

United Learning Whistleblowing Policy

Scope

The policy and procedure set out in this document applies to all United Church Schools Trust (UCST) and United Learning Trust (ULT) employees; including teaching, support, fixed-term, part-time, full-time, permanent and temporary staff, all members of Boards, Committees and other bodies, paid and honorary, giving advice and support to United Learning and any of its Schools and Academies.

The two companies (UCST and ULT) are referred to in this policy by their trading name, 'United Learning'.

Where this policy refers to 'School' or 'Head Teacher' within Central Office this should be interpreted to refer to the department where a member of staff works and their Head of Department.

As a values-led organisation our values of ambition, confidence, creativity, respect, enthusiasm and determination are key to our purpose and underpin all that we do.

1. The Legal Position

- 1.1 The European Convention on Human Rights was incorporated into UK law by the Human Rights Act 1998, and the Public Interest Disclosure Act 1998 (PIDA) which reflects article 10 of the Convention in providing the right to freedom of expression. The PIDA came into force on 2 July 1999 and offers a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing (as defined below). Further provisions were introduced by the Enterprise and Regulatory Reform Act 2013.
- 1.2 Keeping Children Safe in Education (September 2018) applies a statutory duty for schools to provide a mechanism in which individuals are able to raise concerns about poor or unsafe practice and potential failures in a school's safeguarding regime and that such concerns will be taken seriously by the senior leadership team.

2. Objectives

- 2.1 To ensure that United Learning develops and maintains a working environment in which everyone feels able and encouraged to speak up about any concerns they may have in relation to any of the circumstances detailed in section 3:1.
- 2.2 To ensure that the activities of United Learning, its officers and employees, whilst confidential in terms of commercial operations, are not subject to cover-up where any of the circumstances referred to in Section 3:1 arise.



3. Policy

- 3.1 It is the duty of every individual to speak up about genuine concerns in relation to:
- a) Criminal activity;
 - b) Negligence by any person or outside body;
 - c) Breach of a legal or contractual obligation;
 - d) Miscarriage of justice;
 - e) Danger to health and safety or the environment and danger at work;
 - f) Breach of United Learning , School or Academy procedures;
 - g) Financial or operational malpractice, fraud or corruption;
 - h) Improper conduct under United Learning policies and procedures;
 - i) The dissemination of radical or extreme opinions which are contrary to the Mission and Values Statements of United Learning or any of its Schools or Academies;
 - j) Poor or unsafe safeguarding practice *and*
 - k) The cover-up of any of these in the workplace.
- 3.2 United Learning is committed to ensuring that any concerns of this nature are taken seriously and investigated. A disclosure to United Learning will be protected if the individual:
- a) Has an honest and reasonable suspicion that any of the circumstances listed at 3.1 above has occurred, is occurring or is likely to occur; *and*
 - b) Has reasonable belief that the disclosure is made in the public interest.
- 3.3 Individuals who raise concerns reasonably and responsibly will not be penalised in any way and will be protected from harassment and victimisation.
- 3.4 This will apply notwithstanding that the information in relation to which the individual raises the concern was given to them in confidence.

4. Procedure

- 4.1 Any individual who has reasonable concerns in relation to those matters listed at 3.1 above should initially take them to the Head Teacher. If they do not feel that this is the appropriate person, they should approach another senior manager or go direct to any of the following:
- a) Director of People;
 - b) Director of Finance;
 - c) Head of Independent Schools/Primary/Secondary Academies Education Director;
 - d) Chief Executive.
- 4.2 It is recognised that for some individuals, raising a concern under this procedure may be a daunting and difficult experience. An individual may choose to be accompanied or represented by a colleague or by their Trade Union representative at any stage of this procedure.



- 4.3 All reported incidents will be investigated.
- 4.4 All reports will be dealt with in confidence, in accordance with United Learning's usual confidentiality in relation to possible disciplinary matters (see United Learning Disciplinary Procedure).
- 4.5 The Director or People, Director of Finance, Head of Independent Schools/Primary/Secondary Academies Education Director or Chief Executive will establish and record the basis of the concerns that have been raised and establish what further actions are required. The individual raising the concern will be advised of the outcome of the investigation as soon as possible, normally within 14 calendar days of the date of their disclosure. Where a longer period is needed for investigation, the member of staff will be informed in writing the reason for the delay and an estimated timescale.
- 4.6 The Chief Executive will be informed of all reported disclosures and the actions being taken.
- 4.7 In the case of disclosures on alleged fraud and corruption, the Director of Finance will be informed immediately and subsequently coordinate the investigation of the alleged malpractice. Please refer to the United Learning Fraud Policy and procedures for more details.
- 4.8 If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to the Chair of the UCST or ULT Board directly who will arrange any further investigation as appropriate. The Chair of the UCST or ULT Board will send a written response to the individual concerned within 14 calendar days.
- 4.9 The use of this policy to further private disputes or make unfounded allegations for malicious or vexatious reasons may result in disciplinary action being taken against that individual.

5. Guiding Principles

- 5.1 To ensure that this policy is adhered to, and to assure all to whom this policy applies that their concerns will be taken seriously, United Learning will:
 - a) Not allow the person raising the concern to be victimised for doing so;
 - b) Treat victimisation of whistle blowers as a serious matter, which will lead to disciplinary action that may include dismissal;
 - c) Not attempt to conceal evidence of poor or unacceptable practice;
 - d) Take disciplinary action where an employee wilfully or negligently destroys or conceals evidence of breach of this policy (This clause should not be read as preventing corrective action from taking place in accordance with good practice);
 - e) Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise whistle blowing.



6. Independent Advice and Further Reading

- 6.1 Individuals who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Public Concern at Work on 020 7474 6609 or email helpline@pcaw.co.uk. Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work.
- 6.2 Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS) – Telephone: 08457 47 47 47.
- 6.3 You may feel that it is more appropriate to report some matters to the Health & Safety Executive – 020 7717 6000.
- 6.4 Additional information is available at www.gov.uk/whistleblowing and within '[Keeping Children Safe in Education](#)' (DfE, September 2018).
- 6.5 The NSPCC's whistleblowing helpline is available for employees wishing to raise concerns relating to safeguarding practice – Telephone 0800 028 0285 (8:00am to 8:00pm); Email help@nspcc.org.uk; Postal NSPCC, Weston House, 42 Curtain Road, London, EC2A 3NH.
- 6.6 Where schools have access to the Employee Assistance Programme, employees can obtain free and confidential information, support and counselling on a wide range of work, personal and family issues (www.well-online.co.uk, 0800 0851376).

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