



Trust Policy

# Whistleblowing Policy

Approver: Trustees  
Review Cycle: Triennial

Revision History			
Date	Version	Short Description of Changes	Approved by:
Aug 2016	V1.1		Governors
Nov 2018	V1.2		Governors
Oct 2019	V1.3		Trustees
Dec 2020	V1.4		Trustees
Mar 2022	V2.0	NYES HR most recent policy adapted and adopted	Trustees

**This Policy Applies To:**

- Secondary Schools
- Primary Schools
- Centralised Trust Employees
- Agency Staff & Contractors
- Volunteers
- Trustees & Governors

## Document Management Information

<b>Applicable to:</b>	All staff, agency staff and contractors
<b>Development and Consultation:</b>	NYES HR template used. JCNC are aware that the Trust is adopting the NYES HR templates for LMS.
<b>Dissemination:</b>	Made available on Staff Hub. Hard copy available in each academy. Staff made aware via the Newsletter.
<b>Implementation:</b>	Policy will be easily and accessible and can be used as and when needed.
<b>Training:</b>	No trust wide training is available for staff. Support can be given to any colleague via the Employee Support Line and their Line Manager
<b>Review Frequency:</b>	Triennially
<b>Based on:</b>	NYE HR version
<b>Policy Author:</b>	Trust Compliance Officer
<b>Executive Policy Owner:</b>	Chief Operating Officer
<b>Approval by:</b>	Trustees
<b>Version</b>	V2.0
<b>Approval Date:</b>	16 March 2022
<b>Next Review Due:</b>	March 2025

This Policy has been produced based on a document written by NYHR which has been through consultation with Trade Unions.

If you require this policy in a more accessible format please contact the Trust Compliance Officer on [compliance@coastandvale.academy](mailto:compliance@coastandvale.academy)

Executive summary text for current policy version:

This policy outlines the process available to staff if they wish to raise a concern that is in the public interest and what they can expect to happen. Outlines the protections that staff can expect to receive if they make a disclosure that is in the public interest.

Explains what will happen and the routes of escalation, up to the Chair of Trustees.

Explains that individual grievances should be raised via the Resolving Issues at Work Policy.

Details of key contacts are included.

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### 1.0 INTRODUCTION

- 1.1 Coast and Vale Learning Trust (the Trust) is committed to the provision of the highest quality services to its community and is proud of its track record of probity and high ethical standards. However, it also recognises that irregularities, wrong-doing or serious failures in standards can sometimes occur.
- 1.2 The greatest deterrent to malpractice or wrongdoing is the probability that it will be reported and investigated, that those who are responsible for it will be punished and that the matter will be promptly remedied. This Policy is therefore intended as a clear statement that any malpractice by, employees or third parties (including contractors) reported to the Trust will be swiftly and thoroughly investigated. The Trust will also look at ways to ensure that such malpractice or wrongdoing can be prevented for the future.

### 2.0 AIMS AND SCOPE OF THE POLICY

- 2.1 This Policy provides all employees, agency workers, contractors (including their staff), volunteers, Governors and Trustees of the Trust with:
- avenues to raise concerns and receive feedback on any actions taken;
  - reassurances that they will be protected from victimisation for whistleblowing.
- 2.2 Set out below is a list which is intended to illustrate the types of issues which may be legitimately raised under this Whistleblowing Policy:
- a) any offence, unlawful act, failure to comply with legal obligations or where a miscarriage of justice has occurred, is occurring or is likely to occur;
  - b) maladministration;
  - c) breach of any statutory Code of Practice;

- d) breach of, or failure to implement or comply with any Trust policy or procedure rules;
- e) failure to comply with appropriate professional standards;
- f) corruption, theft or fraud;
- g) misuse or damage of Trust assets;
- h) risks to the health and safety of any individual or the abuse of any vulnerable person;
- i) failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the Trust;
- j) unethical conduct, the abuse of power, or the use of the Trust's powers and authority for any unauthorised or malicious purpose;
- k) unfair discrimination in the Trust's employment or the provision of services;
- l) causing damage to the environment;
- m) the deliberate falsification or destruction of information or data;
- n) the deliberate concealment of information in relation to any of the items on this list.

2.3 This Whistleblowing Policy is primarily intended for people to raise concerns that are in the public interest and where the interests of others or of the organisation itself are at risk. It is intended to supplement, rather than to replace, the existing grievance procedures whereby employees of the Trust may already raise complaints or matters of genuine concern relating to their own employment.

### **3.0 EMPLOYEE CO-OPERATION AND SAFEGUARDS**

3.1 In many cases it is employees who are most likely to be in the best position to learn of any malpractice or wrongdoing within the Trust Schools or Trust Central Team and to identify something which falls below the standards which the Trust and the public are entitled to expect. The Trust expects the fullest co-operation of all employees in securing the highest standards of service. This means that, where an employee, Governor or Trustee becomes aware of, or suspects, malpractice, the Trust will expect them to report these suspicions. The Trust will treat any failure to report such matters as a serious matter which may, in the case of an employee, result in disciplinary action being taken or may, in the case of a Governor, Trustee or Member be regarded as a breach of the relevant Code of Conduct.

3.2 This Policy has been discussed with the relevant trade unions and professional associations.

3.3 The Trust will respect (so far as it can legally) the confidentiality of any whistleblowing complaint received, where the complainant requests that confidentiality but cannot guarantee that the investigation process will not result

in colleagues speculating on the identity of the whistleblower. It will be easier to follow up and to verify the facts of a case if the complainant is prepared to give their name. Unsupported anonymous complaints and allegations are much less powerful and therefore will have to be treated with caution. There will be circumstances where information must be disclosed for legal reasons, or to enable legal steps to be taken, e.g. there may be an obligation to disclose under the Freedom of Information Act provisions, or if the circumstances amount to a serious crime there may be circumstances where information will have to be passed to external agencies such as the police or external auditors.

- 3.4 Any reporting system will be of little effect if those who should use it are afraid that, as the result of making their report, they may experience recriminations, victimisation or harassment. The Trust will therefore not tolerate any attempt to take reprisals against any person who has reported a serious and genuine concern. The Trust will treat any such recrimination, victimisation or harassment as a serious matter which may, in the case of an employee, result in disciplinary action being taken or which may, in the case of a Governor or Trustee, be regarded as a breach of the relevant Code of Conduct. Individuals may also have statutory protection under the Public Interest Disclosure Act 1998, which aims to protect individuals who make certain disclosures of information in the public interest and who are then victimised in their employment. If a whistleblower who has made a valid complaint feels that they have been victimised as a result of raising concerns they can raise the matter directly with the Trust Compliance Officer [compliance@coastandvale.academy](mailto:compliance@coastandvale.academy) who will raise the matter immediately with the appropriate person, either the Trust's Director of Learning (DoL) or the Trust's Chief Operating Officer (COO), or the Trust's Chief Executive Officer (CEO) if the complaint relates to the DoL or COO, who will take appropriate action. If the complaint relates to the CEO the whistleblower should contact the Chair of the Board of Trustees.
- 3.5 The Trust will ensure that the necessary resources are applied to investigating any complaints received. As a consequence of this it will view seriously any knowingly false or malicious allegations which it receives and will regard the making of any deliberately malicious or vexatious allegations by any employee as a serious disciplinary offence.
- 3.6 The Whistleblowing Policy will be publicised to all staff, Governors, Trustees and contractors via appropriate communication channels.

#### **4.0 HOW TO RAISE A CONCERN**

- 4.1 Employees are expected to initially report any concerns to their line manager. If an employee feels unable to do this, their trade union representative or professional association may submit the instance of whistleblowing for them. For school based staff this will normally be the relevant head of department, head teacher or principal. It will be their responsibility to initially investigate all matters reported to them promptly in accordance with the procedure notes issued. If employees feel unable to report concerns in this manner then they should contact the CEO's Executive Assistant [ea@coastandvale.academy](mailto:ea@coastandvale.academy). For the Trust Central Team this will normally be their Line Manager or to the COO if

they don't feel that would be appropriate. In all cases if the concern relates to either the DoL or COO then the CEO should be contacted. If the concern relates to the CEO, the Chair of the Board of Trustees should be contacted.

4.2 It is, however, appreciated that there may be times when an employee feels unable to use the above procedure, for example when the Whistleblower feels that their line manager or Headteacher may be involved in the malpractice or has failed to take appropriate action when the matter has been raised previously. In such circumstances the Whistleblower may wish to make a whistleblowing complaint under this Policy. The Trust has therefore appointed the Trust Compliance Officer – [compliance@coastandvale.academy](mailto:compliance@coastandvale.academy) to act as its Whistleblowing Officer, with the following remit:

- a) to receive and record any complaints made under this Policy;
- b) to ensure, as far as possible, the confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence subject to paragraph 3.3 above;
- c) to investigate promptly any whistleblowing complaint and to respond directly to the complainant, with a right of access to the Chief Executive Officer and all Governors, Trustees, Members and employees of the Trust and to all documents and records of the Trust;
- d) to determine the level of investigation required and if the matter needs further investigation the Whistleblowing Officer should usually appoint an investigator or team of investigators;
- e) to report to the CEO or COO or Headteacher where the investigation identifies a serious cause for concern within the responsibilities of that officer and to recommend the use of any relevant statutory powers or duties. Where the complaint relates to the conduct of a Governor, Trustee or the CEO, COO or DoL, they should report to the Chair of Trustees. Where the complaint relates to a Headteacher or Principal, they should report to the DoL;
- f) to report as appropriate, either jointly with the CEO/COO or Headteacher or in their own right, to the Trust Board;
- g) to recommend, in conjunction with the Chief Executive Officer, to settle appropriate action to resolve a complaint or recompense a complainant; and
- h) to report annually to the Trust Board via the Finance and Resources Committee on the number of concerns raised under this Whistleblowing Policy.

- 4.3 The Trust Compliance Officer can be contacted by writing a letter in a sealed envelope marked Strictly Private and Confidential, addressed to:

Clair Ferguson  
Trust Compliance Officer  
Coast and Vale Learning Trust  
Scalby School  
Fieldstead Crescent  
Scarborough  
YO12 6TH

or by telephoning (01723) 362 301.

## 5.0 HOW THE TRUST WILL RESPOND

- 5.1 In order to protect both individuals and the Trust, 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 policies or procedures (for example child protection or discrimination issues) will normally be referred to the appropriate people for separate consideration under those procedures.
- 5.2 Some concerns may be resolved by agreed action without the need for detailed investigation.
- 5.3 Within 10 working days of a concern being received, the line manager or the officer who is designated to carry out the whistleblowing investigation (on behalf of the Trust Compliance Officer) will write to the whistleblower:
- acknowledging that the concern has been received;
  - indicating how they proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - stating whether any initial enquiries have been made; and
  - stating whether further investigations will take place, and if not, why not.
- 5.4 The amount of contact between the officers considering the issues and the whistleblower, 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 whistleblower.
- 5.5 When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.6 The Trust will, as far as it is able, take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Trust will, where appropriate and as far as it is able to do so, provide advice about the procedure.

5.7 The Trust accepts the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, information about the outcomes of any investigations will be provided.

## 6.0 HOW MATTERS CAN BE TAKEN FURTHER

6.1 This Policy is intended to provide staff with an appropriate avenue to raise concerns within the Trust. If employees have reported a concern in accordance with the Trust's Whistleblowing Policy but are not satisfied that the issues have been properly addressed then they may contact:

- Chair of the Trust Board (chair@coastandvale.academy)
- Chair of the Trust's Members (write to Chair of Members, C/O Executive Assistant, Scalby School, Fieldstead Crescent, Scarborough, YO12 6TH – marked "Private and Confidential")
- The External Auditor (Clive Owen LLP: [www.cliveowen.com](http://www.cliveowen.com). 140 Coniscliffe Road, Darlington, Co Durham, DL3 7RT, Tel: 01325 349 700)
- Ofsted
- Any whistleblowing in relation to Child Protection should be done under the Trust's Safeguarding Policy.
- Relevant professional bodies or regulatory organisations<sup>1</sup>, for example, the Information Commissioner's Office.

## 7.0 INDEPENDENT ADVICE

7.1 Free, confidential advice on how to raise a concern about malpractice at work can be sought from the independent charity Public Concern at Work on 020 7404 6609.

## 8.0 REVIEW OF THE POLICY

8.1 The Policy will be subject to a normal review on a 3 yearly basis.

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<sup>1</sup> The Department for Business, Innovations and Skills maintains a list of prescribed persons who may be contacted