



**The  
Three  
Rivers**  
Learning Trust

<b>Name of Policy:</b> Whistleblowing
<b>Policy Number:</b> F4
<b>The Three Rivers Learning Trust</b>
<b>Named Person(s):</b> Simon Taylor
<b>Review Committee:</b> Full Board
<b>Last review date:</b> Autumn 2021
<b>Next review date:</b> Autumn 2024

## **PREAMBLE**

The Three Rivers Learning Trust welcomes suggestions from students, their parents and carers and both teaching and non-teaching employees as to ways to ensure continuous development and improvement of services. In that spirit, there is an expectation that employees and others who deliver services on behalf of the Trust will report any concerns about possible bad practice. This will usually be facilitated through normal line management arrangements. However, where that is not possible, this policy provides an avenue for reporting serious malpractice.

Employees may be the first to realise that there is something seriously wrong within the Trust. However, in some cases they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. In these circumstances it may be thought easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, the Trust is committed to the highest possible standards of openness, probity and accountability. The Trust therefore expects employees, and others who it deals 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.

"Blowing the Whistle" can be done without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.

The right to "blow the whistle" applies to all employees, volunteers and those contractors working for the Trust on its premises, for example, agency staff, builders or drivers. It also applies to suppliers and those providing services under a contract with the Trust in their own premises. The Board of Directors guarantees this right, so long as the individual has acted in good faith.

These procedures are in addition to the Trust's Complaints Procedure and other statutory reporting procedures. Trust Managers are responsible for making service users aware of the existence of these procedures.

The Chief Executive Officer (CEO), Business Director and the Headteacher for each individual school, have overall responsibility for this procedure and for ensuring that:

- Appropriate procedures are in place and implemented
- Any concerns and any action taken are reported to the Board of

Trustees

- All staff are aware of their rights and duties under the Public Interest Disclosure Act 1998

This policy is substantially based on the NCC Whistleblowing Policy which has been the subject of consultations with the relevant Trade Unions and has their support.

## **AIMS AND SCOPE OF THIS POLICY**

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith
- Provide a mechanism by which the Trust's Fraud policy can be implemented.

If you are an employee, there are existing procedures in place to enable you to lodge a grievance relating to your own employment. You should always use the grievance procedure before this Whistleblowing Policy. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- Conduct which is an offence or a breach of law
  - Disclosures related to miscarriages of justice
  - Failure to comply with any legal obligation
  - Health and safety risks, including risks to the public, service users, as well as other employees
  - Damage to the environment
  - Bribery
  - Negligence
  - Conduct likely to damage the Trust/Academy's reputation •
- Unauthorised disclosure of confidential information
- The inappropriate or unauthorised use of public funds or other resources
  - Possible fraud and corruption
  - Abuse of clients, or

- Other unethical conduct
- Deliberate concealment of any of the above matters

Thus, any serious concerns that you have about any aspect of service provision or the conduct of staff or managers of the Trust or others acting on its behalf can be reported under the Whistleblowing Policy.

This may be about something that: -

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trust subscribes to; or
- Is against the Trust's Constitution or policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

This policy does **not** replace the Complaints Procedure, which is concerned with addressing complaints about Trust services.

## **SAFEGUARDS AGAINST HARASSMENT OR VICTIMISATION**

The Trust is committed to good practice and high standards and wants to be supportive of employees and others covered by this policy.

The Trust recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action if necessary, to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other dismissal procedures that already affect you or may affect you in the future.

## **CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. We will not disclose your identity without your consent or unless instructed by a Tribunal or Court. At the appropriate time, however, you may need to come forward as a witness. We will discuss with you how we can proceed should a situation arise where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence).

## **ANONYMOUS ALLEGATIONS**

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust. It should be remembered that wherever possible, confidentiality will be preserved.

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility and plausibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **UNTRUE OR MALICIOUS ALLEGATIONS**

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

## **HOW TO RAISE A CONCERN**

As a first step, you should normally raise concerns with the Headteacher or if the concern is about any action taken by the Headteacher the concern should be raised with the Chief Executive Officer (CEO). A concern raised about any action taken by a trustee, should be raised with the Chair of the Board of Trustees. If the concern is about any action taken by the Chair of the Board of Trustees a concern should be raised with the Vice Chair.

Concerns may be raised verbally or in writing. If you wish to make a written report, you are invited to use the following format:

- The background and history of the concern (giving relevant names, places and dates)
- The reason why you are particularly concerned about the situation.

If your concern is raised verbally, a written note will be taken in line with the format above.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Advice or guidance on how to pursue matters of concern may be obtained from the Headteacher of the individual school, the Learning Trust CEO or the Chair of the Board of Trustees. A contact list is at the end of this document.

You may wish to consider discussing your concern with a colleague first

and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or have the same concerns.

You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

## **HOW THE TRUST WILL RESPOND**

The Headteacher, CEO or Chair of the Board of Trustees, must attempt to resolve the matter with the member of staff within a reasonable time, and must report progress to the member of staff within ten days of your concern being formally raised.

Decision makers, panel members and those hearing an appeal cannot have a family relationship with the member of staff involved and must be replaced by a suitable, unconflicted, person.

The Board of Trustees will, where it is attempting to resolve the concern, appoint no fewer than three of its members to formally consider the concern, and to attempt a resolution within ten working days of its receiving the concern. If the concern is about the CEO, a Trustee or the Chair of the Trustees, the hearing panel will always contain at least one independent person, who is not involved in the organisation, management or governance of the Learning Trust.

If the member of staff is not satisfied with the Headteacher's, CEO's or the Board of Trustees response to the concern, or the time being taken to resolve it, the member of staff may take the matter up formally with the Board of Trustees.

The Trust will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the concern raised may:

- Be investigated by the Trust, the Audit Service or through the disciplinary process
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Trust will have in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, discrimination or harassment issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The amount of contact between those 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, the Trust will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a work colleague.

The Trust will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for you to receive advice about the procedure.

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation but you must keep that information confidential.

### **THE RESPONSIBLE OFFICER**

The CEO has overall responsibility for the maintenance and operation of this policy and maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the next meeting of the Board of Trustees.

### **HOW THE MATTER CAN BE TAKEN FURTHER**

This policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Trust, further possible contact points are given in the Contact List at the end of this booklet.

If you do take the matter outside the Trust, you should ensure that you do not disclose information, which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.

### **INTERNAL CONTACT LIST**

Chief Executive Officer (CEO), The Three Rivers Learning Trust  
Mr. Simon Taylor, 01670 515415

Headteacher, Chantry Middle School

Mr. Bryan Stewart, 01670 512874

Headteacher, Newminster Middle School

Mrs. Elizabeth Kinninment, 01670 513621

Headteacher, The King Edward VI School

Ms. Clare Savage, 01670 515415

Headteacher, Abbeyfields First School

Mrs. Sandra Ford, 01670 513582

Executive Headteacher, Dr Thomlinson C of E Middle School and  
Thropton Village First School

Mr. Liam Murtagh, 01669 620287 and 01669 620297

Headteacher, Harbottle C of E First School

Mrs Nikki Buckley-Feiven, 01669 650271

Headteacher, Stobhillgate First School

Mr Glen Whitehead, 01670 513382

Chair of the Board of Trustees

Mr. Colin Pearson, 01670 515415

### **EXTERNAL CONTACT LIST**

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below.

If you have used the appropriate procedures and are not satisfied with any action taken in relation to your concerns and if you feel it is right to take the matter outside the Trust, further possible contact points are given below. It is stressed that the list below is not exhaustive and you are free to contact any organisation which you feel will be able to deal properly with your concerns.

Audit Commission Anti-fraud and Corruption Hotline  
020 7630 1019

Standards Board for England  
0845 0788181

External auditor  
Deloitte LLP  
0191 2614111

Northumbria Police  
03456 043 043

#### **Professional bodies (examples):**

CIPFA  
0207 543 5600

RTPI  
0207 929 9494

#### **Regulatory organisations (examples):**

Environment Agency  
0870 850 6506

Health and Safety Executive  
0191 202 6300

OfSTED  
0845 640 4045

Commission for Social Care Inspection  
01670 707900

#### **Voluntary organisations (examples):**

Barnardos



0191 281 5024  
RoSPA  
0121 248 2000

Your local Citizens Advice Bureau:  
See Yellow Pages for local numbers

Your trade union

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity **Public Concern at Work on 020 7404 6609** [www.pcaw.org.uk](http://www.pcaw.org.uk). Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.