

Whistleblowing Policy



“Safeguarding is everyone’s responsibility”

At Cornwall Education Learning Trust (CELT) we are committed to safeguarding and promoting the welfare of children and we expect all Trustees, Governors, staff and volunteers to share this commitment.

Adopted by (body): CELT Trustees

Approved date: October 2021

Review date: October 2022

This policy is part of the following suite of annually updated safeguarding policies:

1. Child Protection and Safeguarding
2. Supporting Children and School with Medical needs/ Managing Medicines
3. Mental Health and Wellbeing
4. Online Safety
5. Peer on Peer Abuse
6. Attendance
7. Staff Code of Conduct
8. **Whistleblowing**

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1. Introduction

This policy applies to all employees of Cornwall Education Learning Trust (CELT), Trustees, Local Governing Board members, consultants, contractors, casual and agency staff and volunteers (collectively referred to as employees in this policy).

The Board of Trustees of Cornwall Education Learning Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns as soon as possible.

This procedure makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage for raising a legitimate concern. It is intended to encourage and enable employees to raise serious problems within the Trust, rather than overlooking a problem or "blowing the whistle" outside.

The requirement to have clear whistleblowing procedures in place is set out in the Academies Financial Handbook. This procedure does not form part of any employee's contract of employment and may be amended at any time.

The Board of Trustees has appointed a Trustee with specific responsibility for this procedure. **The responsible Trustee** (referred to as the 'Trust's Monitoring Trustee' in this procedure) is **Ashley Mann**.

2. Aims and Scope of this Procedure

This policy aims to:

- encourage you to feel confident in raising concerns both low level and serious 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; and
- reassure you that you will be protected from possible victimisation if you have a reasonable belief that you have made any disclosure in good faith.

Personal staff grievances (for example bullying, harassment, discrimination) are not normally covered by this procedure and should be raised through the grievance or complaints procedures as appropriate.

This policy applies to all employees and applies equally to those designated as casual, temporary, agency, authorised volunteers or work experience, Trustees, Governors and those contractors working for CELT on CELT and/or school premises, for example,

agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Local Authority in their own premises

Employees and volunteers are often the first to see or suspect something that may be seriously wrong within the Trust and/or School. However, 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.

The Trustees and Local Governing Bodies will not tolerate any harassment or victimisation and will take appropriate action to protect individuals when a concern is raised in good faith

3. Speak Up – we are listening

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving outcomes for our pupils and the working environment for our staff and volunteers.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of candour, our Senior Leaders and Board of Trustees are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

4. What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The wrongdoing will typically (although not necessarily) be something an employee has witnessed at work. The law provides protection under the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that wrongdoing or dangers at work have occurred and that fall outside the scope of other procedures. These may relate to something which:

- is against the Trust's Financial Regulations and policies;
- is against the Trust's policies and procedures;
- falls below established standards of practice; or
- amounts to improper conduct, including something you believe may be:
 - criminal activity;
 - miscarriages of justice;
 - danger to health and safety;
 - damage to the environment;
 - failure to comply with any legal or professional obligation or regulatory requirements;

- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures [including our Code of Conduct];
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- other unethical behaviour; or
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

If you are uncertain whether something is within the scope of this policy you should seek advice from a member of CELT's senior leadership team.

5. Confidentiality

All concerns will be treated in confidence and every effort will be made to protect your identity if you so wish. At the appropriate time, however, you may need to provide a statement or act as a witness and will be expected to co-operate fully with the investigation and disclose all relevant information.

Anonymous Allegations

This procedure encourages you to put your name to your concern as anonymous allegations may often be difficult to substantiate/prove if you have not provided all the information needed.

Concerns expressed anonymously are much less powerful but will be investigated unless the Trust's Monitoring Trustee, in consultation with the Chair and Vice Chair of Trustees, agrees there is insufficient evidence to proceed.

Untrue Allegations

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

6. How to Raise a Concern

When anyone feels concerned about bad practice he or she will need to identify the issues carefully. They must be clear about the standards against which he or she is judging practice:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it against the Trust's guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the individual has been taught?
- Has the individual witnessed the incident? If so, they should write it down.
- Did anyone else witness the incident at the same time? If so, they should write it down.

An individual should raise concerns, depends upon on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example, there may be exceptional occasions when they are concerned about poor or bad care practice by colleagues at work or where they are aware of a colleague acting in a way that is illegal, immoral, or unethical.

As a first step, the individual should normally raise concerns with their immediate Line Manager or lead contact within the organisation. However, if their concern is about that individual they should contact the Service Lead or Head. If the concern is being raised by outside suppliers or contractors, they should address their comments through their point of contact to the Head and/or Service Lead.

If a concern is about the Head or Service Lead, they should contact the Executive Head or Head of Human Resources

If a concern is about the Executive Head or Head of Human Resources, they should contact the Chief Operating Officer

If a concern is about the CEO, they should contact the Chair of Trustees

If it is believed that trustees of the Trust are involved, the individual should approach the Members.

Once an individual has decided that they wish to share their concern the following action should be considered:

- Concerns may be raised verbally or in writing. Individuals who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed, the

easier it is to take action.

- If the individual wishes, they may ask for a private confidential meeting with the person to whom they wish to make the complaint.
- The individual should take to the meeting – if possible – any dated and signed written supporting statements from anyone who can confirm the allegations.
- When making the complaint verbally, the individual should write down any relevant information and date it. Keep copies of all correspondence and relevant information.
- The individual should ask the person to whom they are making the complaint what the next steps will be and if anything, more is expected of them.
- Ask to be informed of the outcome of the investigation into the complaint

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

An individual may wish to consider discussing their concern with a colleague/contact within the organisation first and they may find it easier to raise the matter if there are two people who have had the same experience or concerns.

Employees may ask their trade union or professional association representative to advise them or be present during any meetings or interviews in connection with the concerns they have raised. Volunteers may ask a colleague volunteer or associate from within the organisation to advise them or be present during any meetings or interviews in connection with the concerns they have raised.

Individuals will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns. Everyone has legal protection under the Public Interest Disclosure Act 1998. This Act protects individuals from victimisation by their employer as a result of raising genuine concerns both inside or outside their organisation. However, this does not apply where allegations are found to be malicious or deliberately false. Such behaviour will be dealt with under the Disciplinary Procedure or appropriate volunteer procedures.

Employees also have the right to raise matters of concern under the Grievance Procedure.

Where employees fail to report their concerns, they may themselves become implicated and consequently the Trustees may treat failure by an employee to report such matters as a serious matter which could lead to disciplinary action.

You may wish to obtain assistance in putting forward your concern, from a Trade Union representative or a workplace colleague. You may choose to be represented by a Trade Union representative or workplace colleague at any meetings which are required.

7. How the CELT Board will Respond

In order to protect individuals and the Trustees, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example Child Protection issues) will normally be referred for consideration under those procedures.

The person with whom you have raised your concern will inform the relevant Trustees of the facts. The Trustees will write to you, within **ten working days**, with the following:

- acknowledgement that the concern has been received;
- an indication of how the concern will be dealt with;
- an estimate of how long it will take to provide a full response;
- whether any initial enquiries have been made; and
- whether further investigations will take place, and if not, why not.

The Trustees will inform you in writing of the outcome of any investigation, or any action taken, subject to the constraints of confidentiality and the law.

The Responsible Officer

The Trust's Monitoring Trustee has overall responsibility for the maintenance and operation of this policy within the Trust. The Trust's Monitoring Trustee will maintain a record of concerns raised and the outcomes and will report as necessary to the Board. The recording and reporting procedure will be in a form which ensures your confidentiality.

8. How the Matter can be Taken Further

This procedure is intended to provide you with a route within the Trust to raise concerns, but if you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following:

- Education & Skills Funding Agency
- Regional Schools Commissioner
- your Trade Union
- your local Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the police
- the Local Government Ombudsman

You have a duty to the School and the Trust not to disclose confidential information. This does not prevent you from raising concerns with an independent body referred to above or from seeking advice from Protect, formerly Public Concern at Work, a registered charity which advises on serious malpractice within the workplace in accordance with the provisions of the Public Interest Disclosure Act 1998. Further information is available at <http://www.protect-advice.org.uk> or by telephoning their advice line on 0203 117 2520.

9. Contacts

Trust Lead	Lisa Mannall Email: lmannall@cetrust.org
Deputy Trust Lead (Operations)	Clare Ridehalgh Email: cridehalgh@celtrust.org
Chair of CELT Board	Geoff Brown Email: gbrown@celtrust.gov.org
Trust's Monitoring Trustee	Ashley Mann Email: amann@celtrust.gov.org
Human Resources	hr@celtrust.org
CELT's external auditors	Francis Clark LLP Lowin House, Tregolls Road, Truro TR1 2NA Telephone: 01872 276477 Fax: 01872 222783
MARU – Cornwall Council Multi Agency Referral Unit (if you are worried about a child or young person)	0300 123 1116
Protect, formerly Public Concern at Work (Independent whistleblowing charity)	Helpline: 0203 117 2520 E-mail: whistle@pcaw.co.uk Website: www.protect-advice.org.uk
NSPCC Whistleblowing Advice Line (for professionals with concerns about how child protection issues are being handled in their organisation)	Telephone: 0800 028 0285 E-mail: help@nspcc.org.uk

Should you require further information, please contact

The Governance Officer.

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