



LLOYD WILLIAMSON
FOUNDATION

The

Lloyd Williamson Schools Foundation

Whistleblowing Policy

2023 - 2025

Definition

In this policy, 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within Lloyd Williamson Schools Foundation.

LWSF aims to ensure high professional standards, and to encourage staff and others who have serious concerns about any aspect of the school's work to voice those concerns.

If further clarity is required and/or independent advice at any stage, contact the independent whistleblowing charity "Protect" on 020 3117 2550 or Public Concern at Work on 020 7404 6609 for confidential advice on how to raise concerns about serious malpractice at work.

Staff are often the first to realise that something maybe seriously wrong. 'Whistleblowing' is seen as a positive act that can make a valuable contribution to LWSF's efficiency and long-term success. We encourage freedom of speech, and understand that it is not seen as disloyal for colleagues to speak up. LWSF is committed to achieving the highest possible standards of service and ethics in all its practices.

If a member of staff (paid or voluntary) is considering raising a concern, they should read this policy first. It explains the following:

- What LWSF will do
- How to raise a concern
- The type of issues that can be raised
- How the person raising the concern will be protected

Aim of the policy

To provide a framework to encourage staff to report any genuine concerns of suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

The policy aims to:

- Encourage confidence in raising any serious concerns at the earliest opportunity and to question and act upon concerns
- Provide avenues to raise the concerns and receive feedback on any actions taken
- Ensure a response to concerns is provided and what to do if still unsatisfied
- Provide assurance that if the disclosure is made in good faith then there will be protection from possible victimisation and reprisals

Scope of the policy

The Policy enables those who become aware of wrongdoing in LWSF affecting another person or service, to report their concerns as soon as possible so that they can be investigated.

Some concerns should be handled under other policies and procedures:

- Any concern regarding a member of staff's treatment as an employee should be raised under the school's grievance procedure
- A concern about the services of the school should be raised under the Complaints Policy and Procedure
- A concern relating to Safeguarding should be raised under the Safeguarding and Child Protection Policy

This policy applies to all employees of LWSF as well as contractors; employees of suppliers; anyone providing services under a contract or other agreement with the school and voluntary workers. It covers any serious concerns about the conduct of employees, volunteers or others acting on behalf of LWSF where they:

- Act improperly
- Fail to meet LWSF's standards and policies and established practice
- Make staff feel uncomfortable with regard to standards

This could relate (though not limited) to:

- Conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with other legal obligations)
- Racial, sexual, disability or other discrimination
- Health and safety of the public and/or other employees
- Damage to the environment
- Unauthorised use of funds or other assets
- Possible fraud and corruption
- Neglect or abuse of duties or responsibilities
- Other unethical behaviour or conduct
- Inappropriate behaviour towards a child or student

Legal rights

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating risk to health and safety;
- An act causing damage to the environment;
- Corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010;

- A breach of any legal obligation or concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient.

The employee has no responsibility for investigating the matter; it is the school's responsibility to ensure that an investigation takes place.

Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it cannot amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.

Employees must have reasonable grounds for believing the information they have is accurate and is not based on speculation or rumour.

Concern about a colleague's professional capability should not be dealt with using this policy and should be raised with the Co-Principal.

Harassment or victimisation

LWSF is committed to providing support to its employees.

LWSF recognises that the decision to report a concern may be a difficult one to make. If the member of staff raises a genuine concern under this policy, this will not affect their employment, nor will they suffer any retribution as a result.

LWSF will not tolerate any harassment or victimisation of anyone raising a genuine concern. LWSF recognises that an employee may want to raise a concern in confidence. The school will not disclose an employee's identity without their consent. If a situation arises where the concern cannot be resolved or the matter taken forward without revealing the employee's identity (for example because their evidence is needed in court) the school will discuss with them how to proceed.

If a member of staff does not share with the school their identity when the matter is first reported, it will be more difficult for the matter to be investigated, the employee's position protected, and for provision of feedback. Whilst the school will consider anonymous reports, this policy is not designed for concerns which are raised anonymously.

Throughout this process LWSF will:

- do all it can to support the member of staff through this process
- take concerns seriously
- provide full support from senior management
- consider temporarily re-deploying member of staff if appropriate during the period of the investigation.

Confidentiality

All concerns will be treated in confidence and every effort will be made to retain the confidentiality and identity of the member of staff. If disciplinary or other proceedings follow the investigation, it may not be possible to act as a result of the disclosure without the employee/worker revealing their identity. Advice and support will be sought and offered.

Untrue allegations

Should any disclosure or allegation be made maliciously, and in the awareness it was untrue, this would likely constitute gross misconduct and would be addressed under the school's disciplinary policy.

Raising a concern

Dependent upon the sensitivity of the issue and who is suspected of the wrongdoing, concerns should be raised with the following

1. Lucy Meyer (Director and Co-Principal)
2. Deborah Thackeray (Senior Administrator)

If the concern is related to the Director/Co-Principal, this should be raised with the Chair of the board of trustees, who will decide how the investigation will proceed. The concern may be raised by telephone or in writing. It is advised that any concerns are raised as soon as possible.

The member of staff will need to provide information about:

- The nature of the concern and why it is believed to be true
- The background and history of the concern, giving relevant dates etc.

They will not be expected to prove beyond reasonable doubt the truth of the allegation but will need to demonstrate to the person contacted that they are acting in good faith and have reasonable grounds for concern. They may wish to involve their trade union representative at meetings or interviews in connection with the concerns raised.

What LWSF will do:

LWSF will respond to the concerns as quickly as possible.

In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. This may need to be carried out in the strictest of confidence (not informing the subject of the complaint until (or if) it becomes necessary) until it is understood what form it should take.

Where appropriate the matters raised may:

- be investigated by management through the disciplinary and grievance procedures

- be referred to the police or an external auditor
- form the subject of an independent inquiry
- be referred and put through child protection/abuse procedures

Within ten working days of the concern being raised, the person investigating the concern will write acknowledging the concern has been received and indicate how LWSF proposes to deal with the matter, supply information on staff support and advise whether further investigations will be taking place (and, if not, why not).

Contact between the whistle-blower and the person to whom the incident was reported may depend on the nature of the issues raised, the potential difficulties involved and the clarity of the information. It is likely that the member of staff will be interviewed again to ensure that the disclosure has been fully understood. That meeting maybe arranged away from the workplace with a union representative present if required.

The school will make every effort to minimise any difficulties experienced as a result of raising the concern. If the member of staff is asked to provide evidence in criminal or disciplinary proceedings, LWSF will arrange for support and advice.

To be assured that the disclosure has been addressed appropriately the member of staff will be kept informed of the progress and outcome of any investigation unless there are legal reasons why this should not be done.

What if the whistle-blower is unsatisfied with the outcome?

It is hoped that the member of staff will be satisfied with any action taken. Should this not be the case, further advice can be sought from the:

- Trade Union
- Police
- Other relevant bodies prescribed by legislation

It is important that any concerns raised are with a prescribed contact, as a public disclosure to anyone else could take the whistle-blower outside of the protection of the Public Interest Disclosure Act and this Policy.

This Policy does not prevent the employee/worker taking their own legal advice.

Recording and monitoring

LWSF will maintain a record containing all concerns that are brought to the school's attention. LWSF will ensure the record is updated with information regarding allegations.

LWSF will review the record of concerns and, as necessary, consult with the board of trustees. This consultation could include a summary of any concerns raised and any areas of learning if appropriate. The report will not identify individuals. Its purpose is to ensure the school is consistent in its approach across different areas of

operations, and to ensure appropriate learning takes place following the raising of any concern.

Updated: September 2023

Next review due September 2025

Lucy Meyer
Co-principal