

Policy title	Whistleblowing
Written by	Director of Governance and Admissions
Policy owner	Director of People

Status	Approved
Summary of change	Updated Trustee contacts

Approval date	6 December 2022
Approval authority	Board of Trustees
Review date	T1-2 2025-26

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, Local Governors, 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 Local Authority 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

Not all concerns about the trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance procedures.

Protect (formerly Public Concern at Work) has:

[Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure

A free and confidential [advice line](#)

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 Staff members raising a disclosure are protected from unfair treatment or risk of dismissal. 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. If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.
- 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 Protect (see section 3).

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

6.1 The Board of Trustees have appointed the following to be named contacts for reporting concerns:

- Samantha Coates, Deputy CEO: COO (s.coates@brightonacademiestrust.org.uk)
- Kathryn Smith, Director of Governance and Admissions, (k.smith@brightonacademiestrust.org.uk)
- Anita Chown, Director of People (a.chown@brightonacademiestrust.org.uk)
- The following Trustees:
 - Alice Allen (al.allen@brightonacademiestrust.org.uk)
 - Siobhan Denning (s.denning@brightonacademiestrust.org.uk)
 - Cathy Gower (c.p.gower@brighton.ac.uk)
 - Liz Gray (l.gray@brightonacademiestrust.org.uk)
 - Chris McFadden (c.mcfadden@brightonacademiestrust.org.uk)
 - Jeremy Nurse (j.nurse@brightonacademiestrust.org.uk)
 - Miles Smith (m.smith@brightonacademiestrust.org.uk)
 - Janey Walker (j.walker@brightonacademiestrust.org.uk)
 - Paul Whiteing (p.whiteing@brightonacademiestrust.org.uk)

6.2 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.

6.3 If a report is received by any other member of staff then it should immediately be passed to one of the named contacts.

7. How will the Trust respond?

7.1 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.

7.2 When it is deemed appropriate for the matter to be investigated by a Trust employee or Trustee, the individual identified to conduct the investigation will be asked to confirm that they have no prior knowledge or involvement in the incident, and the confirmation of this will be recorded on the monitoring log. If, during the course of the investigation, an investigator identifies that they have an actual or perceived interest, they

are responsible for bringing this to the attention of the person commissioning the investigation so that an alternative investigator can be identified.

- 7.3 Within 10 working days the named contact or the investigating officer 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.
- 7.4 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.
- 7.5 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.
- 7.6 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 The Trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included here.
- 8.2 The Protect advice line, linked to in section 4 of this policy, can also help staff when deciding whether to raise the concern to an external party.
- 8.3 Employees are able to access the Trust's Employee Assistant Programme through Birmingham Hospital Saturday Fund (BHSF). This is a free and confidential service offering information, support and counselling. Their Freephone number (0800 015 7287) is manned 24 hours a day, 7 days a week, or they can be contacted online through www.colleaguesupport.co.uk (username/password: 72160)

9. Governance and reporting

- 9.1 To ensure consistency of practice and proper handling of all whistleblowing concerns operational oversight and central records will be maintained by the Director of Governance and Admissions.
- 9.2 An annual report to Trustees will be provided including an anonymised summary of the concerns raised, to which academy/service they related, the post to which the concerns related (if not confidential) and any lessons learned.