

Whistleblowing Policy and Procedure

This policy has been drawn up with guidance and recommendation from the Advisory, Conciliation and Arbitration Service (ACAS) www.acas.org.uk. Please also refer to our Anti-Corruption and Bribery Policy for more details.

1 Introduction

- 1.1 Frontier Learning Trust is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide workers and employees (referred to as employees in this policy) with a means of raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings. Please see point 2 below for definition of 'employees'.
- 1.2 The Trust encourages employees to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the Trust.
- 1.3 This policy and procedure also aims to encourage employees to raise genuine concerns through internal College procedures without fear of adverse repercussions. The law allows employees to raise such concerns externally and this policy informs employees how they can do so in section 3 below. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4 This policy and procedure also seeks to balance the need to allow a culture of openness against the need to protect other employees against vexatious allegations or allegations which are not well-founded.
- 1.5 The principles of openness and accountability which underpin legislation protecting whistleblowers (as defined under the Public Interest Disclosure Act 1998) are reflected in this policy and procedure. The Trust is also committed to ensuring compliance with the Bribery Act 2010.

2 Applicability of this policy and procedure

- 2.1 This policy applies to all Frontier Learning Trust employees, including any casual employees; employees of subcontractors; and agency employees engaged by the Trust and in some cases, those undertaking work placement or work experience.
- 2.2 Employees might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the Trust's grievance procedure. Any employee in this situation is encouraged to approach the HR Manager in confidence for advice.

3 Disclosure to external bodies

- 3.1 This policy and procedure has been implemented to allow employees to raise disclosures internally. An employee has the right to make a disclosure outside of the Trust where there are reasonable grounds to do so and in accordance with the law.

- 3.2 Employees may make a disclosure to an appropriate external body prescribed by the law and listed under The Prescribed Persons Order 2014. For help and guidance to do this, please visit the government website, www.gov.uk and go to: 'Whistleblowing: list of prescribed persons'.
- 3.3 Employees can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 3.4 If an employee seeks advice outside of the Trust, they must be careful not to breach any confidentiality obligations.

4 Protected disclosures

- 4.1 The law protects employees who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 4.2 The law allows employees to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see section 5) and the disclosure must also be made in an appropriate way (see section 6). A 'protected disclosure' must, in the reasonable belief of the employee making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.
- 4.3 If an employee is unsure if they're protected by law because they're uncertain of their employment status, independent advice can be sought from Citizens' Advice or from the College's Employee Assistance Service, Health Assured.

5 Specific Subject Matter

- 5.1 If, in the course of employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:
 - That a criminal offence has been committed, is being committed or is likely to be committed. That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
 - That a miscarriage of justice has occurred, is occurring, or is likely to occur.
 - That the health or safety of any individual has been, is being, or is likely to be, endangered; if this relates to a student safeguarding matter, the safeguarding policy can also be referred to which outlines the procedure for reporting a safeguarding concern confidentially. The safeguarding policy is available on the staff area of Woodle, see College Policies, Students. The policy can also be accessed via the link under section 11.5.
 - That the environment, has been, is being, or is likely to be, damaged.
 - That bias has occurred, or seems likely to occur, as a result of personal workplace relationship that potentially, or will potentially influence career opportunities and/or risk breach of confidentiality.
 - That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

6 Procedure for making a disclosure

- 6.1 Information which an employee reasonably believes tends to show one or more of the situations given in Section 5 above should promptly be disclosed to their line manager so action can be taken.
- 6.2 If it is inappropriate to make such a disclosure to their line manager, an employee can raise the issue with the HR Manager or the CEO of the Trust.

- 6.3 If the disclosure relates to the CEO of the Trust, an employee can raise the issue with the Chair of Trustees (Peter Green, pgreen@frontierlearningtrust.ac.uk). In the event that the disclosure relates to the Chair of Trustees, the employee can raise the issue with the Principal. A template whistleblowing letter template for raising a concern is attached under Appendix 1.
- 6.4 Employees are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Trust will not be in a position to notify the individual making the disclosure of the outcome of action taken by the Trust. Anonymity also means that the Trust will have difficulty in investigating such a concern. The Trust reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
- The seriousness of the issues raised in the disclosure;
 - The credibility of the concern; and
 - How likely it is that the concern can be confirmed from attributable sources.
- 6.5 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the HR Manager.

7 Procedure for investigation of a disclosure

- 7.1 When an employee makes a disclosure, the Vice Principal of Woodhouse College will acknowledge its receipt, in writing, within five working days of receipt of the disclosure. If the disclosure relates to a member of staff, the disclosure should be made to a higher authority of that member of staff.
- 7.2 The Vice Principal (or higher authority) will then determine whether or not it believes that the disclosure is wholly without substance or merit. If it's decided that the disclosure does not have sufficient merit to warrant further action, the employee will be notified in writing within ten working days of the acknowledgment of the reasons for the decision and advised that no further action will be taken by the Trust under this policy and procedure. The timeframe may vary according to the considerations to be taken into account when making this determination may include the following:
- If the Vice Principal (or higher authority) is satisfied that an employee does not have a reasonable belief that suspected malpractice is occurring; or
 - If the matter is already the subject of legal proceedings or appropriate action by an external body; or
 - If the matter is already subject to another appropriate internal procedure.
- 7.3 When an employee makes a disclosure which has sufficient substance or merit warranting further action, the action that is deemed appropriate (including action under any other applicable policy or procedure) will be taken. Possible actions could include internal investigation; referral to the Trust's auditors; or referral to relevant external bodies such as the police, ESFA, Ofsted, Health and Safety Executive or the Information Commissioner's Office.
- 7.4 If appropriate, any internal investigation would be conducted by a senior manager of Woodhouse College (usually on the Senior Leadership Team) without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the College as appropriate. (Depending on the seriousness of the concern raised and the seniority of the employee making the disclosure, it would be appropriate for a senior manager to investigate.)
- 7.5 Any recommendations for further action made by the Vice Principal (or higher authority) will be addressed to the CEO of the Trust or Chair of Trustees, as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

- 7.6 The employee making the disclosure will be notified of the outcome of any action taken by Vice Principal (or higher authority) under this policy and procedure within a reasonable period of time. If the employee is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the CEO of the Trust or Chair of Trustees as appropriate within 10 working days. If this period happens to be within a holiday period or college closure, the timeframe can be reviewed. The CEO of the Trust or Chair of Trustees will make a final decision on action to be taken and notify the employee making the disclosure.

The CEO of the Trust or Chair of Trustees will undertake an expeditious investigation of disclosures with a specified timeline for different stages of the procedure. A new designated investigating office (usually on the Senior Leadership Team, or other senior manager who has not previously been involved) may be instructed to lead the investigation. However, the timescales will be flexible to take into account that different types of concerns will require varying time for investigation.

The CEO of the Trust or Chair of Trustees will communicate with the employee making the disclosure in writing and by post to the employee's home address rather than through internal mail. If investigations into the concern are prolonged, the Trust will keep the employee concerned updated as to the progress of the investigation and include an estimated timeframe for its conclusion.

8 Safeguards for employees making a disclosure

- 8.1 An employee making a disclosure under this procedure can expect their matter to be treated confidentially by the Trust and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. The employee can request to raise their concern verbally if preferred, for confidentiality purposes.
- 8.2 The Trust will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Trust does not identify the employee making the disclosure without their written consent, or unless the Trust is legally obliged to do so, or for the purposes of seeking legal advice.
- 8.3 No formal disciplinary action will be taken against an employee on the grounds of making a disclosure made under this policy or procedure. This does not prevent the Trust from bringing disciplinary action against an employee where the Trust has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Trust without reasonable grounds.
- 8.4 An employee will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the Trust for making a disclosure in accordance with this policy and procedure. Equally, where an employee is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the Trust against the colleague in question.

9 Accountability

- 9.1 The Trust will keep a record of all concerns raised under this policy and procedure (including cases where the Trust deems that there is no case to answer and therefore that no action should be taken) and will report to the Board of Trustees on an annual basis as appropriate.

10 Further assistance for employees

- 10.1 The Trust will not tolerate any harassment or victimisation of employees who make disclosures. If, at any stage of this procedure an employee feels that they are being subject to informal

pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the CEO of the Trust.

10.2 An employee making a disclosure may want to confidentially and anonymously request counselling or other support from the Trust's Employee Assistance service, Health Assured by calling 0800 716 017 or speak to the HR Manager in confidence.

10.3 Employees can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Whistleblowing Advice Line: 020 3117 2520; or whistle@protect-advice.org.uk or visit <https://protect-advice.org.uk/>

10.4 Employees can contact the NSPCC helpline if they have concerns relating to child protection and safeguarding issues:

More information is available at <https://www.nspcc.org.uk>

NSPCC Whistleblowing Advice Line: 0808 800 5000
Email: help@nspcc.org.uk

10.5 Employees can access the Woodhouse College's safeguarding policy on Woodle > Staff Area > College Policies > Students. The safeguarding policy is also available on the College website: [Safeguarding Policy](#)

Review date: October 2020

Next review date: December 2021

APPENDIX: WHISTLEBLOWING LETTER TEMPLATE

To: CEO of the Trust/Chair of Trustees

From: (name and contact details of whistleblower)

Date of submission: (when the individual makes the whistleblowing concern)

Nature of concern:

an outline of the known or suspected wrongdoing

details, to the best of your knowledge, about when, where it occurred

a list of the names of those suspected of being involved

a list of the names of anyone who may have relevant information

details of how you came to know about the suspected activities

what, if any breaches of internal controls, policy and procedure or other requirements you believe took place

the name of anyone who you have discussed or reported this incident to

your name and contact details (these will be kept confidential as far as reasonably practicable)

the date and time of making the report

Details of any previous attempts to raise a concern (what, who with, if this applies)

Outcome of any previous investigations (if this applies)

Comments/ suggestions for action (if appropriate)

Signed by the individual