

Policy C1 – Whistleblowing Policy

1. Statement of purpose

The purpose of the policy is to provide a clear framework to report practice concerns about risk, malpractice and wrongdoing in good faith without fear of reprisal or victimisation.

This policy aims to:

- Encourage employees to feel confident to make a disclosure of concerns about issues that fall under this policy;
- Provide avenues for employees to raise those concerns;
- Reassure employees that they will be protected from being penalised, victimised or suffering detriment.

2. Introduction

2.1 Below are the key points of the Policy:

- The Trust and its academies are committed to the highest standards of openness and expect employees to come forward and voice appropriate concerns;
- This policy covers major concerns that fall outside the scope of other procedures;
- Please also refer to the Staff Code of Conduct Policy which makes reference to other important policies that need to be read in conjunction with this policy
- All concerns will be treated in confidence and your identity will not be revealed without your prior agreement and you will not be penalised for making a disclosure
- This policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 which provide specific rights for workers who disclose information about alleged wrongdoings in certain specific circumstances

2.2 At one time or another, all of us may experience concerns about what is happening at work. Usually these concerns are easily resolved. However, when the concern feels serious because it involves possible health and safety, or a person's welfare, malpractice or a wrongdoing that might affect others or the organisation, it can be difficult to know what to do.

2.3 You may be worried about raising such a concern and may think it is best not to say anything, or keep it to yourself, perhaps feeling it's none of your business or that it is only a suspicion. You may feel you would be disloyal to your colleagues, manager or to the organisation if you raised it. You may decide to say something but find that you have spoken to the wrong person, you may have raised it before and nothing was done or you may have raised it in the wrong way and are not sure what to do next.

2.4 The Trust is committed to running this organisation in the best way possible and to do so, your help is needed. This policy is designed to reassure you that it is safe and acceptable to speak up and raise any workplace concerns you may have and that you are showing loyalty and commitment to the organisation by raising concerns.

2.5 Rather than wait for proof, it is preferred that you raise the matter as early as possible and when it is still a concern. Speaking out early could stop the issue from becoming more serious, dangerous or damaging.

2.6 The Whistleblowing Policy is primarily for concerns where the interests of the organisation or others are at risk. Therefore, if something is troubling you that you think we should know about and look into, please use this policy.

3. Who does this policy apply to?

All employees and contractors and their staff who are working at the Trust and its academies, including Trustees, members of Local Boards, volunteers, agency staff, builders and drivers; also providers of works, services and supplies including external contractors and those providing services under a contract with the County Council or the Trust.

4. What kind of concerns would I disclose under this policy?

This policy covers any serious concerns about any aspect of service provision or the conduct of employees of the Trust and its academies or others acting on their behalf. This could be something that makes you feel uncomfortable in terms of known standards; is against a Trust policy; falls below established standards of practice or amounts to improper conduct.

Concerns that fall within this policy could include:

- A criminal offence has been committed, is being committed or is likely to be committed;
- A person has failed, is failing or is likely to fail to comply with any legal obligations;
- Disclosures relating to miscarriages of justice;
- Health and Safety risks, including risks to the public;
- Damage to the environment;
- Something that is against the Trust's policies and procedures;
- Information relating to any of the above categories is being or is likely to be deliberately concealed

Please note that the Trust's Staff Grievance Policy exists to enable you to lodge a grievance relating to any matter concerning your own employment that you are unhappy about, in particular, matters that fall outside this policy. This policy should not be used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which you disagree.

5. Our assurances to you

- 5.1 The Trust is committed to this policy and will ensure that all staff are aware of it through the induction process and reminders to existing staff.
- 5.2 If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering from any form of retribution as a result. Provided you are acting honestly and in good faith, it does not matter if you are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter they know not to be true.
- 5.3 With these assurances, we hope that you will raise your concern openly. However, we do recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required to do so by law. Please understand that there may be times when we are unable to resolve a concern without revealing your identity and in such cases, we will discuss this, and how best to proceed, with you.

- 5.4 Please remember that if you do not tell us who you are (report it anonymously) it will be much more difficult for us to look into the matter. We will also not be able to protect your position or provide feedback.
- 5.5. If you are unsure about raising a concern, you can get independent advice from the independent whistleblowing charity Public Concern at Work (see 'Sources of confidential support' below).

6. How do I raise a concern and make a disclosure?

There are a number of ways that concerns can be raised or disclosures made.

- The Board of Trustees have appointed the following to be named contacts for reporting concerns:
 - Andrew Wilson, Trustee (a.v.wilson@brighton.ac.uk)
 - Samantha Coates, Executive Director of Strategy (s.coates@brightonacademiestrust.org.uk)
 - Kathryn Smith, Head of Governance and Admissions, (k.smith@brightonacademiestrust.org.uk)
 - Anita Chown, Head of HR and Operational Development (a.chown@brightonacademiestrust.org.uk)
- If you work in an academy you can do so by contacting the Principal.
- In cases where your concerns relate to the Principal, you can approach the named contacts.
- If you are employed by the Trust in a non-academy based role then you can do so by approaching the named contacts.
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You will be expected to give as much background and history as you can and, whilst you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that you are making the disclosure in good faith and that you reasonably believe that the information disclosed, and any allegation contained within it, are substantially true. None of this policy will apply unless you act in good faith.

7. How will the Academy/Trust respond?

In order to protect all individuals concerned with any disclosure, initial enquiries will be made to decide whether an investigation is appropriate. Where appropriate the matters raised may be:

- Investigated by a member of the relevant academy's Senior Leadership Team, the Trust's Executive Team or Trust's Board of Trustees (depending on the nature of the concern) or through appropriate disciplinary procedures;
- Be referred to the police, and or, other appropriate agencies;
- Be referred to the Trust's external auditor;
- Form the subject of an independent enquiry;
- Resolved by agreed action without the need for investigation.

Within 10 working days the appropriate representative of the relevant academy's Senior Leadership Team, Trust's Executive Team or the Board will:

- Acknowledge receipt of your concern;

- Indicate how it is proposed to deal with the matter and give an estimate of how long this will take;
- Provide information on staff support mechanisms.

Should there be a need for investigating officers to meet with you, this can be off site if you wish and you can be accompanied by a trade union representative or someone else who can support and advise you. All parties will be expected to maintain strict confidentiality.

The relevant academy and/or the Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern, and if you are required to give evidence at a criminal or disciplinary hearing the academy and Trust will support you.

Whilst the Trust and its academies must act in confidence in relation to any disclosure made under this policy, it will use its best endeavours to inform you of the outcome of any investigation wherever possible.

8. Making an external disclosure and sources of confidential support

- 8.1 It is hoped that this policy gives you the reassurance to raise matters internally within the organisation. Whilst we would prefer you to raise your concern internally, we do recognise that there may be circumstances where you may wish to raise matters with outside organisations or regulators. In fact, we would rather you raised a matter with an appropriate outside organisation or regulator than not at all.
- 8.2 If you decide to raise matters outside of the Trust then legislation requires this to be to a prescribed body. For educational issues these bodies are Ofsted and Ofqual (please see contact details below).
- 8.3 In addition, you could also blow the whistle to your legal adviser, in the course of obtaining legal advice, or to a member of the House of Commons about any matter specified in the Public Interest Disclosure (Prescribed Persons) Order 2014. You can get the contact details for any Member of Parliament at the following link: <http://www.parliament.uk/mps-lords-and-offices/>
- 8.4 If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work's whistleblowing helpline on 020 7404 6609, or by email via whistle@pcaw.org.uk. The other external contacts that will be able to provide you with support on a confidential basis are:
- The Health and Safety Executive (<http://www.hse.gov.uk/contact/concerns.htm>)
Protects people against the risk to health or safety arising out of work activities
Phone: 0300 0031647 (Monday - Friday from 8.30 – 5pm)
Email: concerns@hse.gsi.gov.uk
 - Ofsted (<http://www.ofsted.gov.uk/contact-us/whistleblower-hotline>)
Inspect and regulate services which care for children and young people, and those providing education and skills for learners of all ages
Phone: 0300 123 3155 (Monday – Friday from 8am – 6pm)
Email: whistleblowing@ofsted.gov.uk
Write: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2 WD
 - Ofqual - Office of Qualifications and Examinations Regulation

[\(www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/\)](http://www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/)

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

Phone: 0300 303 3346

Email: Public.Enquiries@ofqual.gov.uk

Write: Casework Manager, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry CV5 6UB

- External Audit (orpington@wilkinskennedy.com Phone: 01689 827 505
Write: Wilkins Kennedy Audit Services, Greytown House, 221-227 High Street, Orpington, Kent BR6 0NZ

10. Policy status and review

Written by:	Head of Governance and Admissions
Owner:	Head of HR & OD
Status:	V2 = Approved
Approval date:	HAT: BoD 17/12/15 V1a = minor amendments following union feedback Mar 16 UoBAT: BoD 10/12/15 V1a = minor amendments following union feedback Mar 16 Merger editorial changes 1 September 2017 V2 = Board of Trustees 10-12-19
Review Date:	As required or 2021