

Whistleblowing Policy

Date last reviewed: 08 October 2020

Date of next review: October 2021

Reviewed by: Trust Board

Approved by: Trust Board

1. Policy Statement

This policy applies to all employees, officers, governors and trustees of the Lincolnshire Educational Trust Limited. Other individuals performing functions in relation to the organisation, such as agency workers, voluntary workers, contractors and those who may be hiring or using the premises if the Academy are encouraged to use it.

It is important to the Academy that any fraud, misconduct or wrongdoing by anyone associated with the organisation is reported and properly dealt with. The Academy therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the Academy is run. This policy sets out the way in which individuals may raise any concerns they have and how those concerns will be dealt with.

2. Legislation and Guidance

The law provides protection for workers who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating risk to health and safety;
- An act causing damage to the environment;
- A breach of any other legal obligation; or
- Concealment of any of the above

Is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The worker has no responsibility for investigating the matter – it is the organisation’s responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The Academy encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager.

3. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation is reported back to the worker who raised the issue.
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, the academies disciplinary procedure will be used, in addition to any appropriate external measure.
- Maliciously making a false allegation is a disciplinary offence.

- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a director.

4. Procedure

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the academies grievance procedure.

For the purposes of this procedure:

- The Principal is the Principal or Executive Principal of the individual Academy where the worker is primarily based
- The Chief Executive Officer is **Andrew Breckon** (in his absence, the Deputy Chief Executive Officer is **Steven Baragwanath**)
- The named Whistleblowing Trustee is **Professor Duncan French**

Stage One

In the first instance, and unless the worker reasonably believes the Principal or Chief Executive Officer is to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach the Principal or Chief Executive Officer, any concerns should be raised with either the Principal or Chief Executive Officer.

If he/she believes the Principal or Chief Executive Officer to be involved, or for any reason does not wish to approach the Principal or Chief Executive Officer, then the worker should proceed straight to stage three.

Stage Two

The Principal or Chief Executive Officer (whichever was reported to in stage one) will arrange an investigation into the matter. The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.

If the Principal has arranged the investigation, they (or the person who carried out the investigation) will then report to the Chief Executive Officer who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the Principal or Chief Executive Officer (or the person who carried out the investigation) will start the disciplinary procedure.

On conclusion of any investigation, the worker will be told the outcome of the investigation. If no action is to be taken, the reason for this will be explained.

Stage Three

If the worker is concerned that the Principal or Chief Executive Officer is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the appropriate level within the organisation, he/she should inform the named Whistleblowing Trustee, who will arrange for a review of the investigation carried out, make any necessary enquiries and make his/her own report as in stage two above.

If for any other reason the worker does not wish to approach the Principal or Chief Executive Officer, or believes the Principal or Chief Executive Officer to be involved, he/she should also in the first instance contact the named Whistleblowing Trustee.

Any approach to them will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent. Outcomes of stage three proceedings must be reported to the Chair of the Lincolnshire Educational Trust Limited.

Stage Four

If on conclusion of the first three stages the worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- The Financial Conduct Authority (formerly the Financial Services Authority);
- The Competition and Markets Authority;
- The Health and Safety Executive;
- The Environment Agency;
- The Independent Police Complaints Commission; and
- The Serious Fraud Office

5. Contact Details

The contact details for those named in the procedures section can be acquired from the internal systems within each Academy.

6. Monitoring Arrangements

This policy will be reviewed annually by the Trust Board. At every review it will be approved by the full Trust Board.