



# **City Learning Trust**

## **Whistleblowing Policy 2019 - 2020**

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## 1. PURPOSE AND SCOPE

The City Learning Trust (CLT) is committed to achieving the highest possible standards of service, ethical standards and transparency. The Whistle Blowing Policy has been put into place to enable people employed by the CLT to raise their concerns of serious wrongdoing without any fear of reprisal.

This policy applies to all individuals working for CLT at all levels and grades, whether they are employees, contractors, casual or agency staff and covers employees working within the central services team or individual academies.

Although legislation only applies to paid workers the CLT has adopted the best practice of also extending this policy to volunteers and non-executives such as Trustees and members of Local Governing Committees (LGC's). The CLT therefore envisages this policy being used in relation to such individuals as potential whistleblowers, with the protection that goes with that, but also as parties who may be cited in a whistleblowing disclosure. References in this policy to employees or workers should therefore be read as also applying to volunteers including Trustees and governors serving on local governing committees.

Whistleblowing is the term used when an employee makes a disclosure concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things:

- The first is that they are acting in the public interest. This means that personal grievances and complaints are not covered by this whistleblowing policy. Personal grievances or complaints must be raised through the Trust's grievance procedure which is available from the HR department.
- The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
  - ◆ Criminal offences (this may include, for example, types of financial impropriety such as fraud)
  - ◆ Failure to comply with an obligation set out in law
  - ◆ Miscarriages of justice
  - ◆ Endangering of someone's health and safety including safeguarding of children
  - ◆ Damage to the environment
  - ◆ Covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This can be seen at <http://www.opsi.gov.uk/acts/acts1998>). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

### **The Enterprise and Regulatory Reform Act 2013 (ERRA)**

This came into force on 25 June 2013 and introduced a number of changes to Whistleblowing legislation. A worker will be eligible for protection if they honestly think what they're reporting is true and they think they're telling the right person. From 25 June 2013, the new law says that a whistle-blower should also believe that their disclosure is in the public interest.

The Whistleblowing procedure must always be applied fairly and in accordance with employment law and the CLT Equal Opportunities Policy.

## 2. THE TRUST'S COMMITMENT TO EMPLOYEES WHO WHISTLE BLOW

- The CLT considers it a professional duty for employees to make a disclosure where they are aware of or strongly suspect wrongdoing.
- Employees who make a disclosure ('blow the whistle') will be fully supported and protected by the Trust.
- The Trust will treat all disclosures in a consistent and fair way.
- Victimisation or intimidation of a whistle blower will not be tolerated in the Trust and would be considered a gross misconduct. Any perceived victimisation or intimidation of an employee making a disclosure will be formally investigated as a potential disciplinary matter.
- Employees making a disclosure are entitled to seek the advice and support of their Trade Union or professional association if they wish. If you are unsure whether to use this policy or want confidential advice at any stage you can **contact the independent charity Public Concern at Work on 020 74004 6609 or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk)**.
- Subject to the Trust's Data protection obligations, employees making a disclosure will receive feedback about the outcome of their disclosure.
- All cases of whistleblowing will be brought to the attention of the Trust's Board who may hold an extra-ordinary meeting to discuss the disclosed issue and set out a process and timeline to respond.

## 3. INTERNAL WHISTLE BLOWING PROCEDURES

### Making the disclosure as an employee

As an employee who should you disclose your concern to?

- We would hope that employees or volunteers based in a CLT academy would feel comfortable in making the disclosure to their Headteacher/Principal or Deputy Headteacher/Vice Principal or line manager who will determine if they should take the disclosure forward or need to escalate it to a more senior level.
- If you are a governor of a Local Governing Committee (LGC) and need to make a disclosure about another LGC governor, then you should make this to the Chair of Governors, if the disclosure concerns the Chair of Governors, it should be made to the Principal/ Headteacher who will raise this to a more senior level if required.
- If, for whatever reason you feel unable to disclose your concerns to your Principal / Headteacher then you should make your disclosure to the HR Director, Marie Faichney who will identify the appropriate professional or committee to take the matter forward.
- If you are a member of the Central Team you should make a disclosure in the first instance with your Line Manager. If you feel unable to raise your concerns with your line manager then you should raise it with the HR Director, Marie Faichney.
- If you are a member of the Board of Trustees and need to make a disclosure this should be made to the Chief Executive of the CLT. If you feel unable to raise your concern with the Chief Executive then your disclosure should be made to the Chair of Trustees of the CLT. (Disclosures concerning the Trustees or the Chief Executive Officer should be made following the external whistle blowing procedure detailed below)
- All employees are encouraged to take advice from their Trade Union or professional association before deciding whom to disclose to but there is no requirement to do this.

#### **4. INTERNAL WHISTLE BLOWING GUIDANCE FOR LINE MANAGERS**

##### **1. What information should the employee provide with their disclosure?**

- a. In making a disclosure an employee needs to be clear about why they think wrongdoing has occurred or is occurring or is going to occur.
- b. If the employee has evidence to support their disclosure they should have it available.
- c. If the employee does not have evidence to support their disclosure but still suspect that there may have been wrongdoing that is fine. They must be clear about why they suspect that wrongdoing has occurred or is occurring.

##### **2. Can a disclosure be anonymous?**

- a. Disclosures can be made anonymously. However, it is much more difficult to investigate anonymous disclosures and of course it will not be possible to provide feedback to an anonymous whistleblower.

##### **3. Receiving a disclosure.**

- a. If a colleague informs you as their line manager that they wish to disclose a concern or a suspicion of wrongdoing that may constitute whistleblowing, then the issue must be dealt with seriously and sensitively.
- b. It is important that whistleblowing disclosures are dealt with in a consistent manner. Line managers should provide the whistleblower with a copy of this policy which is also available on the City Learning Trust website.
- c. It is important to reassure the whistleblower that their disclosure will not affect their position at work.
- d. Line managers should recognise that this may be a difficult or anxious time for the whistleblower, they must be reassured that they will be protected and supported by the Trust. If they are a member of a Trade Union or professional association they need to be told that they may take advice before proceeding but they don't have to. They are doing nothing wrong.
- e. At this point as the line manager you should ask for an outline of the concerns to help ascertain how urgent the matter is and whether it needs to be escalated to a more senior level immediately. If the matter needs to be escalated then as line manager you should do so immediately.
- f. If required, the line manager should contact the HR Director, Marie Faichney immediately for support and advice.
- g. As line manager you should consider whether the nature of the disclosure in outline is likely to meet the test of whistleblowing rather than personal grievance: the concern raised has to be in the public interest; that it relates to potential wrongdoing that meets the test of whistleblowing.
- h. Under the advice of the HR Director, Marie Faichney as line manager you should arrange a time for a formal meeting at which you will want to gather all of the information to better understand the situation. The meeting should be held as soon as is reasonably possible. The whistleblower is entitled to have a Trade Union or professional association representative accompany them at the meeting.
- i. As the line manager you should formally inform your supervisor that you are dealing with a disclosure and let them know the nature of the disclosure. All line managers and supervisors should maintain confidentiality about the identity of the whistleblower within the limits that have been explained to the whistleblower. Where appropriate (e.g. where the issue could affect matters that governors oversee or could have an

impact at strategic rather than operational level), the Principal/Headteacher should inform the Chair of Governors that a whistleblowing disclosure is being managed.

#### **4. Managing a Disclosure Meeting**

- a. It is the responsibility of the line manager hosting a disclosure meeting to ensure that the whistleblower is put at their ease, as far as is reasonable possible, and that the mood of the meeting is professional but supportive. The priority at this stage is to listen to the whistleblower and understand their concern.
- j. A summary record of the meeting must be made and a copy provided to the whistleblower.
- k. As line manager you must gather all of the information available so that you can fully understand the nature of the concern and who may be involved.
- l. To be provided with evidence is very helpful. However, it is legitimate for a whistleblower to share a concern or suspicion for which they do not have evidence. In this case, try to ascertain the basis for the suspicion.
- m. The whistleblower should be reassured that to disclose a genuinely held suspicion that later proves to be wrong is fine. There are no negative consequences for someone who discloses a genuinely held suspicion whether right or wrong.
- n. As the line manager once you have all of the information you must explain to the whistleblower what will happen next:
  - i. An assessment will be made in consultation with Trust senior managers as to whether enough information is available to come to a conclusion about what action to take next or whether a formal investigation is required to gather further information.
  - ii. Once all of the necessary information and evidence is available the Trust will determine the appropriate action to take.
  - iii. If the appropriate action includes potential processes involving other employees then the Trust also has a duty of care and duty of confidentiality towards those employees. It will not be possible therefore to feedback to the whistleblower about specific processes or actions applied to other individuals. It is possible however that under some circumstances the whistleblower may be asked to be a witness if formal procedures are instigated.
  - iv. The whistleblower should be given clear timescales for when they can expect feedback on the outcome of their whistleblowing.

#### **5. Assessing the Disclosure**

- a. Following the disclosure meeting and in consultation with the HR Director, Marie Faichney, as the line manager you will need to decide whether there is enough information available to come to a conclusion about the disclosure. The possible conclusions are:
  - i. The disclosure meets the whistleblowing criteria and needs to be progressed to a formal investigation.
  - v. The disclosure is based on a misunderstanding of legitimate behaviours by other staff.
  - vi. The disclosure constitutes a personal grievance rather than whistleblowing.
  - vii. The disclosure is potentially malicious.

- b. The conclusion reached must be based on: the evidence available; objective assessment; treating all individuals potentially involved equitable and fairly; based on the principles of natural justice.
- a. The conclusion reached must take note of the views of the HR Director, Marie Faichney's advice. However, the conclusion is the one that you as the line manager genuinely holds after taking account of all of the information available to you and having taken advice.
- b. The line manager's conclusion, along with a summary of the disclosure and the information available must then be recorded and then sent directly to the HR Director, Marie Faichney where appropriate copied to the Chair of Governors. The HR Director, Marie Faichney will then formally advise you of the next steps.
- c. If you suspect that a criminal offence has occurred, then there must be no further attempt to collect evidence or take witness statements. Such actions may undermine a police criminal investigation by tainting evidence. Contact the HR Director, Marie Faichney immediately for advice on the next steps you need to take

## **5. FEEDBACK TO EMPLOYEES WHO ARE WHISTLEBLOWING**

- a. Wherever possible feedback will be provided to the employee who raised the disclosure within the limits of the law and the duty of confidentiality to other members of staff.
- a. The manager that conducted the disclosure interview should provide the employee that raised the concern with an estimate of the timings for next steps and actions.
- b. The whistleblowing procedures provide examples of the nature of specific types of feedback under certain circumstances. The limits of information that can be fed back must be made clear at the outset.
- c. The employee who raised the concern should be told when the process has been concluded and what the conclusion was but again within the limits of law and duty of confidentiality to other employees.

## **6. EXTERNAL WHISTLEBLOWING**

We do hope that this policy gives you the reassurance to raise your concern with us internally however we do recognise that there may be circumstances where you recognise the need to properly report a concern to an outside body. In fact we would rather you raised the matter with the appropriate regulator such as the Department for Education (DfE) or the Education Standings and Funding Agency (ESFA) than not at all. Concern at Work, <http://www.pcaw.org.uk> (or your Union) will be able to advise you on such an option.

## **7. SUPPORTING COLLEAGUES WHO HAVE 'BLOWN THE WHISTLE'**

Making a disclosure where one suspects that wrongdoing has, is or is about to happen, is a professional duty. However, it may still be a difficult, stressful and anxious situation for many people. Whistleblowing is about doing the right thing with integrity and the CLT is fully committed to supporting colleagues who step forward to do the right thing throughout the process and afterwards. The HR Director, Marie Faichney can provide advice, support and interventions if required to ensure that clear lines of communication are in place.

## **8. CONTACT DETAILS:**

**Chair of Trustees** – Dave Johnson – [djohnson@citylearningtrust.org](mailto:djohnson@citylearningtrust.org)

**HR Director, Marie Faichney** – [mfaichney@citylearningtrust.org](mailto:mfaichney@citylearningtrust.org) (01782 853535 ext 612 / 07966 933549)

**West Midlands Regional Commissioner:** [rsc.wm@education.gov.uk](mailto:rsc.wm@education.gov.uk)

**Department for Education:** [www.gov.uk](http://www.gov.uk) or Telephone 0370 000 2288 or Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester. M1 2WD.

**Education Standards and Funding Agency:** Education Funding Agency · Phone 0370 000 2288 or in writing to Sanctuary Building 20 Great Smith Street, London SW1P 3BT