



ST BEDE C OF E PRIMARY  
MULTI ACADEMY TRUST

# Whistleblowing Policy

Version	Date	Author	Changes made:
0.1	12.9.22	Sarah Rostron	New Policy

## **Introduction & Definition**

Whistleblowing, also known as confidential reporting or protected disclosure, is the disclosure or communication of information about possible wrongdoing or malpractice. Qualifying disclosures are disclosures of information where there is a reasonable belief (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence;
- The breach of a legal obligation – including for example bribery, financial fraud or mismanagement, negligence, breach of our internal policies and procedures, conduct likely to damage our reputation (including the use of social media), unauthorised disclosure of confidential information, other unethical behaviour;
- A miscarriage of justice;
- A danger to the health and safety of any individual – including Child Protection and Safeguarding concerns;
- Damage to the environment;
- Deliberate attempt to conceal any of the above.

## **Statement of Intent**

This policy is intended to:

- Enable and encourage the disclosure of information about malpractice internally;
- Reassure those making a disclosure that concerns will be taken seriously without victimisation, discrimination or disadvantage;
- Provide information about how to raise concerns and explain how the Academy Trust will respond.

## **Responsibilities**

This policy applies to all staff in the Academy Trust and:

- Contractors working for the Academy Trust or one of the academies on any of the academy premises, for example, agency staff, builders, drivers;
- Suppliers and those providing services under a contract with the Academy Trust or one of the academies in their own premises;
- Trustees, Directors, Governors, volunteers or others acting on behalf of the Academy Trust;
- A trainee, such as a student teacher;
- Pupils;
- The wider community.

This policy covers information disclosed in the public interest which is likely to fall outside the established Trust policies for handling complaints, grievances or otherwise raising a concern at work.

### **The Board of Directors will be responsible for:**

- Establishing and agreeing the whistleblowing procedure;
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation;
- Ensuring all members of the Trust community have access to this policy;
- Investigating, in liaison with the CEO, COO or a Head of School, any concerns that are raised;
- Ensuring this policy provides an open and transparent framework where members of the Trust community can raise their concerns;
- Taking the necessary action against members of staff following an investigation into any alleged malpractice;
- Ensuring that the minutes of the Board of Directors and/or Local Governance Board include a record of the Trust's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to;
- Appointing one Director to be 'designated whistleblowing Director'; this Director will take a leading role in the monitoring and evaluating of this policy across the Trust, and supporting LGBs and the Senior Team with the implementation of this policy;

### **The Chief Executive Officer and Heads of School will be responsible for:**

- Ensuring all members of staff have read and understood this policy;
- Receiving, investigating and responding to any concerns that have been raised by the Trust community;
- Being the first point of contact regarding whistleblowing.

### **The Chair of the Local Governing Body will be responsible for:**

- Receiving any concerns raised about the relevant Head of School.

### **All members of the Trust community will be responsible for:**

- Raising any concerns that meet the definitions of whistleblowing in this policy. Being truthful and reasonable with any concerns that they have. Not raising malicious or unfounded concerns.

## **Procedure**

- When raising concerns, individuals will express them in writing to the Head of School.
- If an individual is raising a concern about the Head of School they should express their concerns in writing to the CEO/COO;
- If an individual is raising a concern about the COO/CEO they should express their concerns in writing to the designated whistleblowing Director;
- Where this is the case, the relevant chair will take on the duties outlined in the 'Next Steps' section;
- When individuals raise their concern, they will include the following information as far as possible:
  - The background and history of the concern;
  - Any relevant names, dates and places;
  - The reasons for the concern.
- The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate;
- Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [www.protect-advice.org.uk](http://www.protect-advice.org.uk), or they can be contacted on 020 3117 2520;
- Once an individual has raised a concern, the Trust will be responsible for investigating it;
- In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the Police, depending on the severity of the concern;
- Equally, it may be appropriate for the individual to request that their trade union raises the matter;
- If a member of staff feels they should report a concern to the Education and Skills Funding Agency (ESFA), they should use the online contact form;
- The Trust, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

## **Next Steps**

1. The CEO/COO/Head of School/ designated whistleblowing Director; will write to the individual within 10 working days of receipt of the initial correspondence to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.
2. The initial stage will be a meeting with the whistleblower and then an assessment of further action will be discussed. During this initial stage, the CEO/COO/Head of School/ designated whistleblowing Director; will establish if:
  - There are grounds for a concern and that it is genuine;
  - The concern was raised in accordance with this policy.
3. During the meeting, the CEO/COO/Head of School/ designated whistleblowing Director; will explain the following to anybody raising a concern:
  - How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the Trust giving the complainant specific

details of any necessary investigation or any necessary disciplinary action taken as a result of the concern;

- That the complainant's identity will be kept confidential from the alleged wrongdoer;
  - That the Trust will do everything in its power to protect the complainant from discrimination;
  - That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant (if the whistleblower is an employee);
  - If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.
4. If an investigation is carried out, the whistleblower will be informed of the final outcome.
  5. A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the Trust's Retention Policy
  6. It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
    - Be investigated by management, an internal audit or through the disciplinary process;
    - Be referred to the Police or an external auditor;
    - Form the subject of an independent inquiry.
  7. If the investigating officer needs to talk to the whistleblower (who is an employee), they are permitted to be accompanied by a trade union representative, a professional association representative, a colleague. If the whistleblower is not employed by the Trust they be accompanied by another person. This person will provide support only and will not be allowed to become involved in the proceedings.
  8. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and to assist in monitoring the procedure.
  9. The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

## **Appeal Process**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust's Complaints Policy.

## **What the Trust asks of you**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not take the concern outside the Trust, e.g. gossiping;
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **Unfair Treatment**

As a whistleblower, you're protected by law and should not be discriminated against because you 'blow the whistle'.

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

All workers can bring unfair dismissal claims for whistleblowing detriment and an individual does not have to have a qualifying period of employment before they can bring such a claim, i.e. a worker has the right to bring this claim from the date they commence working for the employer in question.

Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union. Any claims of unfair dismissal need to be made within three months of the investigation ending.

### **External Agency Support**

Further background information on this topic is also available on the following Websites:

**[www.acas.org.uk](http://www.acas.org.uk)**

**[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)**

**[www.pcaw.co.uk](http://www.pcaw.co.uk)**