

<b>Title</b>	Whistleblowing
<b>Associated Policies</b>	<ul style="list-style-type: none"> <li>• Disciplinary Procedure (TPO/STA/22)</li> <li>• Grievance Procedure (TPO/STA/23)</li> <li>• Single Equality Policy (TPO/EO/01)</li> <li>• Safeguarding and Child Protection (TPO/HS/05)</li> </ul>

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NEXT REVIEW: JANUARY 2023

## 1. Policy Statement

- 1.1 As employees are often the first to realise, or suspect, that there may be something wrong within the Academy or the Trust, it is important that they feel able to express their concerns without fear of harassment or victimisation, otherwise they may find it easier to ignore the concern rather than report it. This policy outlines how any Brooke Weston Trust employee can raise concerns they may have about working practices and who should be informed about the concerns. It may be that the issues raised may be addressed by procedures outlined in other Brooke Weston Trust or Academy policies.
- 1.2 The Trust and the Academy are committed to the highest possible standard of operation, probity and accountability. In line with this commitment, employees and others with serious concerns about any aspect of the Trust's or Academy's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust or the Academy rather than overlooking a problem or blowing the whistle beyond the Academy or Trust in an inappropriate way. To that end the Trust has appointed a Whistleblowing Officer who may be approached where concerns arise (see appendix A). It is recognised that cases may have to proceed on a confidential basis. Appendix A also provides contact details of an external agency if individual feel that they cannot use the internal process set out in this policy.
- 1.3 The Trust and the Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for any wrongdoing. The Trust and the Academy will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith. The policy will be carried out in accordance with the Public Interest Disclosure Act 1998 and make reference to Acas guidance and the Employment Rights Act 1996.
- 1.4 This policy does not form part of an employee's contract of employment, and it can be amended at any time following consultation with relevant staff and trade unions.
- 1.5 It is acknowledged that the reason for the disclosure may be in the past, present or future. Therefore, a disclosure qualifies if it relates to any concern that has happened, is happening, or is likely to happen.
- 1.6 All investigations will be carried out by a competent and suitably trained or experienced individual and are undertaken in order to establish the facts.

## 2. Who does this policy apply to?

- 2.1 This policy applies to all Brooke Weston Trust staff.

## 3. Who is responsible for carrying out this policy?

- 3.1 The implementation of this policy will be monitored by the Senior Leadership Team and the governors of the Academy and will remain under constant review by Brooke Weston Trust, in partnership with recognised Trade Unions.

- 3.2 This policy will be subject to monitoring and review regarding the effectiveness of the policy with recognised trade unions, in line with those groups with protected characteristics under the Equality Act 2010.

#### 4. What are the principles behind this policy?

All employees have the right to be able to raise a concern about working practices and other areas of concern and receive feedback on actions taken. The Trust and the Academy will seek to engender an ethical and open culture which establishes safe routes of communication without reprisal, impartial and effective investigative procedures which respect confidentiality. The key principles therefore are to:

- 4.1 Provide avenues for employees to raise concerns internally as a matter of course and receive feedback on actions taken.
- 4.2 Ensure that matters are dealt with quickly and appropriately and ensure that concerns are taken seriously.
- 4.3 Re-assure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith.
- 4.4 Allow employees to take the matter further if they are dissatisfied with the response.

#### 5. What is Whistleblowing

5.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity
- Miscarriages of justice which are occurring or are likely to occur
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal/professional obligation or regulatory requirements
- Bribery
- Financial fraud or mismanagement
- Negligence
- Breach of our internal policies and procedures including the Trust's Code of Professional Conduct
- Conduct likely to damage our reputation
- Unauthorised disclosure of confidential information
- Public examination malpractice
- Poor or unsafe safeguarding practice
- The deliberate concealment of any of the above.

It is acknowledged that it may often be the case that the whistle-blower may often not be directly or personally affected by the danger or illegality.

5.2 A whistle blower is a person who raises a genuine concern in good faith relating to any of the above. If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust activities (a whistleblowing concern) they should report it under this policy. A disclosure must be for the right reason, but equally should not go beyond being to the right person, for the right reason or motivation.

- 5.3 This policy should not be used for complaints relating to an employee's own personal circumstances, such as the way they have been treated at work. In those cases they should use the Grievance Procedure as appropriate.
- 5.4 If an employee is uncertain whether something is within the scope of this policy they should seek advice from the Trust Whistleblowing Officer, whose contact details are in appendix A at the end of this policy.
- 5.5 Further advice can be sought from Protect (formerly Public Concern at Work). Their guidance outlines the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure. Protect also operates a free and confidential advice line: <https://protect-advice.org.uk/advice-line/>.

## 6. Raising a Whistleblowing concern

- 6.1 Before initiating the procedure employees should consider the following:
- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees
  - Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern where a resolution may be found quickly and effectively
  - Whilst it can be difficult to raise concerns about the, wrongdoing, practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- 6.2 As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, they should approach the Principal. If the Principal is the subject of the concern, the employee should contact the Chief Executive. If the CEO is the subject of the concern, the employee should contact the Chair of the Board. If the Whistleblowing Officer is the subject of the concern, the employee should contact the Chief Executive.
- 6.3 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure.
- 6.4 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted what the grounds for their concern are.
- 6.5 It may be appropriate for an employee to ask a trade union representative to raise a matter on the employee's behalf.
- 6.6 At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 6.7 However, where the matter is more serious, or the employee feels that their line manager/manager's superior has not addressed their concern, or they prefer not to raise it with them for any reason, they should contact one of the following:
- The Whistleblowing Officer:** Jane MacDonald  
**CEO:** Dr Andrew Campbell
- Contact details for both are set out at the end of this policy, along with details of who should be contacted if the concern relates either of these two people

## 7. Confidentiality

- 7.1 We hope that staff will feel able to voice Whistleblowing concerns openly under this policy. However, if they wish to raise their concern confidentially, the Trust will make every effort to keep their identity

secret. If it is necessary for anyone investigating the concern to know the identity of the person, the Trust will discuss this with them.

- 7.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistle blowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer or the CEO and appropriate measures can then be taken to preserve confidentiality. If they are in any doubt they can seek advice from Protect (formerly Public Concern at Work), the independent whistleblowing charity.

## 8. Safeguards and support for Whistle blowers

- 8.1 The Trust recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice or from the Academy as a whole. The Academy will not tolerate any harassment or victimisation and will take appropriate action in order to protect an employee if they raise a concern. In addition an employee is protected by law by the Public Interest Disclosure Act, which gives employees protection from detriment and dismissal where they have made a protected disclosure, provided the legal requirements of the Act are satisfied.
- 8.2 Under the Public Interest Disclosure Act 1998 (PIDA) employees who blow the whistle have protection and claim unfair dismissal if their contracts are terminated due to the disclosures. Additionally, they are protected from other detriment that may result, such as a refusal to offer promotion, facilities or training opportunities.

### Harassment or Victimisation

- 8.3 The Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice or wrongdoing. The Academy will not tolerate harassment or victimisation and will take action to protect employees when they have raised a genuine concern.
- 8.4 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

### Confidentiality

- 8.5 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Brooke Weston Trust will make every effort to protect an employee's identity if confidentiality is requested.
- 8.6 As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;

### Anonymous Allegations

- 8.7 Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Principal. In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
  - the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### Untrue Allegations

- 8.8 If an employee makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an

employee has made an allegation in 'bad faith' such as a malicious or vexatious allegation, or with a view to personal gain, disciplinary action may be taken against that employee.

#### Unfounded Allegations

- 8.9** Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Brooke Weston Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

#### Support to Employees

- 8.10** It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation. Through the Education Support Partnership, the Trust has made available to employees a confidential helpline which can be accessed 24/7 should employees feel that they need to speak to someone with regards to difficulties they are experiencing in the workplace. They can be contacted on 08000 562561 or by text on 07909 341229

### 9. External disclosures

- 9.1** The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.
- 9.2** The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect has a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 9.3** Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a student, parent, supplier or service provider. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the individuals set out in paragraph 6 for guidance.

### 10. Investigation and outcome

#### Stage One

- 10.1** Once an employee has made a disclosure, the Whistleblowing Officer (or other appropriate person) will respond within 5 working days to acknowledge receipt of the disclosure and to set out the next steps. The Trust will carry out an initial assessment to determine the scope of any investigation. The senior manager (or other appropriate person depending on who the concern is regarding) will arrange to meet with the employee to discuss the concern(s) as soon as possible.
- 10.2** At the initial meeting the senior manager (or other appropriate person) should establish that:
- The concern has been appropriately raised via the whistleblowing policy. If it becomes apparent the concern is not of a whistle blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
  - There is genuine cause and sufficient grounds for concern
- An employee has the right to be accompanied by a Trade Union representative or work place colleague at this meeting.
- 10.3** The senior manager (or other appropriate person) should ask the employee, to put their concern(s) in writing, if they have not already done so. If the employee is unable to do this the senior manager will take down a written summary of their concern/s and provide the employee with a copy after the meeting. The senior manager should make notes of the discussions with the employee. The

employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

**10.4** The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address. Although an employee should not be put under undue pressure.

If the employee has requested anonymity, then a redacted copy of the above will be provided to any other relevant parties.

**10.5** The senior manager should follow the policy as set out above and in particular explain to the employee:

- who they will need to speak to in order to determine the next steps (e.g. Principal)
- what steps they intend to take to address the concern;
- how they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that the employee will receive a written response within ten working days;
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Academy will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Academy will deem the matter to be concluded unless new evidence becomes available.

## **Stage Two**

**10.6** Following the initial meeting with the employee, the senior manager should consult with the Principal (or other designated person) to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

**10.7** It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the disclosure(s); and
- the likelihood of confirming the disclosure(s) from attributable sources.

**10.8** In some cases, it may be possible to resolve the disclosure(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for them to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

The designated person will feed back in writing any outcome of the Stage 2 investigation advising of any further action being taken by the Trust.

- 10.9** Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

### Stage Three

- 10.10** Within ten working days of a concern being received, the manager receiving the concern (at paragraph 5.1 above) must write to the employee:
- acknowledging that the concern has been received;
  - indicating how they propose to deal with the matter;
  - giving an estimate of how long it will take to provide a final response; and/or
  - telling the employee whether any initial enquiries have been made; and
  - telling the employee whether further investigations will take place, and if not why not; and/or
  - letting the employee know when they will receive further details if the situation is not yet resolved.
- 10.11** In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 10.12** We will aim to keep the employee informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. The employee should treat any information about the investigation as confidential.
- 10.13** If we conclude that a whistle blower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistle blower may be subject to disciplinary action.

## 11. If the employee is not satisfied

- 11.1** While we cannot always guarantee the outcome the employee is seeking, we will try to deal with the disclosure fairly and in an appropriate way. By using this policy it can help us to achieve this.
- 11.2** If the employee is not happy with the way in which the concern has been handled, they can raise it with one of the other key contacts in appendix 1.

## 12. Responsibility for the success of this policy

- 12.1** The Trust Board of Directors has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 12.2** The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 12.3** The Whistleblowing Officer, in conjunction with the CEO and staff consultation groups, should review this policy from a legal and operational perspective at least once a year. This will be done in consultation with recognised Trade Unions.
- 12.4** All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Whistleblowing Officer.

## 13. Policy Review

- 13.1** This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle, in consultation with recognised Trade Unions.

## APPENDIX A: Contacts

What/who the disclosure is regarding	Who to contact regarding the disclosure	Contact details
Any disclosure relating to suspected wrongdoing or dangers at work	Whistleblowing Officer	Jane MacDonald 01536 770366 jmacdonald@grettonprimary.org
Disclosure regarding a Principal where they do not wish to contact the Whistleblowing Officer. Or disclosure regarding the Whistleblowing Officer	CEO	Dr Andrew Campbell 01536 397000 acampbell@brookewestontrust.org
Disclosure regarding the CEO where they do not wish to contact the Whistleblowing Officer	Chairman of the Board of Directors	Richard Morrison 07820 885996 richard_morrison@me.com
Disclosure regarding the Board of Directors or if an employee wishes to blow the whistle to an external agency	Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk