



LEARN@ MAT WHISTLEBLOWING POLICY 2019-2020

**“ALL DIFFERENT,
ALL EQUAL,
ALL ACHIEVING TOGETHER”**

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1. Introduction

1.1 Learn@ MAT is firmly committed to the highest standards of honesty and integrity, openness and accountability. It recognises that at one time or another all of us may have concerns about what is happening at work.

1.2 This *Whistleblowing Policy* is designed to encourage you to report any suspected wrongdoing or dangers in relation to our activities, whether you are internal or external to Learn@ MAT. It provides clear and practical steps you can take to properly raise your concern and information about how we will handle it.

1.3 This policy does not form part of any contract of employment and we may amend it at any time. We will review it annually and the Learn@ Trust Board will monitor all Whistleblowing disclosures.

2. Who can use this Whistleblowing Policy?

2.1 Learn@ MAT encourages an open culture with all our staff and everyone who comes into contact with us. The procedures detailed in this document cover all Learn@ MAT employees as well as individuals who work within our Academies including consultants, contractors, those on work experience or work-shadowing, volunteers, and agency workers, who feel they need to raise certain issues relating to Learn@ MAT in confidence.

2.2 Whistleblowers at work receive statutory protection from being victimised or dismissed provided that the information they disclose meets certain criteria.

3. What is a Whistleblower?

3.1 A whistleblower raises serious concerns which must be in the public interest and which must not merely relate to a trivial matter.

3.2 A whistleblower normally raises matters where the interests of others are at risk. They may include, but are not restricted to:

- Grooming of young people
- Abuse in care
- Criminal activity
- Failure to comply with any legal or professional obligation or regulatory requirement
- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Bribery, financial fraud or mismanagement
- Significant regulatory breaches including those of our internal policies and procedures
- Conduct likely to damage our reputation or financial wellbeing
- Unauthorised disclosure of confidential information

- Negligence
- The deliberate concealment of any of the above matters.

3.3 If you are unsure whether it is appropriate to use this *Whistleblowing Policy* or want impartial advice at any stage after raising a concern, you can contact the independent whistleblowing charity *Public Concern at Work*. It operates a confidential helpline managed by qualified lawyers experienced in whistleblowing law and practice.

3.4 The helpline telephone number is 020 7404 6609 and email address whistle@pcaw.org.uk

3.6 This Policy should **not** be used for complaints relating to your own private employment matters, such as contractual disputes, bullying or discrimination. In such cases you should use our *Employee Grievance Procedure* or *Bullying, Harassment and Inappropriate Behaviour Procedure*.

4. What protection does the law give a whistleblower?

4.1 Under the Employment Rights Act 1996 if an employee “blows the whistle” they will receive protection if victimised or dismissed (i.e. by being subjected to a detriment) because of their whistleblowing.

4.2 Examples of detriment include (but are not limited to) any of the following:

- Failure to promote;
- Denial of training;
- Closer monitoring;
- Ostracism;
- Blocking access to resources;
- Unrequested re-assignment or relocation;
- Demotion;
- Suspension;
- Disciplinary sanction;
- Bullying or harassment;
- Victimisation;
- Dismissal;
- Failure to provide an appropriate reference; or
- Failing to investigate a subsequent concern.

4.3 A whistleblowing dismissal is automatically unfair and you do not need two years’ continuity of service to bring such a claim in an employment tribunal. Compensation is uncapped. In relation to victimisation, a tribunal can award compensation for financial loss and injury to feelings.

4.4 A whistleblower loses any statutory protection if they commit an offence when making the disclosure.

5. Your protection

5.1 The Learn@ MAT CEO and the Senior Leadership team are committed to the principles of this *Whistleblowing Policy*. You can be assured that your position will not be at risk if you raise a genuine concern.

5.2 Learn@ MAT will not tolerate any sort of victimisation of anyone raising a genuine concern and anyone responsible for doing so will be subject to disciplinary action.

5.3 Learn@ MAT does not extend this assurance to someone who acts improperly and makes false allegations maliciously or with a view to personal gain. A whistleblower will be subject to disciplinary action in cases when they knew that the matter they raised was untrue.

6. Confidentiality and anonymity

6.1 Learn@ MAT believes that genuine concerns are best raised openly rather than anonymously. We work on the basis that if a whistleblowing concern is raised constructively, we will be able to deal with it promptly and effectively.

6.2 However, if you wish to raise your concern confidentially, we will make every effort to keep your identity secret and it will not be revealed without your consent unless disclosure is required by law e.g. your evidence is needed in court. If this happens then you will be involved in a discussion to decide the best way to proceed.

6.3 We do not encourage staff to voice whistleblowing concerns anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether the allegations are credible.

7. How to raise your concern

There are three ways to do this:

7.1 Internal Line Management

If you have a concern about malpractice hopefully you will feel able to raise it first with your line manager, Head Teacher, CEO or our HR Business Partner. Please try to clearly detail your concern(s), preferably in writing. This is also your opportunity to outline how you would like your concern(s) to be investigated, as well as telling us whether you have a direct or personal interest in the matter.

7.2 Alternative Internal Contacts

If you feel unable to raise your concern with someone in your immediate line management, for whatever reason, you can contact Andrea Wills who is on our Trust Board as is the guardian of this *Whistleblowing Policy*. In the first instance you should email WhistleBlowing@learnmat.uk

Alternatively if you believe that a member of the Senior Leadership Team is involved in the matter that you wish to report, you may prefer to raise it with Ian McGregor one of Learn@ MAT's Members, by first sending an email to WhistleBlowing@learnmat.uk

7.3 External Contact

The aim of this Policy is to provide an internal mechanism for reporting and investigating any alleged wrongdoing in the workplace and in most cases you should not find it necessary to alert anyone externally.

However if the nature of your concern means that you cannot raise it with any of the recommended contacts, or if you have followed both internal ways and you still have concerns, then please contact *Public Concern at Work* as detailed above. They can advise you on whether the situation you are concerned about can be reported to an additional outside body, such as the Police.

8. Investigation and outcome

8.1 Once you have raised a concern we will carry out an initial assessment and decide what action should be taken. If your concern can be dealt with better under other Learn@ policies you will be given support and advice on what to do next.

8.2 If your concern can be handled under this *Whistleblowing Policy* we will start our inquiry and:

- Tell you who is handling the matter and how you can contact him or her.
- Arrange a meeting with you to discuss your concern. You may bring a colleague or union representative to any meetings under this Policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- Provide an estimate of how long the investigation will take.
- Advise on what to do if you suffer from immediate or subsequent detrimental action.

8.3 The purpose of this Policy is to enable Learn@ MAT to investigate possible malpractice and take appropriate steps to deal with it and we will give you as much feedback as we can. However, we may not be able to reveal specific details of our investigation or the precise action being taken to resolve your concern when to do so could infringe a duty of confidentiality we owe to someone else. You should treat any information you are given about the investigation as confidential.

9. Timeframe of a Learn@ Investigation

9.1 The timeframe for investigating concerns raised under this Policy will vary depending on the nature and complexity of the case. However, Learn@ undertakes to operate within the following guidelines:

- You will receive an initial response to your concern within ten working days during term time. It may take a little longer to respond during school holidays.
- We will prioritise and progress the investigation appropriately.
- We will regularly update you (at least monthly) dependent on the length of the investigation.

10. What to do if you are unhappy in the way we handled your concern

10.1 Learn@ cannot guarantee that we will respond to all matters in the way that you might wish however we do guarantee that we will handle your concerns fairly and responsibly. If you are unhappy with our first response remember that you can go to other levels internally and to external bodies as detailed in this *Whistleblowing Policy*.

10.2 For further information please contact:

Andrea Wills, Learn@ MAT's guardian of this *Whistleblowing Policy*, by sending an email to WhistleBlowing@learnmat.uk

Annex 1

Source documents:

http://www.pcaw.org.uk/files/PCaW_COP_FINAL.pdf

The Whistleblowing Commission Code of Practice

<https://www.gov.uk/whistleblowing>

https://www.bristol.gov.uk/documents/20182/33892/WhistleblowingPolicy_1.pdf/f5140d96-ba92-4dfa-b25e-5de9e8e8f020