



Whistleblowing Policy

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Originator	Bridgwater College Trust

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1. Purpose

1.1 This Policy “Raising Concerns at Work: A Confidential Reporting Code of Practice – ‘Whistleblowing’ commits Bridgwater and Taunton College Trust (BTCT) to implementing Whistleblowing reporting practices. This policy applies to all Bridgwater and Taunton College Trust employees and to the Trustees.

2. Introduction

2.1 Bridgwater and Taunton College Trust (Trust) is committed to the highest possible standard of operation, probity and accountability in its academies. In line with that commitment, staff and others with serious concerns about any aspect of the Trust’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 staff to raise serious concerns within the Trust rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It recognises that cases may have to proceed on a confidential basis.

2.3 This policy applies to all staff/employees (contracted and non-contracted), all volunteers, agency staff, trainees, peripatetic staff, visitors, contractors, governors and trustees.

2.4 The Public Interest Disclosure Act (in force since January 1999) recognises that employees are often the first people to recognise something is wrong with procedures at their workplace that act recognises this fact and is designed to protect employees, who make certain disclosures of information in the ‘public interest’ from detriment and/or dismissal. This policy builds on the provisions of the Act. The Trustees of Bridgwater and Taunton College Trust will have responsibility for ensuring the policy is effective and to respond to staff concerns.

3. Aims and Scope of the Policy

3.1 This Policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues to raise concerns and receive feedback on any action taken.
- Ensure that a response is received, and of how to pursue the complaint if not satisfied; and
- To reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief they have made any disclosure in good faith.

3.2 There are existing procedures in place (e.g. grievance procedures) which make provision for you to raise a concern relating to your own employment. This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or breach of the law
- Disclosures related to miscarriages of justice

- Health and safety risks, including actions likely to cause physical danger to any person or to give to a risk of significant damage to property
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual or physical abuse
- Other unethical conduct
- Failure to take reasonable steps to report and rectify a situation which is likely to give rise to a significant, avoidable cost or loss of income to the Trust or would otherwise seriously prejudice the Trust
- Abuse of power or the use of the trust powers and authority for any unauthorised or ulterior purpose

Please note that this is not a comprehensive list but it is intended to illustrate the range of issues which might be raised under this Policy.

3.3 Thus, serious concerns which staff have about any aspect of service provision or the conduct of staff or trustees of the Trust or others acting on behalf of the Trust can be reported under the whistle-blowing policy. This may be something that:

- Causes discomfort in terms of known standards, experience or the standards to which the Trust subscribes to; or
- Is against Standing Order and Trust or Academy Policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct

3.4 The Trust will provide guidance to staff on the standards it expects from its employees through the policies agreed by the Trust, for example:

- Code of conduct
- Disciplinary procedure
- Grievance procedure
- Managing Staff Allegations policy

3.5 Before initiating the procedure staff should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff
- Staff 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
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, staff must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.6 All staff have the right to raise concerns, which could be about the actions of other staff (contracted and non-contracted) contractors, governors, volunteers or outside agencies.

4. Safeguards

4.1 Harassment or Victimisation

The Trustees 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 Trustees will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that staff member raising a concern under the whistleblowing policy.

4.2 Confidentiality

The Trustees will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Trustees to address the concern and in some circumstances, the Trust may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

4.3 Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Trustees. 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

4.4 Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

4.5 Unfounded Allegations

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

4.6 Support to employees

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 the employee(s) subject to investigation.

5. How to raise concern

5.1 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, they should approach the Head teacher or CEO. An employee

(including the Head teacher and members of the leadership team) can by-pass the direct management line and the CEO or Trustees if they feel the overall management of an Academy is engaged in an improper course of action. In this case please refer to Raising Concerns out of the Trust below.

5.2 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 they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure.

5.3 The action taken by the Trust will depend on the nature of the concern:

Where appropriate, the matters raised may:

- Be investigated by the Chair of the Audit Committee
- Be referred to the police
- Be referred to an external auditor
- Form the subject of an independent inquiry
- Be dealt with under a more appropriate Trust procedure

5.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. The overriding principle which the Trust will have in mind is the *public interest*. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues or financial irregularities) will normally be referred for consideration under those procedures.

5.5 If urgent action is required this will be taken before any investigation is concerned.

5.6 Within 10 working days, the person whom a concern has been raised will write to:

- Acknowledge 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
- Informing whether any initial enquiries have been made
- Supplying information on staff support mechanisms, and
- Informing whether further reinvestigations will take place, and if not, why not

5.7 The amount of contact between the people considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the complainant.

5.8 The Trust will take steps to minimise any difficulties experienced by the employee as a result of raising a concern. For example if the complainant is required to give evidence, BTCT will arrange for advice to be given about the procedure.

5.9 The Trust accepts that the employee will need to be assured that the matter has been properly addressed and the complainant will be informed of the final outcome of the investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party or legal constraints.

6.0 The Role of Senior Leaders

6.1 A senior leader may be informed by an employee about concern(s) and that they are “blowing the whistle” within the procedure in person; or in writing or over the phone.

6.2 The senior leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

6.3. First Stage:

At the initial meeting the senior manager should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-blowing Policy

The senior leader should ask the employee, to put their concern(s) in writing, if they have not already done so. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior leaders' 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

The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior leader 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.

The senior leader should follow the policy as set out above and in particular explain to the employee:

- what steps they intend to take to address the concern;
- how they will communicate with the employee during and at the end of the process; and that a written response will be sent out 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 information, that this will be discussed with the employee before their name is disclosed.
- That the Trustees 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; and
- That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

The senior leader should explain to the employee, as a matter of fact that:

- if clear evidence is uncovered during the investigation that they have 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 Trustees will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available.

6.4 Second Stage

Following the initial meeting with the employee, the senior leader should consult with the Head teacher or CEO or Board of Trustees 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.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior leaders 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

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 Trust external auditor;
- form the subject of an independent enquiry.

Senior leaders should have a working knowledge and understanding of Trust and Academy policies and procedures e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the Trust HR dept.

6.5 Third Stage

Within ten working days of a concern being received, the senior leader receiving the concern 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 they will receive further details if the situation is not yet resolved and;
- providing the employee with details of whom to contact should they be dissatisfied with this response.

7. Raising a concern outside of the Trust

7.1 The whistle-blowing policy is intended to provide employees with a procedure for raising concerns and resolving these within the Trust. If an employee is not satisfied with Trust response, the employee should ensure that they are made aware with whom they may raise the matter externally:

Protect (formerly public concern at work) is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

- whistle@protect-advice.org.uk
- Telephone number 020 3117 2520

The NSPCC whistleblowing helpline is available for all staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 line is available from 8.00am to 8.00pm. Monday to Friday and email: help@nspcc.org.uk

- Recognised trade union
- The Trust External Auditor
- Relevant professional bodies or regulatory organisations
- A solicitor

7.2 If the employee does take the matter outside of the Trust, they should ensure that they do not misuse confidential information. The person the complainant contacts should be able to advise you on this.

7.3 This Policy in line with the legislation, provides protection for employees who raise concerns internally. It is inconsistent with the satisfactory operation of the policy to pursue such concerns with the media (newspapers, TV, radio, social media, etc.) and employees who do so are unlikely to be protected by the provisions of the public Interest Disclosure Act, and may be subject to disciplinary action.

8. Monitoring and Review

8.1 The CEO will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Trustees as necessary.