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1. Statement of intent

Lokrum Fields is committed to the highest standards of openness, probity, and accountability. An important aspect of accountability and transparency is a mechanism to enable staff to voice concerns in a responsible and effective manner.

We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. Lokrum Fields will act in accordance with UK legislation on disclosure of malpractice and will take steps to protect its employees from victimisation and dismissal if they raise concerns in good faith.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or

business decisions taken by Wider Ambition (unless the concern relates to suspected fraud or theft) nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

Throughout this policy, the term whistle-blower denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the Second Report of the Committee on Standards in Public Life: Local Spending Bodies published in May 1996.

2. About our policies

- 2.1. Our policies have been developed to comply with all relevant legislation and associated guidance. Policies will be updated periodically as necessary.
- 2.2. Our policies are inter-related and are intended to be read, understood, and used collectively.
- 2.3. All staff and governors are expected to be familiar with and abide by our policies.
- 2.4. The Office Manager is responsible for ensuring volunteers and visitors are familiar with any policies which are relevant to their involvement and for taking reasonable steps to ensure compliance.
- 2.5. The Headteacher is responsible for ensuring policies are implemented fairly, effectively, and consistently.
- 2.6. The Headteacher is responsible for identifying any training needs in relation to our policies. The Office Manager is responsible for arranging the required training. All staff are expected to engage in continuous learning and ongoing training appropriate to their roles.
- 2.7. The effectiveness of our policies and their implementation is monitored by the Governing Body. Unless otherwise stated, the Governing Body reviews each policy annually.
- 2.8. The Governing Body for Lokrum Fields is provided by Governing for Ambition, an independent community interest company. The Governing Body uses its expertise to monitor the performance of Lokrum Fields and to advise the Proprietor of any

recommended actions. Responsibilities assigned to the Governing Body are limited to these advisory and accountability functions.

- 2.9. Lokrum Fields is owned by Wider Ambition Ltd, a subsidiary of Wider Plan Ltd. References to the Proprietor mean a Director of Lokrum Fields or a senior representative from Wider Plan with delegated authority.
- 2.10. The Lokrum Fields Senior Leadership Team (SLT) includes the Headteacher, Proprietor, and any member of staff to whom responsibility is temporarily delegated by the Headteacher or Proprietor.
- 2.11. All references to parents within our policies should be interpreted to include parent carers.

3. What is Whistleblowing?

3.1. The Public Interest Disclosure Act 1998 (PIDA) gives legal protection to employees against detrimental treatment or dismissal if they raise concerns about:

- 3.1.1. Criminal offences. This includes theft, fraud, corruption, identity theft and deliberate breaches of data protection.
- 3.1.2. Failure to comply with a legal obligation or statute, including negligence, breach of contract and breach of administrative law.
- 3.1.3. Miscarriages of justice.
- 3.1.4. Health and safety.
- 3.1.5. Damage to the environment.
- 3.1.6. The concealment of any of the above.

3.2. Staff who raise a genuine concern and have acted in good faith, even if it is later discovered that they are mistaken, will not be at risk of losing their job or suffer any form of retribution as a result. However, this assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice.

3.3. In addition, the Act only covers staff who raise a concern which relates to one of the six areas above and have followed the procedures outlined in this policy. If a member of staff has any other concerns, for example, a concern regarding an

individual's misuse of Lokrum Fields property or a deliberate and persistent breach of Lokrum Fields policies, then these issues must be raised under the grievance and disciplinary proceedings.

3.4. Any member of the school community or general public is able to raise a concern, however, the PIDA only protects Wider Ambition employees and staff of companies contracted to provide a service to Lokrum Fields.

3.5. Irrespective of 3.4, Lokrum Fields will not tolerate harassment, dismissal, or exclusion of any non-employee who raises a genuine concern.

4. Core Whistleblowing Principles

4.1. Lokrum Fields will implement the core whistleblowing principles, as outlined in the 'Freedom to Speak Up Report', to ensure that whistleblowing procedures are fair, clear, and consistent.

4.2. Lokrum Fields will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

4.2.1. Of safety in the school.

4.2.2. Where people feel confident with raising concerns.

4.2.3. Free from bullying.

4.2.4. Of visible leadership.

4.2.5. Of valuing staff.

4.2.6. Of reflective practice.

4.3. By providing a clear procedure for mediating and resolving cases, Lokrum Fields will ensure that all cases are efficiently handled. This procedure includes:

4.3.1. How to raise and report concerns.

4.3.2. How investigations will be conducted.

4.3.3. How Lokrum Fields will mediate and resolve disputes.

4.4. Lokrum Fields will implement measures to support good practice by ensuring adherence to the following principles:

4.4.1. Offering relevant training to staff.

4.4.2. Providing the necessary support to staff.

4.4.3. Providing support to staff who are seeking alternative employment.

- 4.4.4. Being transparent.
 - 4.4.5. Being accountable.
 - 4.4.6. Conducting an external review of any concerns raised, where necessary.
 - 4.4.7. Undertaking regulatory action as required.
- 4.5. Lokrum Fields will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:
- 4.5.1. Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
 - 4.5.2. Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles.
 - 4.5.3. Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
 - 4.5.4. Ensuring staff are empowered and protected, enabling them to raise concerns freely.

5. Making a Disclosure

- 5.1. Lokrum Fields recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the staff as a whole; however, Lokrum Fields will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.
- 5.2. If a member of staff believes that the actions of anyone (or a group of people) may constitute malpractice, they should raise the issue with the Headteacher. If the disclosure concerns the Headteacher, then the matter must be raised with the Proprietor.
- 5.3. Concerns may be raised verbally or in writing and should:
- 5.3.1. Provide background to the concern.
 - 5.3.2. The nature of the alleged malpractice.
 - 5.3.3. Relevant dates where possible.
 - 5.3.4. The reasons for the concern.
 - 5.3.5. The names of those individuals against whom the allegations are made.

5.4. If the concern is raised verbally, then the person receiving the information should put it in writing, an outline of the matters raised, and this should be confirmed in writing to the whistle-blower.

5.5. Once a concern is raised, the matter should also be reported to the Proprietor who will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure, e.g. disciplinary or grievance procedures.

6. Confidentiality

6.1. Every effort will be made to keep the whistle-blower's identity confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, the whistle-blower will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential.

6.2. There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose the identity of the whistle-blower. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform the whistle-blower that their identity is likely to be disclosed.

6.3. If it is necessary for the whistle-blower to participate in an investigation, the fact that they made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect them from any victimisation or detriment as a result of having made a disclosure. It is possible, however, that their role as the whistle-blower could still become apparent to third parties during the course of an investigation.

6.4. Equally, should an investigation lead to a criminal prosecution, it may become necessary for the whistle-blower to provide evidence or to be interviewed by the police. In these circumstances, the implications for confidentiality will be discussed with them.

7. Anonymous Allegations

7.1. Anonymous disclosures are very difficult to act upon as there may be little or no corroborated evidence to substantiate the allegations. Lokrum Fields does not encourage anonymous reporting as it feels it is more appropriate for individuals to come forward with their concerns. However, concerns which are expressed anonymously will still be considered at the discretion of the Proprietor. In exercising this discretion, the factors to be taken into account will include:

7.1.1. The severity of the issues raised.

7.1.2. The credibility of the concern.

7.1.3. The likelihood of confirming the allegation from attributable sources.

8. Unfounded Allegations

8.1. If a member of staff makes an allegation in good faith, but which is not confirmed true by the subsequent investigation, no action will be taken against them. However, when making a disclosure staff should exercise due care to ensure the accuracy of the information.

8.2. If a member of staff is found to have made a malicious or vexatious allegation, disciplinary action, up to and including dismissal, may be taken against them.

9. Handling of Disclosures

9.1. All disclosures will be taken seriously, and the following procedure will be used.

9.2. If a member of staff has any personal interest in the matter they have raised, they must disclose this at the outset.

9.3. This procedure is not intended to replace the Grievance Procedure, which continues to be the appropriate way for staff to raise personal issues relating to their specific job or employment.

9.4. A disclosure under this policy will be acknowledged in writing, confirming that the matter will be investigated, and that the whistle-blower will receive a response within a given timescale.

9.5. A suitable person will be identified to manage the disclosure. This will be someone who is in a position to take any necessary action as an outcome.

9.6. A suitable individual will be instructed to conduct an investigation into the allegation (they will have had no previous involvement in the matter). Lokrum

- Fields aims to start the investigation within five working days of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
- 9.7. The Headteacher or senior member of staff will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days but may be delayed if it is likely to jeopardise the investigation.
 - 9.8. The whistle-blower may be asked to provide more information during the course of the investigation.
 - 9.9. The investigation report will be reviewed by the person managing the disclosure.
 - 9.10. Appropriate action will be taken – this could involve initiating a disciplinary process or informing external authorities if a criminal action has been committed e.g. fraud or theft. Lokrum Fields will endeavour to inform the whistle-blower if a referral to an external authority is about to or has taken place, although Lokrum Fields may need to make such a referral without their knowledge or consent if it is considered appropriate.
 - 9.11. If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be more appropriate for the Headteacher to take a more informal approach to dealing with the matter.
 - 9.12. The whistle-blower will receive written notification of the outcome of the investigation, though not all the details or a copy of the report.
 - 9.13. Possible outcomes of the investigation could be that:
 - 9.13.1. The allegation could not be substantiated.
 - 9.13.2. Action has been taken to ensure that the problem does not arise again. The whistle-blower will not be given details about the action taken.
 - 9.14. If the whistle-blower is not satisfied with the response they have received, they should raise the matter with the Headteacher or other member of the Senior Leadership Team within five working days, outlining their reasons.
 - 9.15. If the whistle-blower has asked to remain anonymous, care will be taken to respect this request (see section on confidentiality above).

10. Corrective Action

10.1. As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable Lokrum Fields to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered.

11. Recording and Monitoring

- 11.1. Wider Ambition HR will maintain a register containing all concerns that are brought to our attention.
- 11.2. All records will be treated as confidential and kept no longer than necessary in accordance with Data Protection legislation.
- 11.3. Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be redacted to protect a third party.

Appendix 1 – The Role of the Senior Member of Staff Investigating

1. The senior member of staff investigating will have the following responsibilities:
 - 1.1. Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague.
 - 1.2. Establish the facts/obtain statements/collect documentary evidence.
 - 1.3. Maintain detailed records of the investigation process.
 - 1.4. Make any recommendations for action to be submitted to the Headteacher
2. Responsibilities towards the whistle-blower:
 - 2.1. Hold a formal meeting with the whistle-blower to discuss the matter.
 - 2.2. Inform them of their right to be accompanied at any interview by their trade union representative or colleague.
 - 2.3. Keep the whistle-blower up to date with progress on the matter and agree timescales for action.
 - 2.4. Notify the whistle-blower about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview.
3. Responsibilities towards the employee against whom the disclosure is raised:
 - 3.1. Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence.
 - 3.2. Advise in writing of the procedure to be followed.
 - 3.3. Give the person the opportunity to respond in person and in writing to the claims made and receive and consider any relevant evidence.
 - 3.4. Inform them of their right to be accompanied at any interview by a trade union representative or work colleague.
 - 3.5. Give details of employee support mechanisms available.
 - 3.6. The senior member of staff investigating may also be required to act as a witness at any subsequent disciplinary hearing.
4. The senior member of staff appointed to hear an appeal will have the following responsibilities:

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- 4.1. Hold an appeal meeting with the whistle-blower.
- 4.2. Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative or work colleague.
- 4.3. Review the investigation report/procedure followed and its findings.
- 4.4. Decide whether to uphold the appeal or not.
- 4.5. Initiate a new investigation if necessary.
- 4.6. Report the appeal findings in writing to the Headteacher or Proprietor, if applicable.
- 4.7. Communicate outcome in writing to the whistle-blower and the employee against whom the disclosure is made.