



Changing Lives Learning Trust

RESPECT · RESILIENCE · ACHIEVEMENT · OPPORTUNITY

WHISTLE BLOWING POLICY

DOCUMENT CONTROL

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Document Path & Filename	Staff General/Corporate Information/Policies and Procedures/Finance/Whistle Blowing Policy	
Document Reference	Whistle Blowing Policy	
Version	04	
Status	Approved	
Publication Date	February 2022	
Review Date	February 2023	
Approved/Ratified by	Trust Board	Date: 8 th February 2022
Distribution:		
Changing Lives Learning Trust Staff		
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Version	Date	Comments	Author
06	December 2017	WLA policy	Stephen Lester
01	October 2018	Adapted from the West Lakes Academy policy.	Stephen Lester
02	September 2019	Reviewed	Stephen Lester
03	November 2020	Reviewed and included raising concerns where a safeguarding referral is not being dealt with appropriately.	Jonathan Johnson (AO) and Laura Watson (CFO)
04	February 2022	Annual review	Laura Watson

PART A

1. REVISION

This document will be reviewed annually.

2. DISTRIBUTION

The Chief Finance Officer shall retain a hard copy of this procedure and distribute controlled copies as required. Electronic copies of this procedure shall be available via the trust's network.

3. IMPLEMENTATION

The requirements of this policy and procedure are mandatory.

PART B

1. INTRODUCTION

- 1.1 Changing Lives Learning Trust (the 'Trust') recognises the importance of an open culture where all staff can feel comfortable raising questions or concerns about anything including potentially unethical, unsafe or illegal conduct.

The Trust is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct. 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.

1.2 Nolan Committee Principles

The Nolan Committee identified seven principles which apply to all aspects of public life, and therefore to all Trust employees. These are outlined below:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choice on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public, and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be open about all the decisions and actions they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

2. PURPOSE

- 2.1 This procedure is designed to enable employees of the trust to notify Trustees via the Chair of the Trust Board or the Chief Executive Officer, as Accounting Officer, of any reasonable suspicion of actual or potentially illegal, improper, unsafe or unethical conduct. "Improper conduct" includes neglect of duty and maladministration. The procedure requires all employees to act responsibly to uphold the reputation of the Trust and to help maintain public confidence.
- 2.2 It is a procedure in which senior leaders will be expected to act swiftly and constructively in the investigation of any concerns.
- 2.3 The procedure aims to:
- Encourage you to feel confident in raising serious concerns and to question and act upon concerns of practice.
 - Protect staff who report individuals they believe are doing something wrong or illegal.
 - Ensure all concerns raised by whistle blowers to the trust are responded to properly and fairly.
 - Provide avenues for you to raise those concerns and receive feedback on any action taken.
 - Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
 - Reassure you that you will be protected from possible reprisals or victimisation if you have reasonable belief that you have made any disclosure in good faith.
- 2.4 Staff may have specific protections under law if they raise certain types of concerns and this policy encompasses those protections as well as encouraging workers to disclose broader concerns about conduct which is not in line with the Staff Code of Conduct, value or ethics.
- 2.5 This policy does not form part of any contract of employment and The Trust may amend it at any time.

3. USE

3.1 This procedure should be used only where concerns are about the consequences for the public, other employees, governors or trustees in respect of behaviour, conduct or a practice which is believed to show wrongdoing or which does not feel right. There are other existing procedures in place to enable you to lodge a grievance relating to your own employment. In the event that the grievance procedure fails to resolve the matter to the satisfaction of the employee the employee may, if they reasonably believe the disclosure is in the public interest, invoke the Whistle Blowing policy.

The Whistle Blowing policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct that is an offence or a breach of the law
- Disclosures related to miscarriage of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- Financial misconduct including the unauthorised use of public funds including possible fraud and corruption
- Sexual or physical abuse of students or staff
- Radicalisation, terrorism or extremism of students or staff
- Concerns that a safeguarding referral is not being dealt with appropriately because a child is at risk of harm
- Other unethical conduct
- Notification of any suspicions of price-fixing cartels providing goods or services to the trust

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

We encourage all concerns to be raised and there is no seriousness or materiality threshold.

The whistleblower does not have to prove the concern they are raising, a reasonable belief that there is information which tends to show a matter of the sort set out above is enough.

This policy should not be used for complaints relating to your own employment situation or personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure.

Employees who are worried about wrong-doing at work do not necessarily have a personal grievance.

Thus, any concerns that you have about any aspect of service provision or the conduct of staff of the trust, governors or trustees or others acting on behalf of the trustees can be reported under the Whistle Blowing policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trust subscribes to;
- Is against the Academy Trust Handbook, Trust Financial Regulations Manual or other Trust financial policies;
- Falls below established standards of practice in academies;
- Amounts to improper conduct; or
- Appears to be an attempt to mislead.

3.2 If your concern is in relation to safeguarding and the welfare of students at the academy, you should consider whether the matter is better raised under the academy's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the policy may still apply.

3.3 Employees must act in good faith and must have reasonable grounds for believing the information to be accurate. When it is apparent from the investigation that the person making the disclosure has acted frivolously, maliciously or for personal gain, the trust may decide to take disciplinary action.

3.4 No employee who uses this procedure in good faith will be penalised for doing so.

3.5 An employee who is unsure whether the conduct he/she is concerned about constitutes illegal or improper conduct or is unsure about how to proceed can contact the following for advice:

Chief Executive Officer and Accounting Officer
Jonathan Johnson
e-mail: johnsonj@changinglives.education

Chair of Board of Trustees
Michelle Pearse
e-mail: pearsem@changinglives.education

Responsible Officer
Dom Davis
e-mail: dom.davis@nda.gov.uk

3.6 Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the Responsible Officer for possible investigation. Normally, you should first report any suspicion of such irregularity to the Chief Executive Officer, who will in turn report it to the Responsible Officer.

Exceptionally, if you believe that the matter cannot be resolved in this way, or if the matter relates to the Chief Executive Officer, you should report it directly to the Chair of Trustees or the Responsible Officer.

If the matter relates to the Chair of Trustees or the Responsible Officer, you should report it directly to the Trust's HR service provider as noted in 6.5.

4. MECHANISM FOR RAISING CONCERNS

- 4.1 If you have a concern, you will need to exercise judgement on who to raise the issue with. If the matter is minor, then it will be sufficient just to bring it to the attention of the employee who appears to be at fault.
- 4.2 If the matter is obviously more significant or where a previous informal response as above has apparently been disregarded, then you should raise the matter with your line manager.
- 4.3 Where the issue concerns your line manager or, having made your report, you believe they have failed to take appropriate action then you should bring it to the attention of a more senior manager.
- 4.4 Employees who feel unable to follow this route, for whatever reason, have the option of contacting the contact names in paragraph 3.5 above.
- 4.5 Depending on the nature of the concern you will be asked to justify and support your claim. Normally you will be asked to do this in writing. It will therefore be helpful to note down any facts and dates as they happen.
- 4.6 Employees who want to use the system but feel uneasy about it may wish to consult their trade union or professional association initially and bring a friend or trade union/professional association representative along to any discussions, so long as the third party is independent of the issue.
- 4.7 Confidentiality. All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.
- 4.8 Where anonymity is requested every effort will be made to meet the request, but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.
- 4.9 Each case will be investigated thoroughly with the aim of informing you of the outcome of any investigation, where appropriate, as quickly as possible.
- 4.10 Once a concern has been raised under this policy, The Trust will tell the individual if they think it is better addressed through another policy, but whichever policy is used initially to raise the concern, The Trust will look into the concern. Staff members can also discuss with their line manager or HR if uncertain which policy to use.
- 4.11 The Chief Executive Officer, as Accounting Officer, has a duty to take appropriate action if the Board of Trustees, or Chair, is contemplating a course of action which he or she considers would infringe the requirements of propriety or regularity (including the provisions of the Academy Trust Handbook, Changing Lives Learning Trust Funding Agreement, an Academy Development Plan, or any of the documents setting out the financial duties of the Board of Trustees or any other rules governing the conduct of the body) or would not represent prudent or economical administration, or the efficient or effective discharge of the Board of Trustees functions.

In the circumstances outlined above the Chief Executive Officer, without undue delay, should put his objections in writing to the Board of Trustees and advise them of the requirement to inform the Department for Education Accounting Officer and the Trust's auditors, as well as the Comptroller and Auditor General.

4.12 Exceptionally, if you feel unable to pursue any of these routes, you should consider approaching an appropriate body outside Changing Lives Learning Trust. Such bodies include:

- The District Audit service (for financial irregularities)
- The independent charity Protect (formerly known as Public Concern at Work) offers confidential advice 020 3117 2520 e-mail: whistle@protect-advice.org.uk to employees and others with serious concerns about public dangers and malpractice. <https://protect-advice.org.uk/contact-protect-advice-line/>
- Trade Union/Professional Association representatives

4.13 The Trust strongly encourages all staff to seek appropriate advice before reporting a concern to anyone externally. A trade union representative may be able to offer advice. Protect (formerly known as Public Concern at Work) is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice and operate a free confidential advice helpline on 020 3117 2520. Their website is available at: <https://protect-advice.org.uk/>

5 CONFIDENTIALITY AND DATA PROTECTION

5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret to the extent permitted by law. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 3.5 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are given above and at the end of this policy.

5.3 Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

5.4 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will

comply with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

6. ADVICE FOR LINE MANAGERS DEALING WITH CONCERNS

- 6.1 You must exercise judgement depending on the nature and seriousness of the concern. While it is essential for problems to be tackled effectively with the aim of rectifying the issue, this may well be best achieved in less serious cases by discussion with the relevant section or employee and securing a commitment as to future standards and corrective action. In taking any corrective action you must, as far as possible, respect an employee's request for confidentiality and avoid the threat of recrimination or reprisals. You should notify your own line manager of the action you have taken.
- 6.2 In other more serious cases you should pass the matter up to the Chief Executive Officer.
- 6.3 If you have any doubts about the right way to deal with the concern you should contact one of the persons named in paragraph 3.5 above for advice.
- 6.4 All employees should be reassured that their concerns will be treated seriously and sensitively and that the trust will not tolerate harassment and/or victimisation of any employee raising concerns.
- 6.5 Employees should raise their concerns with the Chief Executive Officer or Chair of Trustees or, if this is not appropriate, the Responsible Officer (for financial irregularities) or the Trust's legal or HR service provider.

The contact details for the Trust's HR service provider are as follows:

Just People (HR) Limited
Email address: getintouch@justpeoplehr.com
Telephone number: 01768 214963

- 6.6 The Chief Executive Officer or Chair of Trustees should raise their concerns with the Trust's legal or HR service provider. They should report any allegation or suspicion of a financial irregularity immediately to the Responsible Officer.

7. RESPONSE AND INVESTIGATION

- 7.1 The Trust will respond and investigate all concerns raised under the Whistle Blowing Policy and where appropriate the matters raised may:
- Be investigated by management, internal audit or through the disciplinary process

- Be referred to the Police
 - Be referred to the ESFA
 - Form the subject of an independent inquiry
- 7.2 The Chief Finance Officer will put in place appropriate measures to preserve relevant information and ensure that records that are, or that may be, required as evidence in legal proceedings are not modified, destroyed or tampered with (as part of the 'legal hold' process).
- 7.3 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 Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.
- 7.4 Within 10 working days of a concern being raised, the Chair of Trustees will write to the employee concerned at their private address:
- Acknowledging that the concern has been received;
 - Indicating how she proposes to deal with the matter;
 - Telling the employee whether any initial enquiries have been made; and
 - Telling the employee whether further investigations will take place and, if not, why not.
- 7.5 If the matter is subject to further investigation the employee will be kept informed of the progress and will be told of the timescale for the investigation. The amount of contact between those considering the issues and the employee having a concern 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 employee raising the concern.
- 7.6 A representative of a Trade Union recognised by the Trust or work place colleague may accompany an employee during any stage of an investigation conducted under this policy.
- 7.7 The Trust will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the Trust will arrange for them to receive advice about the procedures involved.
- 7.8 The Trust accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.
- 7.9 The Chair of Trustees has overall responsibility for the maintenance and operation of this policy. She will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not endanger confidentiality.

8 IF YOU ARE NOT SATISFIED

- 8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 3.5.

9 PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 3.5 immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 9.4 A confidential support and counselling helpline, The Education Support Partnership, is available to whistleblowers who raise concerns under this policy. <https://www.educationsupportpartnership.org.uk/helping-you/telephone-support-counselling>

10 REVIEW OF POLICY

This policy is reviewed every year by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

11. FURTHER INFORMATION

- 11.1 Further information is available from the following sources:

Whistleblowing for employees, including a definition of whistleblowing
<https://www.gov.uk/whistleblowing>

School complaints and whistleblowing, including how ESFA handles complaints about academies
<https://www.gov.uk/education/school-complaints-and-whistleblowing>

The whistleblowing charity Protect (formerly Public Concern at Work), which provides confidential independent advice about wrongdoing in the workplace. Helpline 020 3117 2520.
<https://protect-advice.org.uk/>

The NSPCC whistleblowing helpline can be contacted on 0800 028 0285 or via their email address: help@nspcc.org.uk