

Learning Together Trust

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'With God, all things are possible.' Matthew 19:26



Learning Together Trust

Whistleblowing Policy

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1. Aims

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 by an appropriate person.
- Let all staff who work for The Learning Together Trust know how to raise concerns about potential wrongdoing in or by the Trust.
- Set clear procedures for how the Individual School or The Learning Together Trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing 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 does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to The Learning Together Trust in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

The Public Interest Disclosure Act 1998 (PIDA) is the key piece of UK legislation protecting individuals who 'blow the whistle' in the public interest. The law protects 'workers', which includes employees. Disclosures in the "public interest" would include those which highlight misconduct, wrongdoing or risks to the public, promote openness or transparency, or promote freedom of expression. The scope of "public interest" is, therefore, potentially very broad. The legislation is clear however, that "public interest" is not the same as "what the public is interested in".

In addition, if an employee reports their concern to the media, in most cases they will lose their whistleblowing law rights. A worker will have to show three things to claim PIDA protection:

1. that he or she made a disclosure
2. that they followed the correct disclosure procedure
3. that they were dismissed or suffered a detriment as a result of making the disclosure

Workers who make a 'protected disclosure' can make a claim to an employment tribunal if they're treated badly or dismissed; however, they must now be able to show that the disclosure was made at the time in the reasonable belief that it was "in the public interest". This protection however, does not detract nor remove from the employee's own responsibilities in accordance with their role, e.g. you must still take actions to respond to a safeguarding concern with a child, in line with safeguarding procedures, in addition to raising a whistleblowing complaint highlighting the cause of the incident which is in the public interest.

The School and Trust must also be aware that confidentiality clauses used in settlement agreements do not affect a worker's right to make a protected disclosure. In addition, an employee who makes a protected disclosure after their employment has terminated will still be protected by the legislation.

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

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

This policy complies with our funding agreement and articles of association.

3. Definition of Whistleblowing

Whistleblowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistleblowing include (but are not limited to):

- Financial malpractice
- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Behaviour amounting to improper conduct
- Failure to comply with a legal obligation or statutory requirement
- Failing to comply with or contravening school policy
- A miscarriage of justice
- Damage to the environment
- Attempts to cover up the above, or any other wrongdoing in the public interest

A whistleblower is a person who raises a genuine concern relating to the above.

Not all concerns about the Trust, or Individual Schools in the trust, count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

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) www.protect-advice.org.uk has:

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

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory School or Trust procedures, put people in danger or was an attempt to cover any such activity up.

4.2 Who to report a concern to

As a first step, a concern should be raised with an immediate manager, e.g. Head of Key Stage or Department, a member of the Senior Management Team or the Headteacher.

This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in malpractice. For example, if it is believed that leadership is involved, the person raising the concern should approach the Headteacher or Chair of Governors for the Individual School.

School-based staff should report their concern to the Headteacher or Head of School. If the concern is about the Headteacher or Head of School, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of Governors.

In a circumstance where the Headteacher and Chair of Governors are thought to be involved in the malpractice, the person raising the concern should contact the CEO directly.

Central Team staff should report their concern to the CEO. If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the Central Team staff member should report the concern to the Chair of Directors.

4.3 How to raise a concern

Communicating the concern

Concerns are better raised in writing. A person is invited to set out the background and history of the concern, including the names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

If a person does not feel able to put their concern in writing, they can telephone or meet the appropriate person listed in Section 4.2. The earlier the concern is expressed, the easier it is to take action. Please note, if concerns are raised by telephone a record of the concerns raised will be sent to the individual to ensure the recorded information is correct. Although a person raising a concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern to be raised.

To raise the matter on their behalf, a person may invite a union or professional association representative or a work colleague, however, they must not be directly involved with the matter relating to the complaint. A person raising a concern may also have a union or professional association representative or a work colleague to represent them at any meeting which is held relating to the concern.

4.4 Safeguards

Confidentiality

The Individual School and/or Trust will do its best to protect the identity of an employee when a concern is raised and the employee does not want their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence, particularly if the Police, External Auditors or the Courts become involved. The School or Trust may be required by law to disclose the source of the information, in which case confidentiality cannot be guaranteed. In order to take effective action, the Individual School or Trust may need evidence that is required to stand up to examination in Courts or Tribunals.

Raising a concern anonymously

This policy encourages employees to put their names to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Individual School or appropriate person from The Learning Together Trust. In exercising this discretion, the factors to be considered would include:

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

Harassment or Victimisation

The Learning Together Trust 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. The Learning Together Trust will not tolerate harassment or victimisation and will do what it lawfully can to protect employees when they raise concerns under this policy. This does not mean that if an employee is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their whistleblowing.

5. Responding to a whistle-blowing concern

When a concern is received by an Individual School or The Learning Together Trust they will, within ten school working days, write to the person raising the concern and:

- Acknowledge that the concern has been received.
- Appoint an appropriate person to conduct any investigation into the concern and detail how it intends to deal with the concern.
- Meet with the person raising the concern within a reasonable time. Gather as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the person investigating should handle the concern in line with the appropriate policy/procedure.
- Reiterate at this meeting, that the person raising the concern is protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)

- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The investigating person should then arrange a further investigation into the matter. In some cases, at the discretion of the Individual School or The Learning Together Trust, an external and/or independent body may be asked to investigate the concern.
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe.

The action taken by the School or Trust will depend on the nature of the concern, as determined by the person conducting the investigation.

The amount of contact between the person considering the issues and the employee who raises the concerns will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.

When any meeting is arranged, which can be off-site if requested, the person raising the concern has the right to be accompanied by a companion. This may be a union or professional association representative or a work colleague, however, they must not be directly involved with the matter relating to the complaint.

A summary of the meeting will be made for record keeping purposes and a copy will be provided if required. The person raising the concern is invited to make personal notes of the meeting if preferred. The School and Trust will do what it lawfully can to minimise any difficulties that a person may experience as a result of raising a concern. For instance, if a person is required to give evidence in criminal or disciplinary proceedings, the School and/or Trust will offer advice about the procedure. However, the School and/or Trust cannot provide legal representation.

Where appropriate, counselling may be provided which can be accessed through the Health Management Employee Assistance Programme (EAP) or the employee's GP. In addition, the 'Education Support Partnership' (formerly the Teachers Support Network) is available to provide support on a wide range of issues.

The School and/or Trust may also wish to explore providing mediation for individuals, to help rebuild trust and relationships in the workplace.

Reporting the outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether a referral is required to an external organisation, such as the local authority or police.

The Individual School or Trust will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to legal and confidentiality restraints.

Beyond the immediate actions, if necessary, an Individual School or The Learning Together Trust will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action taken against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school and/or Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Escalating concerns beyond the Trust

The Learning Together Trust encourages staff to raise their concerns internally, in line with section 4 of this policy. If a member of staff is dissatisfied with the outcome of an investigation, they may wish to raise their concerns to an external body. A list of prescribed persons to whom staff can raise concerns with is included here: [Whistleblowing: list of prescribed people and bodies - GOV.UK](#).

Prescribed persons have individual policies and procedures for handling concerns and complaints. Generally, these will be accessible on their websites.

Alternatively, the employee may wish to raise their concerns with:

- the Police
- a Solicitor
- Wigan Council's External Auditor
- relevant professional bodies / regulatory organisations
- their trade union/professional association
- ACAS

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

8. Approval

This policy will be reviewed every 3 years. This policy and procedures have been agreed by the board of Directors, who will approve them whenever reviewed.

9. Links with other policies

This policy links with our policies on:

- Staff Grievance procedure
- Dignity at Work policy
- Complaints procedure
- Safeguarding policy
- Staff Code of Conduct