

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. 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.

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.

2. Objectives

- 2.1 To ensure that United Learning develops and maintains a working environment in which all staff feel able and encouraged to speak up about any concerns they may have in relation to criminal activity, negligence and danger at work.
- 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 with regard to health and safety matters, criminality, negligence and the occurrence of danger at work.

3. Policy

- 3.1 It is the duty of every member of staff to speak up about genuine concerns in relation to:
 - a) Criminal activity;
 - b) Breach of a legal obligation (including negligence, breach of contract, breach of administrative law);
 - c) Miscarriage of justice;
 - d) Danger to health and safety or the environment;

- e) Breach of agreed governing body/United Learning procedures;
- f) Breach of established standards of good practice;
- g) Suspected financial or fraudulent malpractice;
- h) Improper conduct; *and*
- i) The cover-up of any of these in the workplace. Under these circumstances, it applies whether or not the information is confidential.

3.2 United Learning is committed to ensuring that any staff concerns of this nature will be taken seriously and investigated. A disclosure to United Learning will be protected if the member of staff:

- a) Has an honest and reasonable suspicion that one of the concerns 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 Staff who raise concerns reasonably and responsibly will not be penalised in any way and will be protected from harassment and victimisation.

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) Managing Director Independent Schools/Academies;
- 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, Managing Director – Independent Schools/Academies 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 procedure should not be used to further private disputes and make unfounded allegations for malicious or vexatious reasons and that where such bad faith is established, disciplinary action may appropriately be taken against that individual.

5. Guiding Principles

- 5.1 To ensure that this policy is adhered to, and to assure staff 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, that will lead to disciplinary action that may include dismissal;
 - c) Not attempt to conceal evidence of poor or unacceptable practice;
 - d) Take disciplinary action if an employee wilfully or negligently destroys or conceals evidence of poor or unacceptable practice or misconduct (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 Employees 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 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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