



# **Whistleblowing Policy**

**Batley Multi Academy Trust**

**Approved by:** Board of Trustees

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## **Preamble**

This policy is intended to enable those who become aware of wrongdoing at the Trust, whether it concerns governance or leadership arrangements, including financial management, or malpractice that may affect a student, 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 and 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.

This policy complies with our Funding Agreement and Articles of Association.

All policies referred to are accessible and available within your school. Please speak to a member of Senior Leadership if you are unable to locate these.

## **1. Introduction**

The Board of 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 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 across the schools within our Trust.

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 Policy.

Employees are often the first to realise that there may be something seriously wrong within the schools within our 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.

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 Protect. Details can be found at <https://protect-advice.org.uk/>. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are 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 or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures including our Code of Conduct;
- conduct likely to damage our reputation or financial wellbeing;
- unauthorised disclosure of confidential information;
- unethical behaviour; and
- the deliberate concealment of any of the above matters.

### **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 a formal investigation and potential 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 raised a genuine concern/disclosure.

### **3.2. Scope of this Policy**

The objective of this policy is to build and strengthen a culture of transparency and trust. The purpose is to provide employees with a framework/procedure for responsible and secure reporting of improper activities (whistleblowing) within the Trust and to protect employees wishing to raise an issue.

### **3.3. Who can raise a concern under this Policy?**

The policy applies to all:

- employees and Members/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 in any of the Trust schools 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 the list in section 2.

## **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 and seek advice from their trade union. 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 genuine concern/ disclosure. 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. You can also seek confidential support from your trade union and via the Health Plan provider sourced by the Trust if you are a member.

The Trust will do all it can to help you throughout the investigation and recommend sources of support including the Health Scheme. 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 believe it to be true, but it is not confirmed by the investigation, the Trust will recognise your concern. If an investigation reveals that a Whistleblower has made false allegations maliciously or for personal gain, the matter may be referred to a disciplinary hearing.

#### **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 Director of People & Talent or your Executive Headteacher/ Headteacher.

If the concern is about the Executive Headteacher/ Headteacher, your concern should be raised with the Chair of Governors and the Chief Executive Officer (CEO), and they will decide how the investigation will proceed. This may include external investigation. If the concern is about a member of the central Trust team your concern should be raised with the Chief Executive Officer (CEO). If the concern is about the CEO, your concern should be raised with the Chair of the Board of Trustees.

If you are unsure who to contact you may call the independent charity Protect, details are above.

##### **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).
- details of any personal interest in the matter.

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. 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 as a possible option. HR advice must be sought in all such cases. Protection of others is paramount in all cases however the Trust will consider all other options before making the decision to suspend a colleague. Please refer to the Trust's Disciplinary Policy for more information regarding suspension.

**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 five working days of a concern being raised, a Senior Leader in the Trust will write to you:**

- acknowledging that the concern has been received;
- supplying you with information on staff support mechanisms.

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

- indicating how the Trust proposes to deal with the matter;
- 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 a meeting will be arranged with you 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 will be kept informed of the progress and outcome of any investigation unless there are any legal reasons that restrict this. Certain confidential details may also need to be restricted.

The investigating officer(s) will make recommendations on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police. Beyond the immediate actions, the CEO, Trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

As part of the application of this policy, the Trust may collect, process and store personal data in accordance with the Trust's Data Protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Privacy Notice - School Workforce, our retention guidelines and in line with the requirements of Data Protection Legislation.

## **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 Protect and they 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:

### **Protect (Independent whistleblowing charity)**

Helpline: (020) 3117 2520

Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

### **Ofsted**

WBHL, Ofsted

Piccadilly Gate Store Street

Manchester M1 2WD

Tel: 0300 123 3155

Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

### **Secretary of State for Education**

Ministerial and Public Communications Division Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

Tel: 0370 000 2288

Website: [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe)

**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](mailto: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 028 0285 or email [help@nspcc.org.uk](mailto: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 every 2 years.

#### **10. Recording and Monitoring**

The Director of People & Talent 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 Director of People & Talent is provided with sufficient details for the register. The Director of People & Talent will report to the CEO and Board of Trustees as required.