



BROOKE HILL ACADEMY TRUST

Whistleblowing Policy and Procedure

Policy Name:	Whistleblowing Policy & Procedure
Status:	Recommended
Date Approved by Trustees:	3.3.2021
Date of Next Review:	3.3.2022
Signed by (Trustee):	_____

1. Purpose/Aim

The purpose/aim of this policy is to:

- 1.1 set out the Trust's policy and procedure for dealing with concerns about suspected wrongdoing raised by staff working in our schools.
- 1.2 Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust.
- 1.3 Set clear procedures for how the Trust will respond to such concerns.
- 1.4 Let all staff know the protection available to them if they raise a whistleblowing concern.
- 1.5 Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

This policy applies to all the schools in the Trust and the staff who work in those schools, including employees, contractors, volunteers, casual workers and agency workers (defined as **staff** or **member of staff** or **staff member**, as appropriate).

2. Background

- 2.1 As staff are often the first to realise that there may be something wrong within the school or the Trust, it is important that they feel able to express their concerns without fear of harassment or victimisation.
- 2.2 The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect staff, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.3 The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, staff and others who suspect wrongdoing in the work of the Trust are encouraged to come forward and voice those concerns.
- 2.4 It is recognised that concerns may have to proceed on a confidential basis.

3. Definition of Whistleblowing

- 3.1 Whistleblowing covers disclosures about wrongdoing, where the disclosures are made by the member of staff in the public interest.
- 3.2 To be protected, the disclosures have to relate to one of the 6 categories below:
 - 3.2.1 Criminal offences (such as fraud or corruption)
 - 3.2.2 Breach of a legal obligation or statutory requirement
 - 3.2.3 Miscarriage of justice
 - 3.2.4 Damage to the health and safety of any individual (such as that of children or staff)
 - 3.2.5 Damage to the environment
 - 3.2.6 The deliberate concealing of information about any of the above.
- 3.3 A whistle-blower is an individual who raises a genuine concern about any of the above.

- 3.4 Not all concerns raised about suspected wrongdoing by the Trust count as whistleblowing. For example, personal grievances about bullying and harassment do not count as whistleblowing. If something affects a staff member individually or relates to an individual employment contract, this is likely to be a grievance instead and should be raised using the Trust's grievance procedure.
- 3.5 **Protect**, formerly Public Concern at Work, has further guidance on the difference between a whistleblowing concern and a grievance that staff might find useful if they are unsure and also offers a free and confidential advice line.
- 3.6 The website for **Protect** is: www.protect-advice.org.uk, their email address (advice line) is: whistle@protect-advice.org.uk and their telephone number (advice line) is: 0203 117 2520 (*Option 1).

4. Before Raising a Concern

Before raising a concern under this whistleblowing procedure, staff may want to consider:

- 4.1 whether the wrongdoing about which they are concerned is of a "whistle blowing" nature, as described above, for example: whether the incident is illegal, has breached statutory or trust procedures, put people in danger, or was an attempt to cover up any such activity.
- 4.2 whether there is a more appropriate Trust procedure they should use instead, for example the Trust's grievance procedure, complaints procedure, bullying and harassment policy/procedure etc.
- 4.3 speaking to their line manager or using team meetings and other opportunities to raise questions and seek clarification on issues about which they are concerned, which may or may not amount to wrongdoing of the kind outlined above.

5. How to raise a Concern

- 5.1 As a first step, a member of staff should normally raise concerns with their Head of School/Head Teacher without undue delay. If they believe that the Head of School/Head Teacher may be involved in the suspected wrongdoing, they should approach the Executive Head Teacher instead.
- 5.2 Concerns should be raised in writing. The staff member should set out the background and history of the concerns, giving names, dates and places where possible, the reasons why they are particularly concerned about the situation and whether they have any personal interest in the matter.
- 5.3 If a staff member does not feel able to put the concern in writing, they should telephone or meet with the Head of School/Head Teacher. It is important that, however the concern is raised, they make it clear that they are raising the issue via the whistleblowing procedure.
- 5.4 In some instances a staff member may want to take advice from their trade union or a solicitor and/or to ask the trade union to raise the matter on their behalf.

6. The Role of the Senior Manager

6.1 A senior manager could be the Head of School/Head Teacher/Executive Head Teacher. The senior manager may be informed by a member of staff about a concern and that they are "blowing the whistle" within the procedure, in person, in writing or over the phone.

6.2 The senior manager should respond immediately by arranging to meet with the staff member within a reasonable time but no more than 8 school days to discuss the concern.

6.3 Stage One:

6.3.1 At the initial meeting the senior manager should establish that:

- there is genuine cause and sufficient grounds for the concern to warrant an investigation; and
- the concern has been appropriately raised via the Whistleblowing Policy (and if not, to deal with it using the most appropriate policy/procedure).

6.3.2 The senior manager should make notes of the discussions with the staff member, ensuring that, where the staff member has not already put their concerns in writing, all the relevant details (as set out in paragraph 5.2) are recorded in the notes.

6.3.4 The staff member should be asked to date and sign their written record and/or the notes of any discussion acknowledging that they are an accurate record of their concerns. The senior manager should positively encourage the member of staff to do this, as it may be difficult to progress concerns made anonymously, in an effective manner.

6.3.5 The senior manager should follow the process as set out above and in particular explain to the member of staff:

- what steps they intend to take next to address the concerns.
- how they will communicate with the member of staff during the process.
- that a written confirmation will be sent out within 10 school days.
- that their identity will be protected as far as possible but should the investigation into the concerns require the member of staff to be named as the source of the information, that this will be discussed with them before their name is disclosed.
- that the Trust will do all that it can to protect the staff member from discrimination and/or victimisation and
- that if the staff member's concerns, though raised in good faith, are not confirmed by the investigation, no disciplinary action will be taken against them.

6.3.6 The senior manager should explain to the member of staff, as a matter of fact, that:

- 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 Trust will deem the matter to be concluded and they will be expected not to raise the concerns again unless new evidence becomes available.

6.4 Stage Two

6.4.1 Following the initial meeting with the staff member, the senior manager should consult with the Executive Head Teacher or Chair of Trustees, as appropriate, to determine what further investigation is needed and, if so, what form it should take.

6.4.2 If the staff member has asked that their identity is kept confidential, it may be necessary, 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 issues raised.
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources.

6.4.3 In some cases, it may be possible to resolve the concern simply, by agreed action or an explanation regarding the concern, without the need for further investigation. However, depending on the nature of the concern, it may be necessary for this to:

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

6.4.4 Senior managers should have a working knowledge and understanding of other Trust policies and procedures, e.g. disciplinary, bullying and harassment, health and safety, child protection procedures, to ensure that concerns raised by members of staff are addressed using the appropriate procedure/process. Advice is available, where required, from the Trust's HR advisers.

6.5 Stage Three – Investigating the Concern

6.5.1 Usually within 10 school days of a concern being received, the senior manager receiving the concern must write to the member of staff:

- acknowledging that the concern has been received.
- indicating how they propose to deal with the matter or how they have dealt with the matter.
- telling the staff member whether further investigations will take place.
- if necessary, giving an estimate of how long it will take to provide a final response.

6.6 Stage Four – Outcome of Investigation

- 6.6.1 Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the senior manager will prepare a report detailing the findings and confirming whether any wrongdoing has occurred.
- 6.6.2 The report will include any recommendations and details on how the matter can be rectified and whether a referral may be required to an external organisation, such as the local authority or police.
- 6.6.3 The senior manager will inform the member of staff who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.
- 6.6.4 Beyond the immediate actions, the Head of School/Head Teacher, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

6.7 Stage Five – Next Steps

- 6.7.1 If the initial concerns are not resolved to the satisfaction of the member of staff, they may write to the Clerk to the Board of Trustees (Nicola Tyers – Nicola.tyers@brookehillacademytrust.education) within 5 school days of being notified of the outcome of the investigation, so that the matter can be dealt with by the Complaints Committee. Where the Chair of Trustees has been consulted about the initial concerns, they should not be a member of the Complaints Committee for this purpose.
- 6.7.2 For these purposes the Complaints Committee will consist of 3 governors or trustees who have not been involved in any way in the matters detailed in the whistleblowing allegation.
- 6.7.3 The decision of the Complaints Committee shall be final.

7. Malicious or Vexatious Allegations

- 7.1 Staff are encouraged to raise concerns when they believe there is potentially an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.
- 7.2 If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the staff member.

8. Raising Concerns outside the School

- 8.1 The Whistleblowing policy is intended to provide the member of staff with a procedure for raising concerns and resolving these internally within the Trust. If a member of staff is not satisfied with the Trust's response, having followed the procedure outlined above, they may

raise the matter externally:

- [Protect](#) tel no: 0203 117 2520*
- a prescribed body such as relevant professional bodies or regulatory organisations, eg: Local Authority, Health & Safety Executive, Secretary of State for Education

8.2 The senior manager should stress to the staff member that if they choose to take a concern outside the Trust, it is their responsibility to ensure that confidential information is not disclosed and where this disclosure is to a prescribed body, that body must be one that deals with the issue that they are raising.

* As already mentioned above, Protect, formerly Public Concern at Work, is a registered charity that staff members can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

8. Monitoring and Review

8.1 The Executive Head Teacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Board of Trustees every two years.

8.2 The next review will be in March 2022.