

### Whistleblowing policy

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Authorised by: J Morris\_\_\_\_\_ Date: 26.6.17\_\_\_\_\_

Approved by: J Ash Edwards\_\_\_\_\_ Date: 12.7.17\_\_\_\_\_.

Custodian: J Morris\_\_\_\_\_ Date: 26.6.17\_\_\_\_\_

## WHISTLEBLOWING POLICY

1. Sussex Learning Trust (Sussex Learning Trust) is a Multi-Academy Trust (MAT) and this policy and procedures covers all member academies within Sussex Learning Trust.
2. The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees who have serious concerns about any aspect of the academy's work to come forward and voice those concerns. This procedure makes it clear that this can be done without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious problems within the academy rather than overlooking a problem or "blowing the whistle" outside. This procedure is fully consistent with the model policy recommended by WSCC for its schools and which the council consulted with the relevant trade unions and professional organisations and has their support.
3. These procedures are in place to encourage individuals to put their name to and raise their concern, as anonymous allegations may often be difficult to investigate, substantiate/prove. Concerns expressed anonymously are much less powerful but will be investigated unless the Academy Trust's Audit Committee acting in a monitoring role in consultation with the Chair of Trustees and CEO agrees there is insufficient evidence to proceed.

The Board of Trustees has appointed the Audit Committee to take specific responsibility for this procedure and policy.

### **4. What is whistle blowing?**

- 4.1. Whistle blowing is the term used to describe reporting by stakeholders, usually employees or ex-employees, Trustees, Governors or volunteers, of wrongdoing on the part of management, the Trustees, Governing Body or by fellow employees.
- 4.2. Wrongdoing may include for example, fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or breaches of the Sussex Learning Trust (Sussex Learning Trust) Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers.

### **5. Protecting the whistle blower**

- 5.1. Under the Public Interest Disclosure Act 1998 a whistle blower is protected from detriment and unfair dismissal. The Trust and each member academy will support and not discriminate against concerned employees who apply the whistle blowing procedure, provided any claim is in good faith.
- 5.2. The Trust recognises that the decision to report a concern can be difficult to make, not least because of the fear of reprisal from those responsible for the subject that gives rise to the concern. If concerns are raised in good faith, there will be nothing to fear because employees will be doing their duty to the employer and to those for whom they are providing a service.

### **6. When should whistle blowing procedures be used?**

- 6.1. Services must be both fit for purpose and appropriateness of the needs to the member academy and the students and staff. Where there is a major concern over any wrong-doing within the Trust relating to unlawful conduct, financial malpractice or dangers to the public or environment.

6.2. Examples could include:

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed
- A miscarriage of justice has been/is likely to occur
- The health or safety of any individual has been/is likely to be endangered
- The environment has been/is likely to be damaged
- Public funds are being used in an unauthorised manner
- The Academy Trust's Governance arrangements have or are not being observed or are being breached by students, volunteers, or staff.

The above does not represent an exhaustive list of areas covered by Whistleblowing.

6.3. Whistle blowing is not appropriate for dealing with issues between an employee and the Trust which relate to the employees own employment or rights of employment conditions generally.

6.4. Whistle blowing is not appropriate for dealing with pupil complaints, which will be dealt with under the complaints procedures.

6.5. Whistle blowing is not appropriate to specific case(s) matters relating to child safety, child protection or safeguarding which will be dealt with under the procedures and policy in place to for such matters.

## **7. How to raise concerns**

7.1. As a first step, Employees, volunteers should normally raise concerns with their immediate line manager and inform him/her about are using this procedure. However, the Trustees and Governors recognise that on occasion this may not be appropriate. This depends, however, on the seriousness and sensitivity of the issues, in these cases the concern should be raised with the Headteacher or Head of School. In exceptional circumstances, or if the matter relates to a Headteacher, the concern should be raised with the CEO of Sussex Learning Trust.

7.2. A number of alternative contacts may be appropriate depending on the nature of the concern. For example, approach a more senior manager in the school such as a member of the Leadership Team or a Governor. The whistle-blower may contact the Chief Executive or a Trustee of The Sussex Learning Trust. Concerns may be raised verbally initially but will need to be formalised in writing. Preferably concerns must be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the employee's particular concern.

7.3. Although staff are not expected to prove beyond doubt the truth of the concerns, they will need to demonstrate reasonable grounds to raise them. Where employees fail to report their concerns they may become themselves implicated and consequently the Trust may treat failure by an employee to report such matters as a serious matter, which could lead to disciplinary action. Employees may wish to obtain assistance in putting forward a concern from a Trade Union representative or a colleague and you may choose to be represented by a Trade Union representative or colleague at any meetings that are required.

7.4. Step 2 within ten working days of a concern being received in writing, the Academy will write to the employee:

Acknowledging that the concern has been received;  
Indicating how it proposes to deal with the matter;  
Giving an estimate of how long it will take to provide a final response;  
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.

Employees will also be provided with details of support available.

7.5. Step 3 the action taken by the Trust will depend on the nature of the concern. The matters raised maybe:

investigated internally;  
referred to the police;  
referred to the local governing body;  
referred to the Trustees  
Form the subject of an independent inquiry  
investigated externally;

7.6. In order to protect individuals and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant senior leader to decide whether an investigation is appropriate and, if so, what form it should take.

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

7.8. The amount of contact between the officers considering the issues and the complainant employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

7.9. The Trust will take steps to minimise any difficulties which employees may experience as a result of raising a concern.

7.10. The Trust accepts that employees need to be assured that the matter has been properly addressed and will ensure this happens.

7.11. Subject to legal constraints, employees will normally receive feedback about the outcomes of any investigations.

7.12. This policy is intended to provide employees with an avenue to raise concerns within the Trust. The Trust hopes that employees will be satisfied with any action taken under Sussex Learning Trust policy and procedures.

7.13. If the employee raising the concern is unhappy with the outcome the next steps are to contact the Chair of the Local Governing Body and Trustee. An employee should prior raising the concern outside of Sussex Learning Trust, first go through the internal procedure.

**Link Documents, Policies and Procedures**

The procedures are intended to supplement, rather than to replace, the existing complaints, disciplinary and grievance procedures. It is intended to cover serious concerns that fall outside the scope of other procedures and may relate to something which:

- Is contrary to the Academy Trusts Financial Regulations or Safeguarding Policies, or
- Is against the Academy's policies and procedures, or
- Falls below established standards of practice, or amounts to improper conduct

This policy will be monitored by The Audit Committee as part of the Trust's policy review or as required by legislature changes and the requirements of the EFA/DfE, for example updates in the Academies Financial Handbook and other publications.

**Policy Review**

This policy will be monitored as part of the Trust's annual internal review or as required by legislature or EFA changes. Next formal review linked to Academies Handbook (AH) 2017. If subsequent AH does not require material change the policy will be formally updated September 2020.

## Document Version Control

Date	Version	Comment	Ratified by	Reviewer
26.6.17	1	In exceptional circumstances, or if the matter relates to a Headteacher, the concern should be raised with the CEO of Sussex Learning Trust.	Board of trustees (12.7.17)	J Morris