



## Whistleblowing Policy

<b>Review Due:</b>	April 2023
<b>Last Review</b>	April 2020
<b>Applicable to:</b>	All Trust Schools
<b>Reviewed By:</b>	SP
<b>Approved By:</b>	Board of Trustees April 2020

### Comments:

This policy has been removed from the Financial Management Regulations handbook and is now an updated, wider reaching, stand-alone document, which in addition to financial misconduct now also refers to issues surrounding safeguarding and health & safety. A reference to this policy now appears in the Financial Management Regulations handbook. Draft approved by external solicitors.

## **Introduction**

The Board of Trustees seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, this whistleblowing policy should be implemented. It acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school's disciplinary procedure.

We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of each school.

## **When might the whistleblowing policy apply?**

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle-blower should ask a few questions before taking action:

- Is it, or do you believe it to be illegal?
- Is it, or do you believe it to be against codes of practice issued by the school, the DfE or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle-blower witnessed the incident?
- Do you believe someone is covering up wrong-doing?
- Do you believe someone's health and safety to be in danger?
- Do you believe someone is misusing public funds?
- Is the welfare of children being negatively affected?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

All allegations should be capable of being dealt with through the Disciplinary Procedure and will be considered appropriately.

Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this Whistleblowing Policy e.g.

- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision making for personal gain
- any criminal activity
- damage to the environment of the school
- dangerous practices
- abuse of position
- fraud and deceit or corrupt practices
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- sexual or physical abuse of pupils or others
- other unethical conduct

Personal grievances (for example, bullying, harassment or discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest. Any individual who feels they

have been the target of bullying/harassment or abuse should initially refer to the Trust's Anti-Bullying and Anti-Harassment Policy which covers any such incident which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.

If an allegation is made against a member of staff, the Trust's 'Allegations of abuse against Teachers and other staff' policy should be referred to in the first instance.

Anonymous allegations will only be considered if the issues raised are:

- Very serious
- The credibility of the allegation is considered to be high
- The likelihood of confirming the allegation is high.

Whistleblowers are protected by law if, for example, they are:

- An employee, such as an office worker or teaching assistant
- A trainee
- An agency-worker
- A member of a Limited Liability Partnership (LLP)

### **Procedure**

The whistle-blower should raise the matter internally in the first instance with their line manager (or the Headteacher/Executive Principal for school staff or the CEO for Trust staff if the line manager is the one under suspicion). This will allow them to right the wrong and give an explanation for the behaviour or activity. Alternatively the whistle-blower may request a private and confidential meeting in the first instance with the person who is causing concern. He/she may be accompanied by a representative of their choice if they so wish (e.g. Union representative or friend).

All matters will be treated in strict confidence and anonymity will be respected wherever possible. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible. Alternatively if the whistle-blower considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed to the Trust Board Chair or the Chair of the Local Governing Body.

### **How will the matter be progressed?**

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's external auditors, legal or personnel advisors, the police or the Department for Education.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Chair of Trustees or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police.

Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied. In such cases any disciplinary action will be considered by the dismissal committee and if appropriate the dismissal

appeals committee of the LGB or Trust Board. Where a case is proven on the balance of probability the matter will be reported to the full Governing Body and where appropriate the DfE and GTC.

If the whistle-blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of Governors/Trust Board or, for financial impropriety, the school's external auditors. If that fails to resolve matters then the employee should seek the assistance of "Public Concern at Work" on 0207 404 6609. For any concerns taken outside of the school this policy will not apply and any employee raising issues on a wider basis, eg with the press, without following the procedure in this policy may be liable to disciplinary action.

### **Respecting confidentiality**

Wherever possible we will seek to respect the confidentiality and anonymity of the whistle-blower and will as far as possible protect him/her from reprisals. Necessary disciplinary or corrective action appropriate to the circumstances will be taken should attempts be made to harass or victimise the whistle-blower. Attempts to prevent concerns being raised will not be tolerated.

### **Conclusion**

The good practice that exists within The Bath & Mendip Partnership Trust in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which Trust schools operate, help to ensure that cases of suspected fraud or impropriety rarely occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the Trust's Disciplinary Procedure, which should cover all of the potential areas of concern.

**Anti-fraud Policy to be read in conjunction with the Trust's Whistleblowing Policy**