

Batley Multi Academy Trust

Policy Document

Whistleblowing Policy

Produced by: JCH/LPA

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PERSON RESPONSIBLE: The CEO

PREAMBLE

This Policy is intended to enable those who become aware of wrongdoing at The Trust affecting a student/ learner, employee or some other person, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistleblowing Policy is not intended to be used where more appropriate procedures are available such as:-

Grievances – (see Grievance Procedure)

Harassment or Discrimination – (see Grievance Procedure and Equality and Diversity Policy)

Child Safeguarding - (see Safeguarding/Child Protection Policy)

Parental Complaints (see Complaints Procedure)

All staff will be required to read this policy during their induction and will be informed when amendments are made. Staff are required to adhere to the Staff Code of Conduct and Teachers are expected to meet the Teacher Standards.

All policies referred to are accessible and available within your school. Please speak to your Headteacher's PA/ Business Manager if you are unable to locate these.

1. Introduction

The Trustees of Batley Multi Academy Trust are committed to the provision of a Whistleblowing Policy which shows a commitment to achieving and maintaining high standards through openness, honesty, and accountability and protecting the integrity of the Trust, students/ learners and staff. The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns.

2. What is Whistleblowing?

'Whistleblowing' is the reporting by employees/workers or ex-employees/workers of suspected misconduct, illegal acts or failure to act within the School.

Employees are often the first to realise that there may be something seriously wrong within the Trust. 'Whistleblowing' is viewed by the Trust as a positive act that can make a valuable contribution to the efficiency and long-term success within the Trust. The Trust is committed to becoming an outstanding educator and achieving the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech.

If you are considering raising a concern you should read this Policy first.

It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern, and
- what the Trust will do.

If you are unsure whether to use this Policy or want independent advice at any stage, you may contact the independent charity Public Concern at Work **tel:** 020 7404 6609. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

Some examples of malpractice or illegal or unethical practice that may be reported under the Whistleblowing Policy include:

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
- A miscarriage of justice has been/is likely to occur
- The health or safety of any individual has been/is likely to be endangered
- The environment has been/is likely to be damaged
- Public funds are being used in an unauthorised manner
- The Trust's Governance arrangements have or are not being observed or are being breached by students/ learners or staff.
- Sexual or physical abuse of any employee or student is taking place (subject to the school's Safeguarding Procedures in the case of children located in your school).
- Discrimination is occurring to any member of staff or student as defined within the Equality Act 2010 (where it has not been successfully addressed through the Trust's Grievance/ Equality & Diversity Policy located in your school).
- Any other form of improper action or conduct is taking place
- Public examination maladministration
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

3. What is the aim of the Policy and when does it apply?

3.1. Aims of the Policy

The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the Trust without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns within the Trust rather than ignoring a problem or 'blowing the whistle' to an external body (section 8) without first raising it internally.

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns
- highlight to you that failure to report a concern relating to the wellbeing of children could be seen as a failing in professional duty for some employees and be a breach of legislation resulting in possible disciplinary action
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied

- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

3.2. Scope of this Policy

3.3. Who can raise a concern under this Policy?

The Policy applies to all:

- employees and Trustees/Governors of The Trust
- employees of contractors working for the Trust, for example, agency staff, builders and drivers
- employees of suppliers
- voluntary workers working within the Trust.

3.4. What should be reported?

Any serious concerns that you have about the curriculum or the conduct of staff of the Trust or others acting on behalf of the Trust that:

- make you feel uncomfortable in terms of known standards
- are not in keeping with The Trust's policies
- fall below established standards of practice; or
- constitute improper behaviour.

These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- deliberately covering up any of the above or
- other unethical conduct.

NB. This list is not exhaustive.

4. Protecting the Whistleblower

4.1. Your legal rights

This policy has been written to take account of the Enterprise and Regulatory Reform Act 2013 (amended The employment Rights Act 1996) and the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in good faith.

The Act makes it unlawful for an organisation to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Trust cannot promise not to act against such an employee, but the fact that they came forward will be taken into account.

4.2. Harassment or victimisation

The Trust is committed to good practice and high standards and to being supportive of you as an employee.

The Trust recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

The Trust will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. Any harassment or victimisation will be treated as a serious disciplinary offence which will be dealt with under the disciplinary procedure.

4.3. Support to you

Throughout this process your concerns will be taken seriously and you will be given support from the Senior Leadership Team

The Trust will do all it can to help you throughout the investigation. If appropriate, the Trust will consider temporarily re-deploying you for the period of the investigation.

Employees who are subject of a Whistleblowing allegation:-

- are entitled to be accompanied at any meetings by a work colleague or trade union representative
- are entitled to approve any minutes/statements made by them as part of the investigation
- are not entitled to know the identity of the whistleblower
- should indicate if they believe the allegation made against them is false and if so, whether they believe it was made maliciously or with intent to damage the reputation of the Trust or staff.

4.4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

4.5. Anonymous allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This Policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Trust. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

4.6. Untrue allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, The Trust will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

5. Raising a concern

5.1. Who should you raise your concern with?

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with the Human Resources Manager or your Headteacher.

If the concern is about the Headteacher, your concern should be raised with the Chair of Governors who will decide how the investigation will proceed. This may include external investigation.

If you are unsure who to contact you may call the independent charity Public Concern at Work tel: 0207 404 6609 for advice.

5.2. How to raise a concern

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates).

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you are acting in good faith and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union/ professional association representative to be present for support during any meetings or interviews in connection with the concerns you have raised.

6. What the Trust will do

The Trust will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the Trust will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by the Senior Leadership Team or through the disciplinary/grievance process
- be referred to the Police
- be referred to the external auditor
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry.

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how the Trust proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative may accompany you in support.

The Trust will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Trust will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

7. How the matter can be taken further

This Policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Trust, you can contact your trade union, the police, or seek advice from the Public Concern at Work Service who will be able to advise you.

If you raise concerns outside the Trust you should ensure that it is to one of these prescribed contacts (see section 8). A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy.

You should not disclose information that is confidential to the Trust or to anyone else, such as a client or contractor of the Trust, except to those included in the list of prescribed contacts.

This Policy does not prevent you from taking your own legal advice.

8. What is a Prescribed Person?

The Prescribed Persons Order 2014 sets out a list of organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. For the Education Sector it is the following:

Ofsted

Piccadilly Gate Store Street
Manchester
M1 2WD
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

Office of Qualifications and Examinations Regulation

about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Casework Manager
Ofqual
Spring Place
Coventry Business Park Herald Avenue Coventry CV5 6UB
Tel: 0300 303 3346
Email: Public.Enquiries@ofqual.gov.uk

The NSPCC Whistleblowing Helpline offers free advice and support to professionals with concerns about how a child protection issue(s) are being handled in their own organisation.

Call 0800 0280285 or email help@nspcc.org.uk

The purpose of a prescribed person provides workers with a mechanism to make their public interest disclosure to an independent body that may be able to act on them. When a whistleblower makes a disclosure to a prescribed person they escalate the issue beyond their employer. Those Bodies with investigatory and regulatory functions can consider acting upon the information that has been disclosed to them. A worker will potentially qualify for the same employment rights as if they had made a disclosure to their employer if they report to a prescribed person.

The prescribed person needs to decide, and clearly communicate, whether they limit their role to the receipt of protected disclosures only, or are accepting of a wider range of non-protected disclosures. This will depend on the prescribed person's statutory functions beyond the whistleblowing legislation.

The prescribed person is not responsible for deciding whether the individual who has made the disclosure qualifies for protection. Ultimately this will be decided by the employment tribunal in contested cases.

The Trust benefits from an open whistleblowing culture and by having this policy, it is more likely that concerns will be raised internally, which reduces the likelihood of escalation to an Ofsted or the Exam Regulator.

9. Review of the Policy

This policy will be kept under review in order to keep it in line with relevant legislation and as a minimum reviewed on a bi-annual basis.

10. Recording and Monitoring

The HR Managers will maintain a Trust register containing all concerns that are brought to their attention. All officers allocated to look into a concern must ensure the HR Managers are provided with sufficient details for the register. The HR Manager will report to the Governors of the Trust as required.