUST STAFF

Policy Title	Whistleblowing policy for Staff	Department Responsible:	Human Resources
Version	V3 – 14 December 2015 V4 – 4 September 2017 V5 – 1 September 2019 V6 – 16 July 2020 V7 – 1 May 2023	Review Date:	1 September 2025

Whistleblowing Policy

1. Scope

- 1.1 This policy applies to all employees within the Trust.
- 1.2 It also applies to all temporary workers, consultants, contractors, agents and subsidiaries acting for, or on behalf of an Academy within the UK and overseas.

2. Context

- 2.1 The Shared Learning Trust is committed to tackling fraud, corruption and malpractice.
- 2.2 The Trust has internal and external auditors who ensure compliance with all regulations.
- 2.3 Should concerns arise, it is necessary for the Trust to have in place a procedure which enables any employee who is concerned at apparent malpractice to have a confidential procedure for raising those concerns without suffering any detriment to them.
- 2.4 This policy enables staff to raise concerns internally in a confidential fashion about failure to comply with procedures, dangerous situations or miscarriages of justice and to be protected from dismissal or unfavourable treatment if they raise such concerns.

3. Aims

- 3.1 The aims of this policy are to:
 - Encourage employees to feel confident about raising serious concerns and to question and act upon these concerns when they arise
 - Provide avenues for employees to raise those concerns and receive feedback on any action taken
 - Reassure employees that they will be protected from possible reprisals or victimisation if they have made a disclosure in good faith
- 3.2 The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:
 - a criminal offence;
 - a miscarriage of justice;
 - an act creating risk to health and safety;
 - an act causing damage to the environment;
 - a breach of any other legal obligation; or
 - concealment of any of the above;

is being, has been, or is likely to be, committed. The worker has no responsibility for investigating the matter, The trust will take the appropriate steps to ensure that an investigation takes place.

4. Statutory position

- 4.1 The Public Interest Disclosure Act 1998 is designed to protect 'whistle blowers' from detriment and unfair dismissal. The individuals protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers.
- 4.2 Students may also have information which should be raised in the public interest and there should be proper procedures in place for them to air their concerns; e.g. a students' complaints procedure.
- 4.3 The leading statutory ledgeslating
- Employment Rights Act 1996
 - Public Interest Disclosure Act 1998
 - Data Protection Act 2018
 - General Data Protection Regulation (2016/679 EU)

5. Policy detail

- 5.1 This policy is supported by the following principles:
- An open and ethical culture in which proper standards of conduct are widely communicated
 - Safe routes for the communication of concerns using persons outside the normal line management structure
 - Support for the whistle-blower when claims are made in good faith
 - A fair and impartial investigative procedure
 - Safeguards against the malicious raising of unfounded allegations

6. Raising Concerns

- 6.1 All staff are covered by the procedure including full-time, part-time, temporary, hourly paid, agency staff, contract workers and those on work experience.
- 6.3 Managers have a duty to listen to employee concerns, to take them seriously and ensure that they are dealt with promptly and fairly.
- 6.4 The right to raise such concerns should not be confused with the Grievance Procedure which is the proper procedure if an employee is aggrieved about their own employment situation.

7. How to Proceed

- 7.1 When an employee has a concern, the normal procedure is to raise this with a senior manager, Head of School or Human Resources, either orally or in writing, stating that they are raising the concern under the Whistleblowing Procedure. The manager must then refer this immediately to the Director of Human Resources.

- 7.2 If the employee raises the concern orally, the line manager will ask the employee to put their concerns in writing. The manager may at the time of the disclosure make notes and ask the employee to sign these notes.
- 7.3 If an employee feels unable to raise their concerns with their line manager, because, for example, their line manager is implicated or the employee suspects their concerns will not be taken seriously, they may contact either the Director of Human Resources or The Company Secretary to the Board of Trustees via the Executive Office who will arrange a confidential interview with the employee. Details on how to contact the above can be found below in section 13.
- 7.4 Whoever the employee reports their concerns to; they may wish to involve their trade union representative, who will not be subject to any confidentiality requirements that puts him or her in breach of any legal obligation.
- 7.5 Concerns can be raised under the Whistleblowing Procedure by an individual or a group of staff.

8. What Happens Next?

- 8.1 Having alerted the respective manager, it will be the Trusts responsibility to arrange for the matter to be investigated.
- 8.2 The initial stage will be to interview the employee and then assess what further action should be taken. The Whistleblowing Procedure may lead to other processes being implemented such as the Disciplinary Procedure or formal investigations by an external resource.
- 8.3 The Trust will let the employee know the outcome of the investigation and any procedures arising from it.

9. Appeal

- 9.1.0 If the employee is not satisfied with the outcome, they can appeal in writing to the Human Resources Director within 5 working days of any resolution or outcome being formally recorded to them.
- 9.2 The appeal committee will consist of three individuals. The Appeals committee may consist of; members of the Community Cluster Board, Chief Executive Officer, Chief Operating Officer and or Members of the Board of Trustees.

10. Timescale

- 10.1 Employees should raise any concerns under this policy within 3 months of the event (or the last in a series of events) occurring which caused the employee to feel concerned.
- 10.2 The Trust will endeavour to provide the employee with an initial response within 10 working days and to complete any investigation within 30 working days of their concern being raised.
- 10.3 It may be necessary from time to time to waive these timescales

11. Assurances

- 11.1 Concerns raised under the Whistleblowing Procedure will be treated seriously and sensitively.
- 11.2 Where practicable, immediate steps will be taken to remedy the situation.
- 11.3 Every effort will be made to keep the identity of the employee confidential if this is desired. If this is not possible, for example, if the employee is asked to give evidence, the employee will be advised accordingly and the Trust will discuss this with the employee.
- 11.4 The Trust will not tolerate harassment or victimisation of anyone raising a concern under the procedure in good faith, regardless of whether or not it proves well-founded.
- 11.5 Any such victimisation or harassment will be treated as a serious disciplinary offence.
- 11.6 An employee may bring a work colleague or trade union representative with them to any interviews to provide support but not to become involved in the proceedings.

12. What the Trust asks of Its Employees

- 12.1 When raising concerns employees should declare any personal interest they might have in the matter.
- 12.2 Employees should only use this procedure to raise genuine concerns. Any abuse of the process such as the malicious raising of unfounded allegations may lead to disciplinary action.
- 12.3 Employees should be aware that raising any concerns outside the Trust, for example, with the press or media before they are confident that internal procedures have been exhausted could reduce their protection under the Public Interest Disclosure Act and could constitute a disciplinary offence of "Bringing the Trust into Disrepute".
- 12.4 If internal procedures have been exhausted and have not addressed the concern, employees may contact a funding body such as the Education Skills Funding Agency (ESFA), a professional body, Trade Union or Public Concern at Work, a registered charity which advises on serious malpractice within the Workplace.

13. Contact Details

- 13.1 Please find below the following contact details if you need to raise a concern and this cannot be done with your line-manger or academy leader:
 - Kevin Martin – Trust Chief Operating Officer, kevin.martin@thesharedlearningtrust.org.uk
 - Board of Trustees - companysecretary@thesharedlearningtrust.org.uk

14. Monitoring and Review

- 14.1 This policy will be reviewed every 2 years.

14.2 Its impact and effectiveness will be judged in terms of the positive benefits and any negative consequences arising from its implementation.

15. Dissemination

15.1 All policies that need to be conveyed to students, staff and families will be available on the Academy's website.

15.2 Staff will be informed about policies during induction and through on-going in-service training.