

# Whistleblowing Policy and Procedure

*This policy applies to the Lighthouse Learning Trust and all of its institutions. For the sake of brevity, references to the “Trust” in the policy document are taken to mean both the Trust itself as well as all of its individual institutions.*

Publication Date	June 2024
Version Number	1.4
Related Legislation	Employment Rights Act 1996 Public Interest Disclosure Act 1998 Enterprise and Regulatory Reform Act 2013
Related Policies, Strategies and Other Documents	Grievance Policy Complaints Policy Safeguarding Policy Data Retention Policy General Data Protection Regulation
Policy Owner	Chair of Trust
Approval Level	Trust Board
Applies To	All
Next Review Due	June 2026

## Policy Purpose:

- Encourage colleagues and stakeholders to feel confident to make a disclosure about issues that fall under this policy;
- Provide avenues for colleagues and stakeholders to raise those concerns;
- Reassure colleagues and stakeholders that they will be protected from being penalised, victimised or suffering detriment.

## What is Whistle blowing?

Lighthouse Learning Trust is committed to achieving the highest possible standards of service, openness, accountability and ethical standards.

Whistleblowing is the term used when an employee or other stakeholder (including but not limited to partners, contractors, supply chain, subcontractors, Trustees and Local Committee members) makes a disclosure concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work. This policy covers any serious concerns about any aspect of service provision or the conduct of employees of the Trust and its colleges or others acting on their behalf. This could be something that makes someone feel uncomfortable in terms of known standards; is against Trust policy; falls below established standards of practice or amounts to improper conduct.

Whistleblowing law is in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013). It provides the right for a worker to take a case to an employment tribunal if they have been victimized at work or lost their job because they have 'blown the whistle'

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law and should be dealt with instead through the Trust's Grievance Policy or the Trust's Complaints Policy.

The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (this may include, for example, types of financial impropriety such as fraud);
- Failure to comply with a legal, including contractual, obligation;
- Miscarriages of justice;
- Health and Safety risks, including risks to the public;
- Damage to the environment;
- Risk to safeguarding
- Improper conduct or unethical behaviour
- Unauthorized disclosure of confidential information
- Discrimination
- Covering up wrongdoing in any the above categories

Any Safeguarding or Child Protection concerns should be reported and dealt with under the Trust's Safeguarding Policy.

This policy enables workers/employees or stakeholder to raise their concerns about such malpractice(s) at an early stage and in the right way. The Trust would rather that workers/employees raised the matter when it is just a concern rather than wait to collect "solid evidence". This policy is intended to cover concerns which fall outside the scope of other policies which deal with standards of behaviour at work, including disciplinary, grievance, or complaints. bullying and harassment policies.

### **Aim of the Whistle Blowing Policy**

- Workers/employees and stakeholders of the Trust and its colleges to feel confident in raising serious concerns and to question and act upon their concerns;
- Establish a fair and impartial investigative procedure.
- Provide ways for employees in the Trust and its colleges to raise those concerns and get feedback on any action taken as a result.
- Ensure that workers/employees in or working in the Trust and its colleges get a response to their concerns.
- Ensure that workers/employees working in the Trust and its colleges are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action.
- Reassure workers/employees in the Trust or its colleges that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate policies and procedures are available for example:

- Grievances – see Grievance Policy and Procedure
- Child Safeguarding – see Child Protection and Safeguarding Policy
- Complaints – see Complaints Policy and Procedure

### **Protection and safeguarding workers/employees who Whistle blow**

If a colleague or stakeholder makes a disclosure on one or more of the matters listed in this policy and they have a reasonable belief that the concern is real and they are acting in good faith, the colleague/stakeholder will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not

tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers/employees who raise a concern in good faith.

### **Confidentiality and Anonymity**

If a colleague or stakeholder requests that their identity is protected, the Trust will not disclose it unless required to do so in law. If the situation arises where the Trust is unable to resolve the concern without revealing the colleagues or stakeholder's identity (for instance because the colleague or stakeholder's evidence is needed in court), the Trust will discuss with the colleague/stakeholder how the matter should proceed.

However, it must be stated that if a colleague or stakeholder chooses not to disclose their identity it will be much more difficult for us to investigate the matter or to protect your position or to give the colleague/stakeholder feedback.

Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee/worker or stakeholder.

Support will be provided to the colleague or stakeholder to minimise any difficulties, which the employee/worker or stakeholder may experience. This may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with the colleague or stakeholder and the colleague/stakeholder has the right to be represented, if the colleague/stakeholder so wishes.

### **How to raise concerns**

As soon as the colleague or stakeholder becomes reasonably concerned, they should firstly raise the issue either orally or in writing. It would help with any subsequent investigation if the background/history of the concern, including relevant dates and the reason why the situation gives particular cause for concern.

Concerns should be raised with the colleague or stakeholder's line manager or College Executive Principal.

If colleagues or stakeholders report to their Line manager or main contact within the Trust this will be reported to the College Executive Principal as soon as practicable. If the line manager is the potential transgressor colleagues/stakeholders should report directly to the Executive Principal (unless s/he is the potential transgressor, in which case write to one of the following individuals, here after referred to as 'nominated person').

- Chief Executive officer

- Chief Financial Officer
- Group Director of People

Workers/employees/stakeholders who wish to raise concerns on the Chief Executive Officer can also report directly to the

- Chair of the Lighthouse Learning Trust Board.
- Chief Financial Officer
- Group Director of People

All of the above individuals are contactable at Lighthouse Learning Trust.

Concerns should be raised as early as possible, as this will make it easier to take action and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can be viably dealt with after a long period of time will depend on the circumstances.

Anonymous disclosures will be considered, but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the employee, or giving feedback on the action being taken.

If making a disclosure, colleagues/stakeholders will be expected to give as much background and history as they can and, whilst they are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that they are making the disclosure in good faith and that they reasonably believe that the information disclosed, and any allegation contained within it, are substantially true. None of this policy will apply unless colleagues/stakeholders have acted in good faith

On receipt of a concern at work raised by a colleague/stakeholder the Executive Principal/Nominated person or is required to acknowledge receipt within 5 working days, seek guidance from the appropriate member of the Trust Executive Team and appoint an Investigating Officer.

### **How the Trust will respond**

Once the colleague or stakeholder has reported their concern, an investigating officer (someone who has no previous involvement) will be appointed by the Executive Principal/Nominated person. The investigating officer will have 10 working days from appointment to assess initially what action should be taken. They will interview the colleague/stakeholder as soon as practicable, in confidence using the following guidance:

- If there is an immediate danger to loss of life or serious injury or illegal activity involve the Police immediately.
- Obtain as much information as possible from the colleague/stakeholder about the grounds for the belief of malpractice.
- Consult with the colleague/stakeholder about further steps which could be taken;
- Inform the colleague/stakeholder of appropriate routes if the matter does not fall within the Whistleblowing Procedure;
- Report all matters under this procedure to the Executive Leadership Team or Member of the Trust Board.

At this meeting the colleague/stakeholder may be accompanied by a trade union representative or a work colleague.

There may also be a note taker present at the meeting.

On conclusion of the initial investigation the investigating officer will recommend to the Executive Principal/Nominated person one or more of the following:

- The matter should be investigated within the Trust's internal policies and procedures;
- The matter should be investigated by the external auditors appointed by the Trust;
- The matter should be reported to an external agency e.g. DfE, EFA, exam board;
- The matter should be reported to the Police;
- The matter should be reported to the Local Authority Designated Officer;
- No further action is required.

However, please note that this list is not exhaustive.

The grounds on which no further action is taken may include:

- The investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The investigator is satisfied that the concern has not been raised in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the DfE or other public authority.

Within 5 working days of the initial investigation being concluded, the Executive Principal/Nominated person will write to the colleague or stakeholder raising the concern:

- Confirming that the concern has been investigated (or a timescale for this if complex);
- Confirming (where appropriate) what action the Trust intends to take;
- Supplying information on support available to you.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

#### **Links to other policies:**

#### **Document History**

<b>Version</b>	<b>Purpose/Change</b>	<b>Author</b>	<b>Date</b>
1.1	New Document	TGO	April 24
1.2	Review & Update		July 25