United Learning Whistleblowing (Raising Concerns) Policy

Document Control	
Document Title:	United Learning Whistleblowing (Raising Concerns) Policy
Version:	10.0
Summary of Changes from Previous Version:	August 2025 – Speak Up added July 2025 – incorporated update from DfE July 2023 – review September 2021 & 2022 – KCSIE July 2020 – tracking system introduced October 2019 – Audit review September 2018 – KCSIE 2018 update
Name of Originator/Author (including job title):	Policy Team
Target Audience:	All staff
Review By Date:	July 2028
Date Issued:	September 2012
JNC Involvement:	For information

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[1] The two companies (United Church Schools Trust and United Learning Trust) are referred to in this policy by their trading name, 'United Learning'.

1. Scope

The policy and procedure set out in this document applies to all staff employed by United Learning[1].

This policy will apply to those whose contract with United Learning is as a result of a transfer of undertakings (TUPE) to United Learning where it is considered that any contractual TUPE Whistleblowing Policy is no longer fit for purpose due to contextual or legislative changes occurring since the date of transfer.

We are a values-led organisation which puts children first, expects the best from everyone and aims to bring out the best in everyone.

2. Introduction

2.1 Whistleblowing describes the act of reporting or disclosing information which relates to suspected serious wrongdoing or dangers in the workplace and is made in the public interest.

2.2 This policy enables employees and other persons working for United Learning or on our premises, together with suppliers and those providing services under a contract with United Learning, to confidentially voice concerns over suspected malpractice or wrongdoing.

2.3 This policy aims to:

a) Develop and maintain a working environment in which everyone feels able and encouraged to speak up about concerns they may have in relation to any of the circumstances detailed in section 2.1;

b) Provide avenues for individuals to raise concerns and receive appropriate feedback and responses;

c) Establish a fair and impartial investigative procedure;

d) Ensure that individuals will be protected from any reprisals or victimisation as a result of raising their concerns;

e) Ensure that the activities of United Learning, its officers and employees, whilst confidential in terms of commercial operations, are not subject to cover-up where any of the circumstances referred to in section 2.1 arise.

2.4 United Learning seeks to conduct itself with honesty and integrity at all times and accordingly promotes a culture of openness, cooperation and accountability. Everyone has a role to play in ensuring the success of this policy, which should be followed to report any suspected danger or wrongdoing as soon as possible. All managers and leaders should set an appropriate standard and proactively promote awareness of this policy and ensure that concerns are taken seriously.

2.5 The Whistleblowing Policy should not be used for matters of personal interest, e.g. breach of an individual's contract, unless the particular case is in the public interest and impacts others. In such circumstances please refer to the appropriate policy, for example, the United Learning Grievance Procedure or the school's Complaints Policy.

3. Policy

3.1 It is the duty of every individual to speak up about genuine concerns in relation to:

a) Criminal activity;

b) Negligence by any person or outside body;

c) Breach of a legal, contractual obligation or statutory code;

d) Miscarriage of justice;

e) Danger to health and safety or the environment and danger at work;

f) Breach of United Learning, Central Office, School or Academy procedures;

g) Financial or operational malpractice, fraud or corruption;

h) Improper conduct under United Learning policies and procedures;

i) The dissemination of radical or extreme opinions which are contrary to the Mission and Values Statements of United Learning or any of its Schools or Academies;

j) Concerns regarding modern slavery or human trafficking;

k) Exam/assessment malpractice;

l) Poor or unsafe safeguarding practice (if appropriate, individuals should refer to their school's Safeguarding Policy);

m) The cover-up of any of these in the workplace; and

n) Any other serious concern relating to appropriate standards of public life, including abuses of power.

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

a) Has an honest and reasonable suspicion that any of the circumstances listed at 2.1 above has occurred, is occurring or is likely to occur; *and*

b) Has reasonable belief that the disclosure is made in the public interest and in good faith.

3.3 Individuals who raise concerns reasonably, responsibly and in the appropriate manner will not be penalised in any way and will be protected from harassment and victimisation. This will still apply if an individual raises a concern based on information given to them in confidence.

3.4 United Learning encourages the open reporting of concerns, without fear of reprisals, under this policy. Disclosures made anonymously are often difficult to investigate and prevent United Learning from responding to and updating the individual who raised the concern regarding any action taken or outcome. That said, anonymous disclosures are preferable to silence about serious wrongdoing or danger, and will still be appropriately investigated if sufficient specific information is provided to enable this to happen.

3.5 Any individual who approaches the media before following due process as set out in this policy is unlikely to be protected by whistleblowing law.

4. Procedure

4.1 **Stage 1**: Any individual who has reasonable concerns in relation to those matters listed at 2.1 above should initially take them to the Headteacher or Central Office Head of Department. If they do not feel that this is the appropriate person, or their concern is in relation to the Headteacher or Central Office Head of Department, they should approach another senior manager or go direct to any of the following:

a) Chief Executive;

b) Another member of the Executive Team (i.e. the Director of Secondary Education, the Director of Primary Education, the Chief Transformation Officer, the Chief Financial Officer or the Director of Strategy and Performance);

c) The appropriate Regional Director or the Director of Independent Schools;

d) Director of HR, Company Secretary or Head of Internal Audit;

e) The Chair of the Local Governing Body (or another governor if the Chair is unavailable);

f) The Chair of the Group Board if no other person would be appropriate.

4.2 The individual listed in point 3.1 to whom the concern has been raised will seek advice and support from a suitably qualified professional at Central Office to determine the most appropriate individual to investigate the matter. The investigating manager will then establish and record the basis of the concerns and establish what further actions are required. The individual raising the concern will be advised in writing of the outcome of the investigation as soon as possible, normally within 10 working 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. Any information provided about the investigation must be treated as confidential. In some cases, the need for confidentiality may prevent United Learning from providing specific details of the investigation and/or outcomes.

4.3 **Stage 2**: If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing, within one month of receiving the written investigation outcome, to the Chair of the UCST or ULT Board2 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 10 working days.

4.4 The Chief Executive will be informed of all reported disclosures and the actions being taken, unless it is inappropriate to do so.

4.5 In the case of disclosures on alleged fraud and corruption, the Chief Financial Officer 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.

4.6 United Learning will provide appropriate training to those individuals likely to receive a whistleblowing disclosure on how to manage such a matter. Guidance on Whistleblowing will be made available to all staff.

[2] Correspondence for the Chairs of the Board should be sent via the Company Secretary at United Learning Central Office, who will ensure confidentiality is maintained.

4.7 Individuals are encouraged to seek advice from their trade union/professional association before making a disclosure. An individual may choose to make a disclosure to United Learning via their trade union representative to preserve their anonymity. Both the employee making the disclosure and the trade union representative will be protected from any reprisals or victimisation as a result of raising the concern.

4.8 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.

4.9 All reported incidents will be investigated.

4.10 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). However, whilst confidentiality will be maintained as far as possible, in some circumstances, the law may require the identity of the whistle-blower to be made known.

4.11 The use of this policy to further private disputes or make unfounded allegations for malicious or vexatious reasons may result in disciplinary action being taken against that individual.

4.12 A flowchart of the process to be followed can be found in Appendix 1.

4.13 All concerns received should be logged in the whistleblowing tracking system.

5. Guiding Principles

5.1 To ensure that this policy is adhered to, and to assure all to whom this policy applies that their concerns will be taken seriously, United Learning will:

a) Not tolerate the harassment or victimisation of an individual for raising a concern and will take appropriate action in order to protect them. Employees can go to an employment tribunal if they believe they have been treated unfairly as a result of making a disclosure;

b) Treat victimisation of whistle blowers as a serious matter, which will be managed in accordance with the Disciplinary Procedure;

c) Not attempt to conceal evidence of poor or unacceptable practice;

d) Take disciplinary action where an employee wilfully or negligently destroys or conceals evidence of breach of this policy (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.

5.2 Examples of victimisation and harassment include:

a) Not being offered training opportunities or promotions;

b) Disruption to working patterns;

c) Intrusive monitoring;

d) Bullying;

e) Blocking of access to resources;

f) Loss of responsibilities or demotion;

g) Being placed on a performance plan or receiving a negative PDR without good reason.

6. The Legal Position

6.1 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. Further provisions were introduced by the Enterprise and Regulatory Reform Act 2013.

6.2 Keeping Children Safe in Education (DfE) applies a statutory duty for schools to provide a mechanism in which individuals are able to raise concerns about poor or unsafe practice and potential failures in a school's safeguarding regime and that such concerns will be taken seriously by the senior leadership team.

7. Independent Advice and Further Reading

7.1 Individuals who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Protect on 020 3117 2520 or email whistle@protect-advice.org.uk. Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work.

7.2 Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS) – Telephone: 0300 1231 100.

7.3 Additional information is available at www.gov.uk/whistleblowing, within 'Keeping Children Safe in Education' (DfE).

7.4 Employees can obtain free and confidential information, support and counselling on a wide range of work, personal, financial and family issues. All employees can access free support from Health Assured. Health Assured can be contacted through wisdom.healthassured.org/login or by calling 0800 092 0987. Employees can also contact their trade union for support.

7.5 On the receipt of any concern, it is the responsibility of United Learning to ensure that the appropriate external body, such as a regulator, is informed. However, if you choose to do this yourself, the following link provides a list of prescribed persons and bodies who you can make a disclosure to, along with a brief description about the matters you can report to each prescribed body. Disclosure to a prescribed person will still be protected under whistleblowing law.

7.6 Information about how the Department for Education (DfE) handles whistleblowing disclosures about academies and post-16 providers can be found here.

8. Speak Up and We Will Listen

8.1 Any colleague who has any concern about working practices, conduct, ethical behaviour or the way they or others have been treated is encouraged to speak up about those concerns. It is appropriate to speak up about anything which falls short of the expectations in this policy.

8.2 Most concerns will be raised locally and informally in discussions with colleagues and line managers. Any colleague who does not feel it appropriate to discuss concerns with their direct line manager can speak to another senior colleague at school or in the wider United Learning team.

8.3 There is also a confidential helpline which can be used if speaking to colleagues in school does not feel possibly or appropriate. Messages will only be accessed by a small number of designated senior staff based at Central Office. Please contact 01832 864498 or Speak.Up@unitedlearning.org.uk. Concerns can be raised anonymously, although this can make it more difficult to resolve the issue and provide feedback.

8.4 Everyone should feel safe to raise concerns. It is unacceptable to prevent or deter a colleague from speaking up or to treat someone less well because they have spoken up – this would be a disciplinary matter.

8.5 If a colleague raises a concern, our aim will be to:

a) Identify the options for resolution, bearing in mind the seriousness of the case and the colleague's preferences for handling. This may include referral to an established procedure.

b) Support a low-key/informal resolution if that is sought (and no serious wider issues are raised). Investigate the concern where needed and where it is not appropriate to manage the concern through an alternative established procedure (e.g. within the grievance policy or a finance policy).

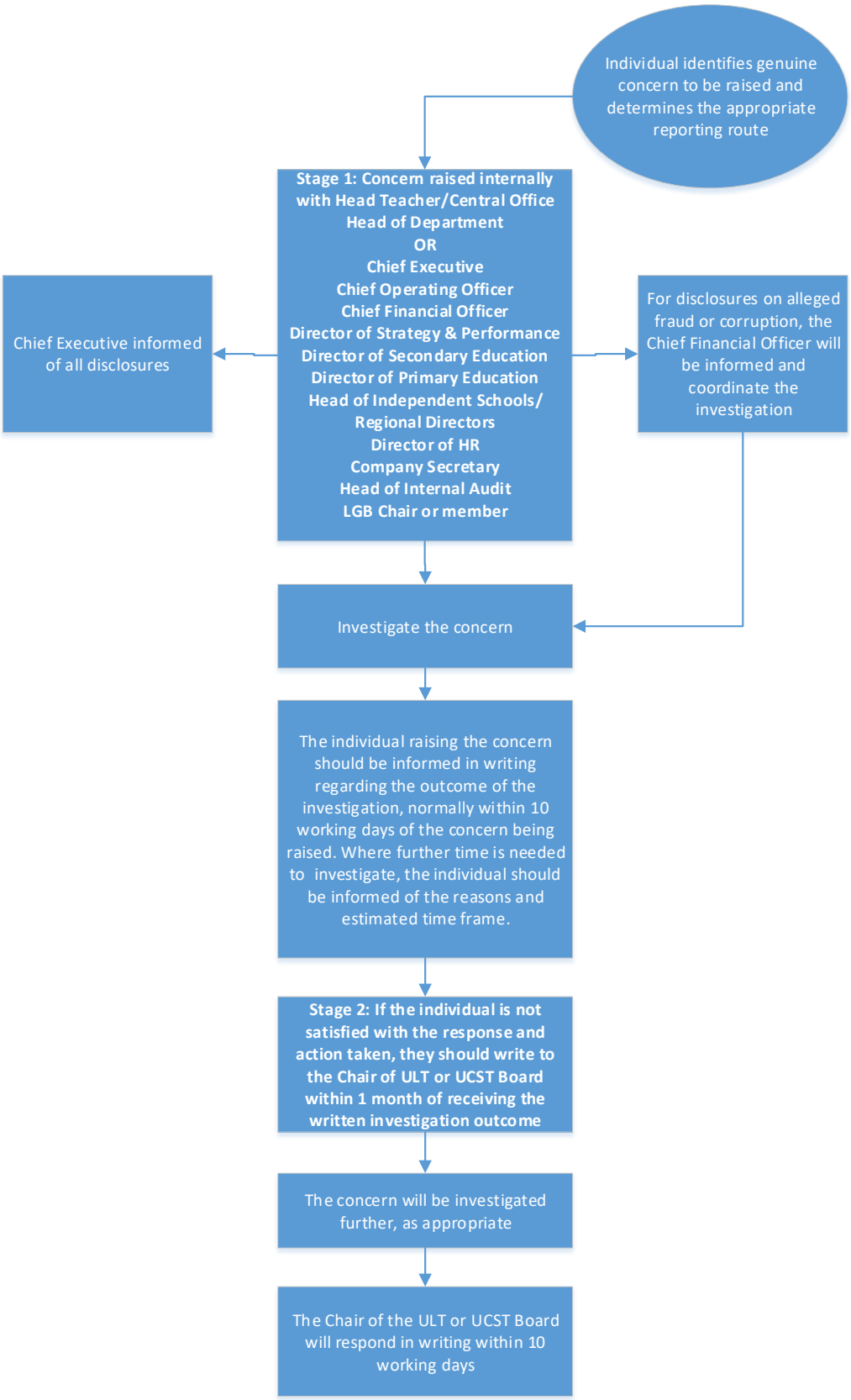
c) Offer wellbeing support if needed, support the next steps and (if there is a more formal process) share the outcome with you wherever possible and whilst respecting others' confidentiality where relevant.

d) Learn from the experience to ensure our schools offer an excellent professional experience and high-quality education.

8.6 Colleagues can obtain free and confidential information, support and counselling on a wide range of work, personal, financial and family issues. All employees can access free support from Health Assured. Health Assured can be contacted through wisdom.healthassured.org/login or by calling 0800 092 0987. Colleagues can also contact their trade union for support.

9. Review and Monitoring

9.1 This policy will be reviewed on a regular basis to ensure consistency, fairness and effectiveness, and to reflect any changes in employment legislation.

9.2 United Learning will monitor and review the outcomes and impact of this policy, including equality monitoring, on an annual basis. Group summary reports on the operation of this policy will be discussed annually with recognised trade unions.

10. Appendix 1 – Flowchart of Whistleblowing Reporting Process