



WHISTLEBLOWING POLICY

**Adopted by the Trustees of the
Leodis Academies Trust
on 9 October 2019**

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This policy should be used within the context of the vision and values of Leodis Academies Trust and the individual Academy. The policy sets out the procedure that all Academies within the Trust must adhere to.

We believe our Academies provide an excellent education for all our children, and that the Principals and other staff work very hard to build positive relationships with all parents and the local community. If you have a concern or complaint, please let the Academy know as soon as possible.

The Governors of each Academy are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees who have serious concerns about any aspect of the Academy's work, to come forward and voice those concerns. Our Academies aim to be fair, open and honest, and will aim to resolve any complaint through dialogue and mutual understanding and, in all cases, put the interests of students above all other issues. By following this policy our Academies provide sufficient opportunity for a complaint to be fully discussed, and then resolved.

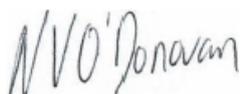
The Trustees are responsible for the overall Whistleblowing Policy.

The Local Governing Board and Principal of each Academy are responsible for the implementation of the Whistleblowing Policy.

Distribution

Leodis Academies Trust – Central Team
Blackgates Primary Academy
East Ardsley Primary Academy
Hill Top Primary Academy
Westerton Primary Academy
Woodkirk Academy

Signed: ...



N O'Donovan
Chair of Trustees

1. INTRODUCTION

- 1.1. In the first instance, Leodis Academies Trust hopes that employees would feel able to raise concerns through the processes and procedures in place at each Academy. On occasion employees may feel unable to do this and in these instances this policy will apply.
- 1.2. As an employee of the Trust you may be the first to question or realise there may be something seriously wrong within the organisation. However, you may not express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.
- 1.3. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. It is intended to encourage and enable staff of the Trust to raise serious concerns within each Academy rather than overlooking a problem or discussing it externally.
- 1.4. In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns.

2. AIMS AND SCOPE OF THE POLICY

2.1. Aims

- 2.1.1. Provide avenues for you to raise concerns and receive feedback on any action.
 - 2.1.2. Allows you to take the matter further if you are dissatisfied with each Academy's response.
 - 2.1.3. Reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.
- 2.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the Trust. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, although each Academy reserves the right to determine which procedure is appropriate.
- 2.3. What is a concern?

Concerns to be reported under this policy should relate to something which involves an issue in the public interest and which you have reasonable belief to be true, for example where:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- is against the school's Contract Procedure Rules, Financial Procedure Rules or other policies;
- falls below established standards or practice;
- amounts to improper conduct, including serious misuse or abuse of authority;
- a miscarriage of justice has occurred, is occurring or is likely to occur;

- the health and safety of any individual had been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged
- mismanagement of funds has occurred, is occurring or is likely to occur; or
- the information tending to show any of the above is being or is likely to be concealed.

If your concern is regarding

- The safeguarding of children or young people, please call 0113 376 0336 during office hours and the Social Care Emergency Duty team on 0113 535 0600 out of normal office hours.
- The safeguarding of vulnerable adults, please call 0113 222 4401 during office hours and 0113 240 9536 at all other times.
- Suspected Benefits Fraud should be reported to Benefit Fraud by phoning DWP National Benefit Fraud helpline 0800 854 4400 or by visiting the website on www.gov.uk/report-benefit-fraud or writing to National Benefit Fraud Hotline, Mail Handling Site A, Wolverhampton WV98 2BP

3. SAFEGUARDS

3.1. Protection from reprisal

- 3.1.1. 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 alleged malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you have reasonable belief to be true and to be in the public interest. This may (subject to investigation) include disciplinary action against those that subject an individual to detriment as a result of the whistleblowing. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.
- 3.1.2. Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact the Principal, the Chair of the Local Governing Body or your union.

3.2. Confidentiality

The Trust treats the details of all whistleblowers in confidence and will do its best not divulge your identity without your consent. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and in some circumstances a statement by you may be required as part of the evidence.

3.3. Anonymous allegations

- 3.3.1. Allegations can be made anonymously. However, this policy encourages you to provide your name and contact details when making your allegation, as concerns expressed anonymously are often much more difficult to investigate.

For example, we may need to contact you to obtain further information or verify the details you have already given us.

3.3.2. Anonymous allegations will be considered wherever possible at the discretion of each Academy. The factors to be taken into account when determining whether and investigation in such a case can proceed would include:

- 3.3.2.1. the seriousness of the issues raised
- 3.3.2.2. the credibility of the concern; and
- 3.3.2.3. the likelihood of confirming the allegation from other, attributable sources.

3.4. Untrue allegations

If you make an allegation in the public interest (as described in 2.3) and which you had a reason to believe was true, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations which you could not have reasonably believed were true, appropriate action may be taken against you including disciplinary action.

Main legislative and National Guidance and other relevant documents

Public Interest Disclosure Act 1998
Data Protection Act 2018
Freedom of Information Act (2000)
Employment legislation
Employment policies
The Enterprise and Regulatory Reform Act 2013

4. PROCEDURES

4.1. How to raise a concern

4.1.1. It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides each Academy with an opportunity to address the associated issues as early as possible. The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.

4.1.2. Leodis Academies Trust's Safer Working Practice Policy (section 28) also reiterates the need for staff to raise concerns under Whistleblowing legislation

4.1.3. As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged malpractice. For example, if you believe that management is involved, you should contact the Principal, Chair of the Local Governing Advisory Board, or Leodis' HR team. If you believe that the CEO Principal is involved, you should contact the Chair of Trustees.

4.1.4. Leodis' HR Team can give advice and guidance on how matters of concern can be pursued.

4.1.5. You may invite your trade union or professional association to raise a matter on your behalf.

4.1.6. Concerns can be raised in writing and/or by e-mail to the following:

Principal of the Academy
Chair of Local Governing Board
Chair of Finance and Resources or Standards Committee
Leodis' HR Manager
CEO Principal
Chair of Trustees
(choose options)

In the case of a concern about the CEO Principal, concerns can be raised in writing and/or by e-mail to the Chair of Trustees.

All referrals made will be treated in the strictest of confidence.

4.1.7. Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, such as:

- The background and history to the case;
- The reason why you are particularly concerned
- Any specific details available including names, dates, times and places;
- Details of any particular conversations that support the concerns;
- Details any personal interest that you may have in the matter; and
- How you think that things may be put right, if possible.

4.1.8. If you are concerned about reporting an issue within the Academy you may wish to seek advice from the Education and Skills Funding Agency. They can be contacted by contact form at www.education.gov.uk/help/contactus/dfe.

4.1.9. If you are concerned that safeguarding arrangements in the Academy are not effective, or a child/ren is not being protected you should bring the matter to the attention of the Designated Safeguarding Lead, the Principal or Leodis' Safeguarding Lead. If you are unable to do this or are not satisfied with the response you should contact the LADO. (You may refer to the guidance in Safer Working Practice Policy for more information).

4.2. How the Academy will respond

4.2.1. The action taken by each Academy will depend on the nature of the concern. The matters raised may:

- be investigated internally (this is the most likely option);
- be referred to the Police;
- be referred to the external auditor;
- form the subject of an independent inquiry; or
- any combination of the above

4.2.2. In order to protect individuals and each Academy, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it

should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

4.2.3. There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If the nominated person is unsure about the gathering of evidence, advice is available from the Leodis' retained HR or Health and Safety provider, Trust Finance team and/or the Child Protection Team at Leeds City Council.

4.2.4. Some concerns may be resolved by agreed action without the need for investigation.

4.2.5. Within ten working days of a concern being received, where appropriate, the Academy will write to you:

- acknowledging that the concern has been received
- telling you whether further investigations will take place and if not, why not.
- indicating how it proposes to deal with the matter, including potential timescales
- telling you whether any initial enquiries have been made

4.2.6. The amount of contact between the person(s) considering the issues and you, 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 you.

4.2.7. When any meeting is arranged, you have the right, if you wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

4.2.8. Each Academy will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, each Academy will advise you about the procedure.

4.2.9. Each Academy acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

4.3. How the matter can be taken further

4.3.1. This policy is intended to provide you with an avenue to raise concerns within the organisation. The Trust hopes you will be satisfied. If you are not, you should consider raising the matter with the Trust directly via the CEO Principal or a member of the Trust Board.

If you feel it is right to take the matter further, the following are possible contact points.

- 4.3.1.1. Relevant professional bodies or regulatory organisations.
- 4.3.1.2. Your union.
- 4.3.1.3. The Health and Safety Executive (HSE).
- 4.3.1.4. The Information Commissioner.
- 4.3.1.5. ESFA
- 4.3.1.6. Your local Council Member (if you live in the area of the Council).
A list of Council Members is available from Members Service (0113) 224 3206 or on the internet at <https://democracy.leeds.gov.uk>
- 4.3.1.7. Your solicitor.
- 4.3.1.8. The Police.
- 4.3.1.9. Protect – an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice. Tel 0203 117 2520 or e-mail whistle@protect-advice.org.uk).
- 4.3.1.10. The Department for Business, Energy and Industrial Strategy <https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy>

4.3.2. If you do take the matter outside the Trust, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. If you have any queries as to what constitutes confidential information, please check with Leodis' HR Team.

4.4. Support for whistleblowers

Everything possible will be done to manage employment relationships following a genuine and reasonable concern being raised.

5. ROLES AND RESPONSIBILITIES

5.1. The Trustees of Leodis Academy Trust:

The Trustees have overall responsibility for:

- 5.1.1. maintaining and operating the policy;
- 5.1.2. annual review of the policy;
- 5.1.3. annual report of the effectiveness of the policy;
- 5.1.4. approving amendments to the policy;

5.2. Local Governing Board:

- 5.2.1. promoting the policy locally;
- 5.2.2. maintaining a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) and will report as necessary to the Trustees and Leodis' HR Team, and;
- 5.2.3. responding to the outcomes of any investigation as required.

5.3. Leodis' HR Provider

5.3.1. To provide advice and support for whistleblowing matters.

5.3.2. To maintain confidentiality.

5.4. Managers/Leaders

5.4.1. To undertake investigations without undue delay.

5.4.2. To maintain confidentiality.

5.5. Employees

5.5.1. To raise issues of concern responsibly.

5.5.2. To participate in any investigation deemed necessary and as a result maintain confidentiality.

5.6. Others

As an employee of a contractor of the Academy or partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The Academy is committed to encouraging all individuals including non-school employees to raise serious concerns with the organisation. While we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as school employees.

6. EQUALITY IMPACT ASSESSMENT

The equality impact assessment of this policy is wholly positive as the policy supports the opportunity to address equality and diversity issues.