



# Brook Learning Trust

## Whistleblowing Policy

### Introduction

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

Brook Learning Trust (BLT) is committed to the highest possible standards of openness, probity and accountability. BLT recognises that it is important for employees and others working with us to have a means by which they can raise serious concerns about any operation of the Trust or the Academies. The Trust further acknowledges its obligations under the Public Interest Disclosure Act PIDA 1998, (as amended by the Enterprise & Regulatory Reform Act 2013) to ensure mechanisms are in place through which concerns relating to matters of public interest (often referred to as Whistleblowing) can be raised.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within BLT academies or the Trust Executive rather than over-looking a problem or raising the matter outside.

This procedure applies to all employees, agency workers and those contractors working on the premises of BLT academies, for example, cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with BLT or one or more of its academies.

### Aim & Scope of this Policy

This procedure aims to ensure individuals are:

- Encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provided with avenues to raise concerns and receive feedback on any action taken
- Given a response to their concerns and are aware of how to pursue them if not satisfied
- Given reasonable support following raising a concern under the Policy
- Be protected from detriment, harassment and victimisation under the PIDA 1998

Public Concern at Work defines whistleblowing as:

*"The raising of a concern either within the work place or externally, about a danger, risk, malpractice or wrong doing which affects others."*

The Whistleblowing Procedure provides a means for Employees to raise concerns about conduct or situations which they believe are inappropriate. Qualifying concerns may include, but are not limited to:

- Conduct which is, has been, or is likely to be an offence or breach of the law
- Conduct that has occurred, is occurring, or is likely to occur, which associates BLT or one of its academies with a failure to comply with a legal obligation. For example, unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of individuals, discrimination of any kind, profligate/frivolous expenditure or use of resources, and/or any other conduct deemed to be unethical
- Public examination maladministration
- Falsification of data submitted to external agencies
- Disclosures related to past, current or likely miscarriages of justice

- Past, current or likely health and safety risks, including risks to students, staff and/or members of the public
- Past, current or likely actions deemed likely to damage the environment unwontedly
- Concerns of a safeguarding / child protection nature
- The deliberate concealment of information relating to concerns listed above
- Concerns about any aspect of service provision or the conduct of BLT officers, staff, representatives and/or others acting on behalf of BLT or one of its academies
- Discomfort with the terms of the professional standards subscribed to by BLT and its academies for reasons that these appear to fall below established standards of practice to the extent that improper conduct results from their application.

There is no time limit for raising a concern – however Individuals are encouraged to do so at the earliest opportunity since it may be difficult to address a matter if a significant time has elapsed.

Concerns relating to an individual's own employment or purely private matters (e.g. in relation to a contract of employment) or in relation to a grievance which seeks to redress a wrong done to oneself should be raised through the Employee Grievance Procedure. This includes issues relating to bullying, harassment and discrimination. This procedure is intended to cover concerns that fall outside the scope of other procedures.

### **Confidentiality**

The best way to raise a concern is to do so openly. Openness makes it easier for BLT and the Academies to assess and investigate an issue. However, it is recognised that there may be some circumstances where an employee would prefer to raise a concern in confidence. Employees should make the Academy aware of this when raising their concern.

Where appropriate every effort and consideration will be given to arrangements to maintain the Employee's confidentiality. Every effort will be made not to reveal the Employee's identity, without their prior consent, if this is their wish.

However, in certain cases, it may not be possible to maintain confidentiality if the concern is subject to an external / police investigation where disclosure is required. An Employee will be advised should there be a possibility that their confidentiality cannot be maintained.

### **Anonymous Concerns**

Employees are encouraged to put their name to any allegation where possible. However, anonymous allegations will be considered and investigated at the discretion of the CEO of BLT and relevant officers or at the discretion of Trustees should the concern relate to the CEO of BLT.

In exercising this discretion, factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood that the allegation can be confirmed/denied by application to attributable sources

It should be noted that it may be more difficult to address the concern, support an employee or advise them of the outcome where a concern is reported anonymously.

## **Raising a Concern**

### **General**

A concern may be raised verbally or in writing. A trade union or professional association may raise a matter on behalf of an employee. Those raising a concern should:

- Describe the context and history of the concern, giving names, dates and places where possible. (The earlier a concern is raised the easier it is to take action.)
- Give the reason why the Employee is particularly concerned about the situation
- For clarity it would be helpful for the Employee to state that they wish their concerns to be addressed under the whistleblowing procedure
- An Employee is not expected to prove the validity of their concern, however they will need to demonstrate that there is a reasonable suspicion for their complaint

Where a complaint is raised under the whistleblowing procedure this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy.

However, each case will be considered on its merits to ensure that the Trust is acting reasonably.

### **Step One: Raising a Concern**

Wherever possible, you should in the first instance raise your concern with your immediate line manager. If this is not appropriate for reason of the matter to be raised, you should approach the Principal of the relevant academy. If the matter to be raised has to do with the Principal, the matter should be brought to the attention of the CEO of BLT. If the matter to be raised has to do with the CEO of BLT, the matter should be brought to the attention of the Chair of the Trust.

### **Step Two (note one): The Response**

The action taken in response to your raising a concern will depend on the nature of that concern. Matters raised under this policy may:

- Be investigated internally (if relevant, according to the terms of a disciplinary or other stipulated internal process) by:
  - 1 Members of the Academy Leadership team and/or members of the Academy Council of the relevant academy
  - 2 The CEO of BLT and relevant officers
  - 3 BLT Trustees
- Be referred to the Police
- Be referred to the Local Authority
- Be referred to the Trust's external Auditors
- Be the subject of an independent inquiry

In order to protect individuals and BLT, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures [e.g. child protection issues] will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten school working days, the person progressing the matter will write to you:

- Acknowledging that the concern has been received
- Indicating how BLT proposes to deal with the matter
- Giving an estimate (if the matter is the subject of an ongoing investigation) of how long it will take to provide a final response
- Informing you if any initial enquiries have been made
- Informing you whether further investigations will take place and, if not, why not

On occasions the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred

- The matter is / has been the subject of internal proceedings under another Trust / Academy policy
- The matter has been the subject of external legal proceedings / has been referred to another external agency
- A false and malicious or vexatious complaint has been made

### **Step Two (note two): Contact**

The amount of contact between the person progressing the matter and the Employee will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

### **Step Two (note three): Attending Meetings**

When the Employee is invited to attend a meeting, he/she will have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

### **Step Two (note four): Support and Protection from Detriment**

BLT will take reasonable measures to support and protect Employees who raise concerns.

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an Employee believe they have been subject to detriment or retribution they should report this to the Principal or the CEO of the Trust who may address the matter in accordance with the Trust's disciplinary procedure.

No action will be taken against an Employee where concerns raised are subsequently unproven.

However disciplinary action may be taken against individuals who knowingly make false, malicious and / or vexatious allegations. Should an Employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) – protection from detriment may be lost and the Employee may be subject to the Trust's disciplinary procedures.

Employees who raise a concern may wish to make use of the confidential Employee Assistance Programme provided by the Trust

Should an employee be required to give evidence in criminal or disciplinary proceedings, consideration will be given towards appropriate support.

### **Step Three: Notification of the Outcome of the Concern**

The Trust recognises that an Employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the Employee will be advised that the matter has been addressed or concluded as far as possible.

Where a matter is not to be considered further the Employee who raised the complaint will be advised of this in writing.

### **How the Matter may be taken further if Deemed Necessary**

The procedure outlined above is intended to provide individuals with a means to raise concerns internally within the Academies and the Trust. Should this process be exhausted and the Employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of the Trust. The following contacts and websites provide advice on whom Employees should contact externally:

- Public Concern at Work: telephone 02074 046609; email [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk); Website <http://www.pcaw.org.uk>
- The National Audit Office: telephone 020 7798 7999; Website <https://www.nao.org.uk/contact-us/whistleblowing-disclosures/>
- A relevant professional body or regulatory organisation – please see the link below for prescribed people and bodies to contact. This includes details for The Health and Safety Executive and The Office of Qualifications and Exam Regulations: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- A solicitor
- The Police

If a matter is taken outside BLT, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, apply for advice concerning disclosure to the Principal of the relevant academy in the first instance; if this is not appropriate given the nature of the concern, apply in the second instance to the CEO of BLT and thereafter to the Chair of Brook Learning Trust Board.

### Public Interest Disclosure

The Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information:

- A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by their employer on the grounds that the worker has made a protected disclosure
- An employee who is dismissed shall be regarded for the purposes of this part (of the Act) as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee made a protected disclosure

### POLICY REVIEW AND RATIFICATION

Policy reviewed bi-annually and ratified by the BLT Board in May

This review by the HR Manager: April 2018 / one amendment made in September 2019

Summary of amendments to this iteration:

- Reference to amended PIDA 1998
- Public Concern at Work – Whistleblowing definition
- Clarification of where a public disclosure is not relevant eg when an individual concern with no wider public concern
- Stage 3 notification of outcome
- Removal of reference to disclosures made in good faith
- Reference to examples of qualifying concerns under PIDA 1998
- Referral to LA – eg safeguarding
- Examples of when a disclosure may not be taken forward
- Clarification of false / malicious allegations
- Inclusion of gov.uk list of external contacts which includes DfE and OfSTED
- Specific reference to HSE and OFQUAL
- Reference to Employee Assistance Programme

September 2019 amendment:

- Chair of Trust replaces Trustees at step one – raising a concern

Ratified by BLT Board                      May 2018

Next review                                      May 2020