



Whistleblowing Policy

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Policy Owner	Human Resources
Version	2.4
Date of Last Review	April 2019
Category	Trust Policy

1 Purpose and Scope

1.1 The Bath & Wells Diocesan Academies Trust (hereafter referred to as the Trust), aims to provide the best education for all its pupils and to care and support its staff in providing this. The Trust's aim is that all members of the school community feel able to voice any concerns in confidence and that these concerns will be taken seriously and dealt with appropriately.

1.2 This policy applies to all employees within the Trust whether on a permanent or on a temporary, fixed term or casual contract. It also applies to contractors working at school or Trust sites, for example, agency workers, supply teachers, contractors and volunteers; such as governors. Throughout, the term 'worker' will be used to describe all those covered by this policy.

1.3 The Trust takes responsibility for ensuring that all workers are aware of the Whistleblowing Policy and procedures, and feel comfortable to voice their concern

1.4 There is, however, a balance to be struck between the right of the worker to speak freely on a range of matters and the right of Trust/school employees and/or colleagues to be protected against false and malicious accusations. This Whistleblowing Policy details the way concerns about malpractice may be properly raised within the Trust, or with the appropriate authorities.

1.5 All workers must remember that the welfare of the child is paramount.

2 Definition of 'whistleblowing'

2.1 Whistleblowing in the workplace is workers (or ex-workers) reporting information about alleged wrongdoing such as:

- concerns for the safeguarding of children
- criminal offences (this may include financial impropriety such as fraud, corruption and bribery)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering someone's health and safety
- damage to the environment
- the deliberate concealing of information about any of the above

2.2 To be covered by whistleblowing law a worker who makes a disclosure must reasonably believe two things:

- they are acting in the public interest – this means that personal grievances and complaints are not covered by the Whistleblowing Policy and should be raised through the Trust's Grievance Procedure in the case of employees or the Complaints Policy
- they reasonably believe that their disclosure shows wrongdoing which falls into one or more of the above categories. Any serious concerns that a worker may have about the conduct of a Trust employee, or others acting on behalf of the Trust may be reported under this policy.

2.4 Nothing in this policy is intended to prevent employees from complying with their statutory obligations as set out in *Keeping Children Safe in Education* (DfE September 2018) and the Trust's Safeguarding Policy. If a child is in immediate danger or is at risk of harm a referral should be made to Children's Social Care and/or the police immediately; anyone can make a referral. This should be done by contacting the Local Authority Designated Officer (LADO) or Children's Social Care.

3 The Trust's commitments to workers who whistleblow:

- 1 The Trust considers it a duty for workers to make a disclosure where they are aware of, or strongly suspect, wrongdoing.
2. Workers who make a disclosure (blow the whistle) will be fully supported and protected by the Trust.
3. The Trust and all school leaders will treat all disclosures in a consistent and fair way.
4. Victimisation or intimidation of a whistleblower will not be tolerated in the Trust and would be considered gross misconduct in the case of employees. Any perceived victimisation or intimidation of a worker making a disclosure will be formally investigated as a potential disciplinary matter.
5. Workers making a disclosure are entitled to seek advice and where appropriate support of their trade union or professional body if they wish.
6. Subject to the Trust's data protection obligations, workers making a disclosure will receive a formal response with the outcome of their disclosure.
7. All cases of whistleblowing will be brought to the attention of the HR and remuneration sub-committee of Trust Board. Information shared with the sub-committee will respect the confidentiality required in each case.

4 Confidentiality

4.1 All disclosures will be treated in confidence, and the Trust is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistleblower has to give evidence at any further investigation stage or disciplinary hearing.

4.2 In cases where identities are revealed for whatever reason, the Trust will do its best to support all parties involved and protect them from discrimination and victimisation.

4.3 Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and workers are advised to closely follow all guidelines relating to confidentiality. Any worker that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution and/or disciplinary action if appropriate.

5 False allegations

5.1 The Trust encourages all of its workers to raise their concerns safe in the knowledge that those who raise concerns in good faith that do not prove to be true will not be reprimanded.

5.2 The Trust may take disciplinary action against employees who make claims that are found to be knowingly false, malicious, or for personal gain.

6 Anonymous allegations

The Trust encourages workers to put their name to any concerns as concerns made anonymously are much more difficult to investigate. However, the Trust will investigate all anonymous allegations seriously following the procedure set out in this policy as far as is possible.

7 Wider disclosure and Independent Advice

7.1 The Trust encourages all workers to follow the procedures in this policy, but understand that, in some cases, it is necessary to take concerns to external agencies. Notwithstanding statutory reporting obligations, this would normally be as a last resort if:

- they feel that they are being discriminated against and that there is no internal authority that they can trust and contact
- they reasonably believe that they will be victimised if they follow internal procedures for whistleblowing
- they believe that the concern that they have raised has not been taken seriously or acted upon correctly.

7.2 The Trust advises workers who take their concerns to external agencies to be careful not to disclose any confidential information contrary to their contract of employment or service agreement and associated policies listed below.

7.3 It is important to note that it is against the law to publish any information which may lead to the identification of a teacher who is subject to an allegation. And that a worker makes a disclosure to an external body they may lose their whistleblowing rights and protections. There are some exceptions to this however, known as *prescribed people and bodies*. A full list of these can be found at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2> This list includes, but is not limited to:

- the local authority
- Children's Social Care Services
- NSPCC
- Police
- Health & Safety Executive
- The Environment Agency
- The Information Commissioner
- Department for Education
- Ofsted

7.4 A worker may also contact *Protect* – formally Public Concern at Work (www.wcaw.org.uk) for advice and support if they are unsure.

7.5 Even where extreme circumstance are thought to exist, an employee should not approach the media with details of the suspected wrongdoing. If they do so the Trust may consider this gross misconduct and disciplinary action may be taken against them.

8 Raising a concern within the procedure

8.1 The whistleblower should:

- Raise the concern in writing or verbally with their manager or Headteacher. Including the following information about the concern will aid a thorough investigation:
 1. the background of the concern
 2. the history of the matter with, if applicable, as many dates and times as known
 3. the reason for your concern about the situation
- Depending on the seriousness or sensitivity of the matter and who is suspected of malpractice, the concern could be taken to the Chair of the school's Local Governing Body, (LGB).

- Where a concern is about the Trust as a whole, or the Central Team, it should be reported to the CEO, or Chair of the Trustee Board. Complaints about the CEO should be reported to the Chair of the Trustees.
- Workers can go straight to the Chair of the LGB or Chair of the Trustees with their concern, however, they will be asked to explain why they did not feel comfortable taking it to their manager.
- All concerns will be listened to and taken seriously. If there is any doubt as to whether a concern is valid, it should be reported, and the school or Trust can decide to what extent it needs to be investigated.

8.2 A whistleblower is not expected to prove “beyond reasonable doubt” the validity of their concern, but they should demonstrate that they have reasonable grounds for holding it. An employee could discuss their concern with a colleague or trade union representative first as it may be easier to raise a concern which is shared by others.

9 Responding to a concern within the procedure

9.1 The Trust will investigate all concerns before responding.

9.2 The whistleblower will be dealt with in confidence and invited to an investigatory interview to discuss their concern(s). If there is any reason that the whistleblower feels that they are unable to speak to a member of the Trust or LGB/ Trustee Board, they should contact Sarah Taylor, Solicitor for the BWMAT:

Sarah Taylor, Solicitor & Director

Taylor Culshaw Solicitors, 60 High Street, Burnham on Sea, Somerset TA8 1AG

Email: sarahtaylor@taylorculshaw.co.uk, www.taylorculshaw.co.uk

9.3 The recipient manager/Headteacher reviewing the concern will decide upon the next course of action with advice from the Central Team as appropriate, as it may be necessary to start other procedures (Safeguarding Policy or Managing Allegations of Abuse Against Staff in the case of child protection or if there is concern that a child is at risk of harm, Disciplinary Procedure or Grievance Procedure).

If they decide that it is a genuine concern, and that it is appropriate to follow the whistleblowing procedure, they may take the matter to the CEO, Headteacher or the Chair of the LGB or Chair of Trustee Board.

Hold an Interview

9.4 Once an allegation has been brought to their attention, the CEO, Headteacher Chair of LGB/Chair of Trustees or person nominated by them will hold an interview with the person raising the concern in confidence. This will usually take place within 5 school days. During this interview they will:

- get as much information about the basis of the concern as they can, and will record what is discussed
- discuss the next action points and steps that will be taken with the worker who has raised the concern, and ensure that they fully understand what is going to happen; if the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined
- provide support to the whistleblower; they may be worried about their position, getting someone else into trouble, or what they suspect may be happening.

Decide on a course of action

9.5 If there is cause for concern once the interview has been carried out, the interviewer will take the information that they have recorded to the Headteacher or CEO (or Chair of local LGB/Chair of Trustees if the CEO/Headteacher is of concern) for review. Then, if reasonably practicable, within 10 school days of the investigation interview the worker will be informed that one of the following is being undertaken:

- an investigation, internal audit, or referral to other procedures such as the Disciplinary Procedure.
- an investigation under other procedures such as child/adult protection
- an investigation under procedures designed to deal with allegations made against professionals
- a referral to the police
- a referral to the external auditor or other external investigation
- an investigation under other forms of prosecution and inspection such as the protection of public health and safety
- a referral to an independent investigator.

9.6 If it is decided that no further action will be taken this will be explained to the whistleblower within 10 school days. This may be because:

- the Trust do not feel that there is enough evidence to warrant a continued investigation and that is unlikely that any malpractice has occurred or will occur
- there is a belief that the whistleblower is not acting in good faith
- the matter has already been raised and is being investigated.

9.7 The CEO or Headteacher, if not already involved, will be informed of the concern even if no further action is to be taken.

9.8 Role of the CEO, Headteacher and Chair of LGB or Chair of Trustees:

The person who receives the report – whether it is the CEO, Headteacher or Chair of LGB or Chair of Trustees– must act on the concern fully. If there is a good reason not to, this will be explained at the next LGB or Trustee Board meeting and reported back to the whistleblower.

9.9 The CEO, Headteacher or Chair of Governors will decide whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

9.10 The decision and progress of the case will be reported back to the nominated staff involved, and this will be reported by them to the whistleblower.

9.11 The outcomes of any investigations will be reported to the whistleblower in writing to their home address within 10 days. If they do not receive any information and this time has passed, they may request this information through their manager or the Director of HR or CEO.

10 Recording, monitoring and evaluation

10.1 All staff concerned with whistleblowing investigations should keep accurate confidential records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.

10.2 The CEO and Trustee Board will review and evaluate all concerns under the Whistleblowing Policy, how they have been dealt with, and their outcomes, to prevent similar future cases, and ensure that procedures are being used correctly and are effective.

10.3 This policy will be reviewed tri-annually and any relevant cases that have come up during the past year will be taken into account when it is being reviewed.

11 Outcomes

11.1 If the whistleblower is dissatisfied and feels that a concern that they have made has not been dealt with seriously or properly, they can take the matter up with a number of external contacts as referred to in 7.4.

12 Contact details:

Nikki Edwards, Chief Executive Officer
Bath & Wells Multi Academy Trust
Flourish House, Cathedral Park,
Wells, BA5 1FD
Email: Nikki.Edwards@bwmat.org

Nigel Daniel, Chair of Trustees,
Bath & Wells Multi Academy Trust
Flourish House, Cathedral Park,
Wells, BA5 1FD
Email: nigel.daniel@bwmat.org

Further reading and Associated Policies include

Safeguarding Policy

Health & Safety Policy

Employee Code of Conduct

Governor Code of Conduct

Equal Opportunities

ICT Acceptable use Policy (in development)

Managing Allegations of Abuse against Staff

Bullying & Harassment Policy

Keeping children Safe in Education (statutory guidance)

Disciplinary Procedure

Teachers' Standards

Social Media and Networking Policy

Grievance Procedure

Complaints Policy