

# Whistleblowing Policy

## Create Learning Trust



Approved by	Date	Review Schedule	Date of Review
The Board of Trustees	08 March 2023	3 years	March 2026

## 1. Purpose

The purpose of this policy is to make clear that employees can and should voice concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended that this policy will encourage and enable employees to raise serious concerns within the academy and Create Learning Trust (CLT) rather than overlooking a problem or 'whistleblowing' outside the organisation.

This policy has been developed for the use of all employees. However, it can also be used by agency staff, other people acting in a similar capacity to an employee, by contractors and their staff and other individuals providing services/support to the Trust (e.g. volunteers). The same principles in terms of protection from harassment and victimisation, confidentiality, support and information on the Trust's response will apply.

## 2. Roles and Responsibilities

The Trust along with the Local Academy Board has overall responsibility for ensuring that the Whistleblowing Policy is managed appropriately in accordance with this agreed procedure.

The headteacher along with line managers are responsible for making employees aware of the existence of this policy. The headteacher is responsible for maintaining a record of concerns raised and outcomes (but in a form which does not endanger confidentiality) and will report to the Local Academy Board and Trust CEO routinely, including those found not to require any further action.

Employees are responsible for making themselves familiar with and complying with this policy.

## 3. Policy

Employees could be the first to realise that there may be something seriously wrong within an individual academy or Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the academy. They may also fear harassment or victimisation. In these circumstances the employee may feel it is 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. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy aims to encourage employees to feel confident about raising serious concerns and to question and act upon concerns about practice and to provide avenues for employees to raise those concerns and receive feedback on any action taken. The policy also aims to reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief and have made any disclosure in good faith.

A grievance procedure exists to enable an employee to lodge a grievance relating to her/his own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. This includes:

- Conduct which is an offence or breach of the law
- Disclosures related to miscarriages of justice
- Serious health and safety risks, including risks to the public as well as other employees
- Serious damage to the environment
- The unauthorised use of public funds
- Sexual or physical abuse of pupils
- Unethical conduct

Any serious concerns that an employee may have about any aspect of conduct by employees of the

academy or others acting on behalf of the academy may be reported under this policy. This policy does not replace the Trust's complaints procedure.

#### **4. Safeguards against harassment or victimisation**

The Trust recognises that the decision to report a concern can be a difficult one to make. If what the employee is saying is true, or they have a reasonable belief that it is true, the employee will have nothing to fear because they will be doing their duty to the academy and pupils of the academy.

The Trust will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect employees when concerns are raised in good faith.

Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect an employee.

#### **5. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of an employee who raises allegations under this policy. At the appropriate time, however, the employee may need to come forward as a witness.

Employees are encouraged to put their name to allegations wherever possible. This is because concerns expressed anonymously are much more difficult to investigate. Therefore, anonymous allegations will be considered at the discretion of the headteacher in consultation with the Chair of the Local Academy Board.

#### **6. Untrue allegations**

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, the employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against the employee.

#### **7. How to raise a concern**

In most circumstances the employee should raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if the employee believes that senior management is involved, the employee should approach the headteacher, Chair of the Local Academy Board, the CEO, Director of Operations, CFO, or Chair of the Trust, as appropriate.

Concerns may be raised verbally or in writing. Whichever way you choose, please give as much information as you can. Remember also to give your name, and for employees your job, where you work and say if you do not want to be contacted at work (if so, give your home address and phone number). If you are not employed by the Trust please let us know your relationship with the Trust (for example, contractor, partner organisation, and council tax payer.). There is a list of the managers and others with whom you can raise a concern (see the last page for contact addresses and phone numbers). When deciding who it would be best to approach, take into account the type of matter, its seriousness and its sensitivity – and who may be involved.

The earlier the employee expresses the concerns, the easier it will be to take action. Although the employee is not expected to prove beyond reasonable doubt the truth of an allegation, the employee should demonstrate to the person contacted that there are reasonable grounds for the concern.

The employee may wish to consider discussing the concern with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who have the same experience or concerns.

#### **8. How the Academy / Trust will respond**

The academy and/or Trust may need to test out the concerns. Where appropriate the concerns may be investigated by management, this could be through the disciplinary process where relevant; or form the subject of an independent inquiry.

In order to protect individuals and those accused of malpractice, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. The overriding principle will be the public interest.

Within 10 working days of a concern being raised the manager who received the concern will write to the employee:

- Acknowledging that a concern has been raised
- Indicating how it is proposed 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
- Telling the employee whether further investigations will take place and if not, why not.

The amount of contact between the individual considering the issue and the employee who raised the issue will depend on the nature of the matters raised; the potential difficulties involved and the clarity of information provided. If necessary, the academy will seek further information from the employee.

The academy accepts that the employee will need to be assured that the matter has been properly addressed and therefore the academy will inform the employee of the steps that have been taken to resolve the matter as appropriate. Where the employee has raised concerns in writing, then the academy should confirm their course of action in writing also.

The Trust will do all it can to minimise any difficulties which you may have because you have mentioned your concern. As far as we can, you will be offered personal support, which the manager leading the investigation will arrange. For example, if you had to give evidence in disciplinary or criminal proceedings, full advice about the procedure would be given to you.

## 9. How the matter can be taken further

The aim of this policy is that employees should be able to raise concerns internally and it is hoped that the employee will be satisfied with any action taken. If this is not the case, then they may raise their concerns to The Trust Board of Directors. If the employee wishes to take the matter outside of the organisation, then the following are possible contact points:

- Protect (formerly Public Concern at Work) <https://protect-advice.org.uk/homepage/>
- ESFA How ESFA handles whistleblowing disclosures - GOV.UK ([www.gov.uk](http://www.gov.uk))
- A relevant Trade Union
- Citizens Advice Bureau
- Relevant Professional Bodies
- Regulatory Organisations
- Local Police

If the employee chooses to take the matter outside of the academy and Trust then the employee should ensure that they do not disclose confidential information. An employee should not take concerns directly to the media.

## Contact details

Chief Executive Officer	Susan Walter <a href="mailto:ceo@createlearning.co.uk">ceo@createlearning.co.uk</a>
Chair of the Trust	Mark Butcher <a href="mailto:mbutcher@createlearning.co.uk">mbutcher@createlearning.co.uk</a>
Chief Finance Officer	Jenni Goodwin <a href="mailto:cfo@createlearning.co.uk">cfo@createlearning.co.uk</a> 01270 360030
Director of Operations	Kier Glover <a href="mailto:operations@createlearning.co.uk">operations@createlearning.co.uk</a> 01270 360030
Trust Solicitor	Cook Lawyers <a href="http://www.cooklawyers.co.uk">www.cooklawyers.co.uk</a> / 01625 725 000