



Whistleblowing Policy

(Approved Autumn 2018 for Review Autumn 2019)

THE LAKES ACADEMIES TRUST WANTS YOU TO BE CONFIDENT THAT YOUR CONCERNS WILL BE TAKEN SERIOUSLY AND THAT YOU WILL BE PROTECTED FROM VICTIMISATION OR BULLYING OR HARRASSMENT IF YOU RAISE A CONCERN.

If you have a concern about the Trust's services please read this policy. You may think this policy does not apply to the concern you have – IT DOES, we can give confidential advice about ANY concern you may have regarding the Trust and its services.

If you want to informally / confidentially discuss this policy or your concerns you can contact:

Tony Draper CEO 01908 377833, or 01908 373588 email tony.draper@lakesacademiestrust.org

Karen Roberts Director of Education tel as above or email karen.roberts@lakesacademiestrust.org

Beverly Suckling CFO tel as above or email beverly.suckling@lakesacademiestrust.org

Sam King Trust Business Director tel as above or email sam.king@lakesacademiestrust.org

Or, Public Concern At Work on 0207 404 6609 or helpline@pcaw.co.uk PCAW are an independent charity and information provided to PCAW is protected under the Public Interest Disclosures Act. Their helpline is where their lawyers provide confidential advice free of charge.

The details of such discussions will not be released to anyone else within the Trust without your express consent and meetings can be held at a time and place of your choosing.

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1. INTRODUCTION

1.1 This policy seeks to provide a process that gives anyone with a concern about the Trust the confidence to bring that concern to our attention.

1.2 Lakes Academies Trust operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of inappropriate conduct is obliged and encouraged to report this activity. This policy also applies to contractors, consultants, partners and agency staff and other stakeholders including Trustees.

1.3 Employees are often the first to realise that there may be something seriously wrong within the Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. Trustees and stakeholders are also in a position to identify concerns that affect Trust services and need to be addressed.

1.4 Individuals with a concern may fear that they will be victimised or harassed if they raise the concern. In these circumstances it may feel easier to ignore the concern rather than report what may be a suspicion of malpractice.

1.5 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Trust encourages employees, customers, contractors, employees of subsidiaries, stakeholders or any other person with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. This process is commonly referred to as "whistle blowing".

1.6 It is recognised that certain cases will have to proceed on a confidential basis but in accordance with the Freedom of Information Act this policy seeks to provide a transparent method for dealing with concerns. Whistleblowers can have confidence through this policy that they have the fullest protections afforded by the Public Interest Disclosures Act.

1.7 Specifically the code of practice set out in this policy makes it clear that staff and others can make reports without fear of reprisals and sets out what protections are in place under this policy. This Code is intended to encourage and enable concerns to be raised within the Trust so that they can be addressed, rather than overlooking problems or raising them outside the Trust.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This code of practice aims to:

- Encourage and enable any person to feel confident in raising serious concerns and to question and act upon concerns
- provide avenues for any person to raise concerns and receive feedback on any action taken
- ensure everyone making a referral receives a response to their concerns
- describe how to take the matter further if dissatisfied with the Trust's response
- reassure anyone making a referral that they will be protected from reprisals or victimisation

2.2 For the avoidance of doubt if you have concerns that any person may be being mistreated / abused you can discuss your concerns in confidence with those listed on the front cover of this policy.

2.3 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment, customers to complain about the service they receive and regarding concerns whether staff have breached the Code of Conduct. This policy should not be used for such concerns, however, advice can be obtained from the contacts on the front cover of this policy if you have any doubts.

2.4 The Whistleblowing Policy is intended to cover concerns that fall outside the scope of the above procedures. A concern may be about:

- sexual, physical or emotional abuse of clients or other individuals
- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as employees
- damage to the environment
- unauthorised use of public funds
- action that is contrary to the Trust's financial procedures or contract regulations
- possible fraud, corruption or financial irregularity
- practice that falls below established standards or practice
- other improper or unethical conduct

2.5 The concern may be something that makes a person feel uncomfortable in terms of known standards, their experience or the standards to which they believe the Trust subscribes. If in doubt please contact either one of the named contacts on the front cover of this policy or Public Concern at Work to have a confidential discussion.

2.6 For the avoidance of doubt this policy applies to all employees, contractors, consultants and agency staff and other stakeholders who are acting on behalf of, or in partnership with, the Trust.

2.7 Any disclosure of information that, in the reasonable belief of the worker, is made in the public interest, shall be deemed a qualifying disclosure.

2.8 This policy incorporates the provisions that are required from the Public Interest Disclosure Act 1998.

3. HOW TO RAISE A CONCERN

3.1 When an individual wishes to raise a concern, he or she will need to identify the issues carefully. They must be clear about the standards against which they are judging practice. Whilst not exhaustive they should consider the following:

- 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 employee has been taught?
- Has the individual witnessed the incident?
- Did anyone else witness the incident at the same time?

3.2 Concerns from staff should normally be raised with their immediate manager, in the first instance. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the Trust, usually the person to whom they directly report.

3.3 In some cases, the nature or sensitivity of the concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate manager they are able to go directly to the Chief Financial Officer (who has responsibility for HR). They may also do so if, having raised a concern with the immediate manager/contact, they feel there has not been an appropriate response.

3.4 Others wishing to raise a concern should consider whether to raise that concern directly with the relevant senior officer of the service involved or use the Trust's existing Complaints process.

3.5 Given the possible contractual issues Appendix A of this policy gives specific guidance to contractors employed by the Trust in raising such concerns.

3.6 Concerns may be raised verbally or in writing. Anyone who wishes to make a written report should give the background and history of the concern (giving relevant dates if possible) and the reason why they are particularly concerned about the situation.

3.7 If the individual wishes, they may ask for a private meeting with the person to whom they wish to make the complaint and can be accompanied if they wish. An employee may invite their trade union or professional association representative or work colleague to be present during

any meetings or interviews in connection with the concerns they have raised.

3.8 When making a complaint verbally, the individual should write down any relevant information and date it. They should keep copies of all correspondence and relevant information.

3.9 It should be noted that often the earlier a concern is expressed the easier it is to take appropriate action.

3.10 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 from them.

3.11 Although a person is not expected to prove the truth of an allegation that is made, it will be necessary to demonstrate that there are sufficient grounds for concern. It is not necessary for any person to undertake investigations into their concern prior to contacting the Trust as this may undermine any ultimate action needing to be taken.

3.12 Staff may wish to get confidential advice from their trade union or professional association

3.13 Staff may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

3.14 Where a person feels that they cannot approach anyone in the Trust, they may wish to report their concerns through the external independent reporting scheme called Public Concern At Work. PCAW are an independent charity providing a legal advice service designated by the Bar Council and information provided to PCAW is protected under the Public Interest Disclosures Act. Their helpline number is 0207 404 6609. Their email is helpline@pcaw.co.uk where their lawyers provide confidential advice free of charge.

4. SUPPORTING THE INDIVIDUAL TO RAISE A CONCERN

4.1 Harassment or Victimisation

4.1.1 The Trust recognises that the decision to raise a concern can be difficult, not least because of the fear of reprisals.

4.1.2 The Trust will not tolerate harassment or victimisation and will take action to protect individuals who raise concerns. This does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

4.1.3 It is the clear instruction to those officials (through this formal policy) of the Trust who liaise with whistleblowers that they shall not release information to identify a whistleblower to any person within the Trust and will only release those details to a proper person outside the Trust when there is a legal requirement to do so, eg a court order. The only exception to this shall be where the whistleblower themselves gives written permission to do so.

4.1.4 Any person applying pressure upon such officers to identify whistleblowers shall be subject to the same provisions as outlined in 4.1.6 below.

4.1.5 Where a whistleblower alleges they are / have been victimised / harassed as a result of raising a concern that matter shall be reported to Chief Executive Officer. Such allegations shall be investigated by the Chief Financial Officer or Trust Business Director. Where the investigations may identify (either indirectly or directly) the whistleblower the way forward shall be agreed with the whistleblower and any resultant action confidentially reported to the Chair of Trustees who shall be informed and consulted.

4.1.6 Each case will be considered on its merits. Anyone found to have victimised or harassed someone who has made a referral under this policy would normally be considered to have carried out: - A matter of Gross Misconduct if done by an employee of the Trust - A matter for the Trust to consider termination of a contract if done by or at the request of a contractor. If there are concerns that a contractor is victimising, or has victimised, a whistleblower an independent review may be requested. - A matter that would be referred to the Board of Trustees.

4.2 Confidentiality

4.2.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person highlighting the concern if that is the wish of the individual and it is possible to do so.

4.2.2 Individuals are encouraged to put their name to any allegation. The Trust will do its best to protect the individual's identity when they do not want their name disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence.

4.3 Anonymity

4.3.1 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account would include :

- Seriousness of the issue - Credibility of the concern - Likelihood of being able to obtain the necessary information

4.4 Untrue Allegations

4.4.1 Any individual who makes an allegation which is not subsequently confirmed by the investigation, will have no action taken against them and will continue to have protection under this policy from victimisation or harassment.

4.4.2 If, however, an individual makes malicious or vexatious allegations, action may be taken against them.

5. HOW THE TRUST WILL RESPOND

5.1 The action taken by the Trust will depend on the nature of the concern. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or other appropriate person
- be referred to the external auditor
- be referred to the police
- form the subject of an independent inquiry.

5.2 In order to protect individuals and the Trust, an initial investigation will be carried out to decide whether a full 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 or discrimination issues), will normally be referred for consideration under those procedures.

5.3 It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally some issues may be investigated without the need for initial enquiries. If urgent action were required, this would be taken before any investigation is conducted.

5.4 The Trust will write to the person raising the concern within 7 working days (i.e. initially the individual or representative with whom the report was lodged as set out in Sections 4.1 and 4.2):

- acknowledging that the concern has been received,
- indicating how it proposes to deal with the matter,
- giving an indication of when a final response or update will be provided
- telling the person whether any initial enquiries have been made
- supplying the person with information on staff support mechanisms, and
- telling the person whether further investigations will take place and, if not, why not.

5.5 Every effort will be made to resolve the matters raised as soon as possible, in the interests of the Trust, the person raising the concern and the person(s) being investigated.

5.6 The amount of contact between the officers considering the issues and the person raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.

5.7 Where any meeting is arranged, staff have the right, if they so wish, to be accompanied by a trade union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

5.8 The Trust will take appropriate steps to minimise any difficulties, which a person may experience as a result of raising a concern and provide advice and support should they be required to give evidence, e.g. at a disciplinary hearing. Such support may include the ability to

give evidence via video link.

5.9 The Trust accepts that the person raising a concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will be kept informed as the investigation progresses unless they have requested otherwise. At the very least they should receive an update on the investigation by the date implied by the estimated response time given in section 5.4

6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide an avenue to raise concerns within the Trust. The Trust hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied and feel it right to take the matter outside the Trust, the matter can be raised with:

- Public Concern At Work on 0207 404 6609 or helpline@pcaw.co.uk
- Relevant professional bodies or regulatory organisations
- A solicitor

6.2 In taking advice from sources outside the Trust, a person must ensure that, so far as possible, it is raised without confidential information being divulged and would, other than in exceptional circumstances, be expected to have exhausted the internal routes available first.

6.3 Any individual has the right and responsibility to refer a concern to the Police if they suspect a criminal act.

7. ROLES AND RESPONSIBILITIES

7.1 The responsibility for the operation of this policy rests with the Chief Executive Officer to ensure all staff are fully aware of its provisions. The Chief Financial Officer must be advised of all referrals (but in a form which does not endanger confidentiality) so that an annual report to the Trust's FAP Committee can be compiled.

7.2 Investigations should be undertaken by appropriate officers and will be dependent upon the issue raised. The Chief Financial Officer will ensure that investigations are swift and effective and undertaken by someone with relevant skills and experience. The Chief Financial Officer will maintain records of all referrals and subsequent investigations received by the Trust.

Additionally:

7.3 The Chief Executive Officer will lead on all financial referrals, including those where there are significant financial implications to an allegation, whilst not explicit within the referrals. The Chief Executive Officer will ensure that concerns raised through the informal process are logged and trends identified.

7.4 The Chief Financial Officer will lead on allegations regarding serious misconduct of Trust employees. The Chief Financial Officer will advise and support employees involved in the

investigation process to ensure that such processes are fair and supportive to all those involved.

7.5 The Chair of Trustees will lead on allegations regarding misconduct of Trustees.

7.6 Employees: In all contracts of employment there is an implied understanding of mutual trust and confidence between the employer and employee. All employees, therefore, have a responsibility to raise concerns about work and they may do so in the manner described in this policy.

7.7 Line managers: Must create an open and fair culture within their area of responsibility and ensure that staff concerns are listened to and action taken where necessary. Line managers are responsible for ensuring that there is a safe environment for staff to raise their concerns and that there is no retribution as a result of someone raising their concerns.

7.8 FAP Committee: is responsible for assuring the Trust that the risks across the Trust are being identified and managed. It is therefore responsible for ensuring that this policy is robust in identifying concerns and that the identified risks are addressed. It is also responsible for ensuring that the principles within this policy are upheld.

8. HOW THE POLICY WILL BE MONITORED

8.1 The Trust has a responsibility for registering the nature of all concerns raised and to record the outcome. The Chief Financial Officer will produce an annual report, which will identify any patterns of concern and assess the effectiveness of the policy.

8.2 This policy will be publicised including via the Trust's Website and specifically:

8.2.1 every new employee will be provided with a copy of the policy when joining the Trust

8.2.2 every contract will require the contractor to communicate the policy to their staff and adopt its provisions when working for the Trust

8.2.3 All new Trustees should be provided with a copy of the policy.

9. REVIEW

9.1 This procedure will be kept under review and any amendments will be subject to consultation with staff representatives. It will be reviewed by the Trust's FAP Committee on an annual basis.

APPENDIX A

Procedure for Contractors

1. As a first step contractors should normally raise concerns with their manager, who will then inform the lead Trust Officer who is dealing with that particular contract. If contractors do not have a manager, they should raise their concerns direct with the lead Trust Officer. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if contractors believe that their manager or lead Trust Officer is involved, they should approach the Chief Executive Officer at the Trust direct. Otherwise, the lead Trust Officer receiving notification of concerns under this policy will inform the Chief Executive Officer that a confidential report has been received and provide a copy. If the concern relates to financial irregularities or failures of financial controls the Trust Officer receiving the report will also immediately notify the Chief Executive Officer.

2. Concerns may be raised verbally or in writing. Individuals who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates if possible);
- the reason why the individual is particularly concerned about the situation.

3. It should be noted that often the earlier a concern is expressed the easier it is to take appropriate action.

4. Advice and guidance on how specific matters of concern may be pursued can be obtained internally from the Chief Financial Officer. Alternatively contractors may wish to get confidential advice from their trade union or professional association.

5. Contractors may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

6. Contractors may invite their trade union or professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns they have raised.