

 The Talentum Learning Trust		Trust Policy Document			
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Audience:	Trustees <input checked="" type="checkbox"/> Parents <input checked="" type="checkbox"/>	Staff <input checked="" type="checkbox"/> General Public <input checked="" type="checkbox"/>	Pupils <input checked="" type="checkbox"/>	Local Governing Bodies <input checked="" type="checkbox"/>	

Whistleblowing Policy

1. Statement of intent

The Talentum Learning Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the Trust. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the Trust's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the Trust's Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with Trust standards and policies.
- Provide members of staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the Trust
- Voluntary workers working with the Trust
- Trainees, such as student teachers

2. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA 'Academy Trust Handbook'

- DfE 'Keeping children safe in education'
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following Trust policies:

- Disciplinary Policy and Procedure
- Records Management Policy
- Complaints Procedures Policy
- Data Protection Policy

3. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

Any member of the Trust community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The Non-employees section of this policy includes further details on how whistleblowing affects non-employees.

4. Definitions

Whistleblowing is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

5. Harassment and victimisation of staff

The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Trust as a whole; however, the Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's Disciplinary Policy and Procedure.

6. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust's Complaints Procedures Policy.

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

7. Good practice principles

The Trust will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The Trust will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the Trust.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the [Procedure](#) section of this policy, the Trust will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the Trust will mediate and resolve disputes.

The Trust will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

8. When to use the whistleblowing procedure

If an employee has concerns about wrongdoing at the Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.

Each individual member of staff should feel able to speak freely on such matters. However, the Trust, LGB, School and colleagues have the right to protect themselves against unfounded false or malicious accusations.

Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.

Whistleblowing is not appropriate for dealing with issues between an employee and the Trust which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.

Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.

Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Headteacher or Designated Safeguarding Lead (DSL).

9. The Procedure

Any issue raised will be kept confidential while the procedure is being used.

The Representor (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing.

However, if the concern relates to the Representor's line manager or any person to whom he or she reports, other than the Headteacher, the Representor should raise the issue with the Headteacher.

If the concern relates to the Headteacher, the Representor should raise the matter with the Chief Executive Officer (CEO) or Deputy Chief Executive Officer (DCEO).

If the concern relates to the DCEO, the Representor should raise the matter with the CEO. If the complaint relates to the CEO, the Representor should raise the concern with the Chair of the Trust Board.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

Whistleblowing to the media is not appropriate or permitted in any circumstances.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in safeguarding system. These can be found in individual school Safeguarding Policies.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school or Trust, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or Staffordshire LADO on 0300 111 8007.

The Trust, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

10. Interview and Investigation

The person with whom the matter is raised is referred to as the "Assessor". Once an individual has raised a concern, the Assessor will be responsible for investigating it.

The Assessor will:

- Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;

- Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
- Other than in the case of paragraphs 4.4 and 4.5, report all matters raised under this procedure to the Chair of the Governing Body.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Trust staff to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or Trust governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:

- The matter be further investigated internally by the Trust or Trust;
- The matter be further investigated by external consultants appointed by the Trust or Trust;
- The matter be reported to an external agency;
- Disciplinary proceedings be implemented against an employee;
- The route for the Representor to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by the Trust.

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.

The recommendation of the Assessor will be made to the Headteacher. However, should it be alleged that the Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Local Governing Body.

The Headteacher, DCEO or CEO, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Local Governing Body.

The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- Where the Assessor is under a legal obligation to do so;
- Where the information is already in the public domain; or
- On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview.

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limit or such reasonable extension as the Trust requires, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

11 . Malicious Accusations

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

12. What the Trust asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the Trust unless it is to report the concern through the proper external channels, e.g. the EFSA.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

13. Appeal process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust's Complaints Procedure Policy.

14. CONFIDENTIAL EMPLOYEE ENQUIRIES

Employees may, on a confidential basis seek prior guidance from the Headteacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Headteacher will attempt to provide guidance based on the information provided, but such guidance shall not prejudice the rights of the School, Trust, or any person under these procedures.

15. Monitoring, Evaluation and Review

The Trust Board will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust.