

| | |
|----------------------------|---|
| Title | Whistleblowing |
| Associated Policies | <ul style="list-style-type: none"> • Disciplinary Procedure (TPO/STA/22) • Grievance Procedure (TPO/STA/23) • Single Equality Policy (TPO/EO/01) |

REVIEWED: SEPTEMBER 2016

NEXT REVIEW: SEPTEMBER 2019

1. Policy Statement

- 1.1 As employees are often the first to realise 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 s/he 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 that 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 outside 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.
- 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 the malpractice. 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.
- 1.4 This Policy does not form part of any employee’s contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

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.

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 in 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 Governing Body's or Chief Executive's 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
 - 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 fraud
 - The deliberate concealment of any of the above matters
- 5.2 A whistle blower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.
- 5.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure as appropriate.
- 5.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Trust Whistleblowing Officer, whose contact details are in appendix A at the end of this policy.

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 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, s/he should approach the Principal.

- 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 s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.
- 6.4 Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 6.5 In some instances 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 you feel that your line manager/manager's superior has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- The Whistleblowing Officer:** Christine Stewart
CEO: Dr Andrew Campbell
Contact details for both are set out at the end of this policy.

7. Confidentiality

- 7.1 We hope that staff will feel able to voice Whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 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 from you. 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 you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

8. External disclosures

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 8.2 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, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 8.3 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.

9. Investigation and outcome

Stage One

- 9.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. The senior manager will arrange to meet with the employee to discuss the concern(s) as soon as possible.
- 9.2 At the initial meeting the senior manager should establish that:
 - There is genuine cause and sufficient grounds for concern and;
 - The concern has been appropriately raised via the whistleblowing policy
- 9.3 The senior manager should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unable to do this the senior manager will take down a written summary of his/her concern/s and provide him/her 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.
- 9.4 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, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- 9.5 The senior manager should follow the policy as set out above and in particular explain to the employee:
 - who he/she will need to speak to in order to determine the next steps (e.g. Principal)
 - what steps s/he intends to take to address the concern;
 - how s/he 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 s/he has 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

- 9.6 Following the initial meeting with the employee, the senior manager should consult with the Principal 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.
- 9.7 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 concern(s); and
 - the likelihood of confirming the allegation(s) from attributable sources.

- 9.8 In some cases, it may be possible to resolve the concern(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 the concern(s) to:
- be investigated internally;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- 9.9 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

- 9.10 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 s/he will receive further details if the situation is not yet resolved.
- 9.11 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.
- 9.12 We will aim to keep you 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. You should treat any information about the investigation as confidential.
- 9.13 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 will be subject to disciplinary action.

10. If you are not satisfied

- 10.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 10.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 6. Alternatively you may contact the chairman of the Board of Directors or Public Concern at Work. Contact details are set out at the end of this policy.

11. Protection and support for whistle blowers

Harassment or Victimisation

- 11.1 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. The Academy will not tolerate harassment or victimisation and will take action to protect employees when they have a genuine concern.
- 11.2 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

11.3 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Governing Body will make every effort to protect an employee's identity if confidentiality is requested.

11.4 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

11.5 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

11.6 If an employee makes an allegation where he/she has 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 malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

Unfounded Allegations

11.7 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 Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Support to Employees

11.8 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.

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 Executive Principal/CEO and staff consultation groups, should review this policy from a legal and operational perspective at least once a year.

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.

APPENDIX A: Contacts

| | |
|---|--|
| Whistleblowing Officer | Christine Stewart 01536 684270 cstewart@brookewestontrust.org |
| CEO | Dr Andrew Campbell 01536 397000 acampbell@brookewestontrust.org |
| Chairman of the Board of Directors | Richard Morrison 07820 885996 richard_morrison@me.com |
| Public Concern at Work (Independent whistleblowing charity) | Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk |