



WHISTLEBLOWING POLICY

Named Whistleblowing Trustee: Jackie Eason, Chair of the Trust Board

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Document Control

Document version numbering will follow the following format. Whole numbers for approved versions, eg 1.0, 2.0, 3.0 etc. Decimals will be used to represent the current working draft version, eg 1.1, 1.2, 1.3 etc. For example, when writing a procedural document for the first time the initial draft will be version 0.1.

The table below provides details of the changes made to this document, to inform those reviewing and approving the document.

Document Edition	Section	Details of Change
1.0	All	Approved by the Trust Board Oct 2019
1.1	All	Annual review and update in line with legislation/guidance. Trust values updated from 6Es to 3. Inclusion of document control table.
1.2	All	Updated from template on The Key.
2.0	All	Approved by Trust Board 6 December 2023

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Introduction

The Leading Edge Academies Partnership (the 'Trust') is a team of school leaders that aim to be Leading Edge and pioneering in their approach to education and well-being. We are a growing family of like-minded schools that offer a values-based education to the communities we serve and welcome staff, workers, pupils, parents/carers and volunteers from all different ethnic groups and backgrounds.

The term 'Trust Community' includes all staff, trustees, governors, pupils, parents/carers, volunteers and visitors.

We are a values-based Trust, which means all actions are guided by our three 'Es' as follows:

- **Excellence** – 'Outstanding quality'
- **Evolution** – 'Continuous change'
- **Equity** – 'Fairness and social justice'

This policy is based on the value of **'Equity'**

Related policies

This policy is based on a series of comprehensive and inter-related policies:

- Safeguarding and Child Protection Policy
- Allegations Made Against Staff Policy
- Equality and Diversity Policy
- Complaints Policy
- Code of Conduct
- Trustee/Governor Code of Conduct
- Financial Regulations
- Disciplinary Procedure

Policy Statement

The Public Interest Disclosure Act 1998 (PIDA) was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the Leading Edge Academies Partnership (the 'Trust').

Employees are often the first to realise that something wrong may be happening within their academy. However, they may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability, as shown in the Trust's Code of Conduct given to all staff. In line with that commitment it encourages employees and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that employees can do so without fear of reprisal and is intended to encourage and enable

employees to raise serious concerns within the Trust, rather than overlooking a problem or publicly disclosing the matter.

This policy has been discussed with the relevant trade unions and professional organisations and has their support. Seeking advice from and being represented by your trade union may be the best course of action to raise any issue under this policy. The Trust recognises and endorses the role trade unions and their officers play in this process.

Aims and Scope of this Policy

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust.
- Set clear procedures for how the Trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistleblowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust, nor is it an alternative to well-established disciplinary or grievance procedures. It may, however, overlap with other policies for dealing with complaints.

Who is covered by the Policy?

This policy applies to all employees, other workers and volunteers, who provide services to the Trust in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

Definition of whistleblowing

A whistle-blower is a person who raises a genuine concern relating to potential wrongdoing that is 'in the public interest'.

Examples of concerns that could come under the definition of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement

- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

Complaints that do not count as whistleblowing

Not all concerns about the Trust count as whistleblowing. For example, personal staff grievances such as bullying, harassment or discrimination, are not covered by whistleblowing law, unless your particular case is in the public interest. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely to be a grievance and should be reported under the grievance policy.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.
- A free and confidential [advice line](#).

Safeguards

Detriment

The Trust is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

Harassment or Victimisation

The Trust recognises 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. The Trust will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence, which will be dealt with under the appropriate procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you. If allegations of malpractice arise during a disciplinary process, those allegations will be investigated at the same time as the disciplinary procedure.

Confidentiality

All concerns will be treated in confidence and the Trust will endeavour to protect your identity if you do not wish to disclose your name. If the investigation of a concern discloses a situation that is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness, until the reasons for its disclosure at this stage have been fully discussed with you.

An anonymous concern will be assessed as best it can to establish whether there is substance to the concern and whether it can be addressed. The Trust will be unable to reassure or protect a worker who discloses information anonymously.

Anonymous Allegations

This policy encourages you to deal with concerns openly, although we recognise that this will not always be possible. You may wish to raise concerns in confidence or anonymously where you feel unable to deal with the matter openly. Concerns expressed anonymously are much less powerful, although they will be considered at the discretion of the Trust against the following criteria;

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources;
- the Trust's best interests; and
- the protection of the Trust's assets.

You should also bear in mind that if you do choose to raise a concern anonymously, it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concerns anonymously, this may best be done through your trade union.

Untrue and/or Malicious Allegations

If you make an allegation in good faith that is not confirmed by the investigation, no action will be taken against you. If, however, you are an employee and you make an allegation maliciously or for personal gain, this may result in disciplinary action being taken against you. If you are a contractor or you are employed by another organisation but working on behalf of the Trust and you make an allegation maliciously or for personal gain, the Trust may discontinue using your services.

Procedure for raising a whistleblowing concern

When to raise a concern

Staff should consider the examples outlined above when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was/were illegal, breached statutory or Trust procedures, put people in danger or was/were an attempt to cover any such activity up.

Who to report to

Initially, concerns should normally be raised with your line manager or his/her line manager. The line manager should take appropriate action.

However, if this line of communication is not satisfactory or appropriate then school-based staff should report their concern to the Headteacher/Principal. If the concern is about the Headteacher/Principal, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chief Executive Officer.

Central team staff should report their concern to the Chief Executive Officer.

If the concern is about the Chief Executive Officer, or it is believed they may be involved in the wrongdoing in some way, staff should report the concern to Chair of the Trust Board.

The individual receiving the concern will be referred to as the 'Lead Officer' throughout the remainder of this policy.

Alternatively, if you feel you cannot express your concerns as detailed above, you can raise your concern(s) externally to one of the bodies listed on the 'List of prescribed persons and bodies'. Prescribed persons

are mainly regulators and professional bodies but include other persons and bodies such as MPs. If you decide to blow the whistle to a prescribed person rather than your employer, you must make every reasonable effort to ensure that you have chosen the correct person or body for your issue. The link below provides an up-to-date list:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf

Where the concern relates to a child protection matter and you do not wish to raise it via the school, you should inform the Local Authority Designated Officer (LADO) for Safeguarding (via email at lado.cornwall.gov.uk or on 01872 326536 (within Cornwall and the Isles of Scilly)). The LADO must be contacted within 24 hours of you becoming aware of an issue or incident. If the concern requires police or other agency/authority involvement, the whistleblowing process will be halted until the relevant agencies have completed any necessary investigations and confirmed it is appropriate to continue with the whistleblowing procedure.

How to raise the concern

It is best to raise any concerns as early as possible. Concerns may be raised verbally or in writing, but should be made in writing wherever possible. Where concerns are raised verbally, it is good practice for the concern to be recorded in writing at an early stage to ensure all the details are correctly understood.

A written allegation should set out the background and history of the concern. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your trade union representative to give you an opportunity to agree this as a correct record. The following headings may help you organise your thoughts but do not need to be followed exactly:

- why you are concerned and background information about the matter;
- any other procedures you have already used and what happened;
- the people involved and where they work;
- dates or periods of time; and
- the names and jobs of any other people who will support your concern.

If you wish to make a written report, you should mark it private and confidential.

Although you are not expected to prove the truth of your allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously, this may be done through your trade union.

If you are personally involved in the matter raised, please inform the Trust at the outset. You may invite your trade union representative, a member of staff from Human Resources or a work colleague to be present during any meetings or interviews (which may be arranged away from your normal workplace if you so wish) in connection with the concerns you have raised.

Trust procedure for responding to a whistle-blowing concern

The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness, the matters raised may;

- be investigated by the Trust leadership, internal audit or through the disciplinary process;
- be referred to the police;
- be referred to external auditors;
- need to be the subject of a referral to the National College for Teaching and Leadership;
- form the subject of an independent enquiry.

Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required in response to a concern, this may be taken before a full investigation is conducted.

Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.

In any event, the Trust will write to you at your home address within **ten** working days of a concern being received to:

- acknowledge that the concern has been received;
- indicate how it proposes to deal with the matter;
- give an estimate of how long it will take to provide a final response;
- tell you whether any initial enquiries have been made;
- tell you whether further investigation will take place, and if not, why not; and
- where appropriate, name an independent Support Officer to support you during any investigation.

Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contact and explain their role to you, which is to:

- keep you informed about the progress of the investigation;
- inform the Investigating Officer of any further issues you may have;
- raise any concerns you may have about the conduct of the investigation;
- take appropriate steps to support you in the workplace; and
- support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern.

If you wish to retain your anonymity you will need to nominate a representative and/or a contact address where correspondence may be directed in order to keep you informed.

The amount of contact between Investigating Officers and you will depend on the nature of the matter(s) raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the Trust).

The Trust accepts that you need to be assured the matter has been properly addressed. Accordingly, subject to legal and/or confidentiality constraints, the Lead Officer will ensure that you are provided with information about the outcome of any investigations and/or proceedings.

Escalating concerns beyond the Trust

This policy is intended to provide you with a route within the Trust to raise concerns within the Trust. The Trust hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with one of the following contacts:

- a diocesan authority (for Church schools)
- relevant professional bodies or regulatory organisations
- your trade union or professional association
- your solicitor or legal adviser
- the police
- the Local Government Ombudsman
- the Health and Safety Executive
- 'Public Concern at Work' – Registered Charity
- Education and Skills Funding Agency (ESFA)
- Regional Schools' Commissioner for the South West (RSC)

You can refer your concern to an external regulator and still be protected by the law if:

- you act in good faith;
- you reasonably believe that the information you are disclosing is substantially true; and
- your concern falls within the remit of one of the prescribed external regulators as listed by the Department for Business, Innovation and Skills.

Finally, in circumstances where you genuinely believe that the matter cannot or will not be dealt with internally or by a prescribed external regulator and you have evidence to back up your concern, you may consider it appropriate to contact a non-regulatory external body, for example, the Police.

Contacts

Leading Edge Whistleblowing Trustee

Jackie Eason jeason@leadingedgeacademies.org

The Trust's external auditors

Bishop Fleming - 01752 262611

The ESFA (Education and Skills Funding Agency)

Cheylesmore House, Quinton Road, Coventry, CV1 2WT - 0845 377 5000

Protect - helpline: 020 7404 6609 - <https://protect-advice.org.uk>, a registered charity which advises on serious malpractice within the workplace, in accordance with the provisions of the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

Approval

This policy will be reviewed every 2 years.

This policy has been agreed by the Board of Trustees, who will approve it whenever reviewed.