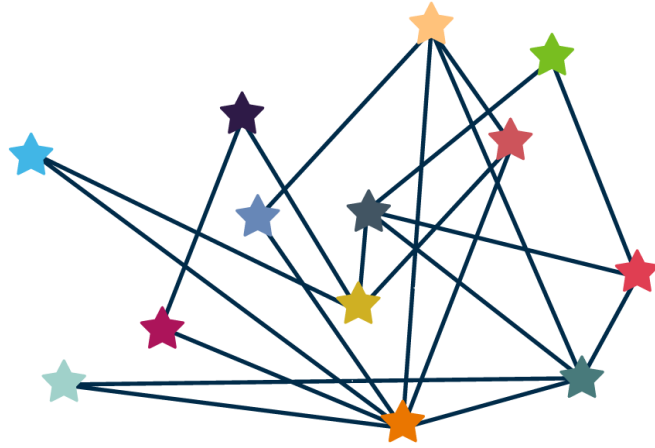


ULT Whistleblowing Policy



UTTOXETER
LEARNING TRUST
INSPIRED TEACHING
INSPIRING CHILDREN

Re-adopted: Autumn 19
Due for review: Autumn 20

Uttoxeter Learning Trust Whistleblowing Policy V5

Agreed by Trustees January 2019 (and agreed with unions March 2018)

Purpose

The Uttoxeter Learning Trust (ULT) is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the trust's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Any colleague raising a concern under this policy will not be treated less favourably for raising concerns as outlined in this procedure. This means that any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. This policy applies to employees of ULT, referred to in this policy as colleagues including agency workers, trainees or anyone working on a casual basis.

The policy and procedure applies to all colleagues, regardless of length of service, but do not form part of the contract of employment and can be varied from time to time.

What is whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing at work. For example

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above

A colleague can report things that are not right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger

- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above is a whistle-blower and is protected under this policy. The ULT will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The ULT will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

Rights of the Whistle-blower

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment, nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the ULT CEO or Chair of the Board of Trustees.

Victimisation of a whistle-blower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the ULT believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance Procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleague's own treatment at work that is arising from the whistleblowing matter they have raised previously.

Making a Whistleblowing Complaint

To make a whistleblowing complaint the whistle-blower has to meet certain conditions.

If the disclosure is made to the ULT, it must be in the public interest and the person making the complaint (“the whistle-blower”) has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.

If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the ULT, the whistle-blower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.

For example, a colleague will be eligible for protection if:

- they honestly think what they’re reporting is true
- they think they’re telling the right person
- their disclosure is in the public interest

If the disclosure is made to other external bodies, then as well as satisfying the condition required for the ULT, in all circumstances of the case, it must be reasonable for them to make the complaint.

Further, the whistle-blower must:

- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the ULT and,
- reasonably believe that the information they provide and any allegations contained therein are substantially true.

If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in a school setting could include, say, the alleged abuse of children or vulnerable adults in a school’s care or corruption, then the whistle-blower will not be required to:

- have raised the matter concerned internally first
- believe that they will be subject to a detriment for raising the disclosure internally
- believe that the evidence is likely to be concealed or destroyed.

A colleague who wants to raise a wrongdoing should in the first instance inform any one of the Trustees (and preferably more than one), details of whom can be found on the ULT website (or via email to the CEO or to the Rev Margaret Sherwin, Rector of Uttoxeter, at

misherwin@btinternet.com) Alternatively, leave a telephone message with a reply number at Thomas Alleyne's High School 01889 561820 asking to be contacted). The initial contact can be by telephone or in writing and, if the latter, should be in a sealed envelope addressed to the Trustee(s) concerned and marked: 'Strictly Private and Confidential'. The Trustee who has received a disclosure will:

- acknowledge its receipt, in writing, within 5 working days NB if this does not happen, eg because the Trustee contacted is indisposed (hence 2 Trustees are recommended), it is the whistle-blower's responsibility to try again;
- seek further information if required, which may include a personal interview, at which the colleague (whistle-blower) can be accompanied by a representative of their trade union or professional association, or by a fellow employee;
- when the precise nature of the alleged wrongdoing is established, refer the disclosure to the Chair of the Board;
- in liaison with the Trustee, keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.

On receipt of a disclosure, the Trustee(s) will determine what further action, if any, is needed, which may comprise:

internal investigation

report to the Police

report to external audit

independent enquiry

any combination of the above

Reviewed by the ULT Finance Committee 31/1/19. Next review by the ULT February 2020.

NB This policy is based on the SCC policy.