



# Public Interest Disclosure (Whistleblowing)

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## **I. What is 'Whistleblowing'?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Bribery;
- Financial fraud or mismanagement;
- Negligence;
- Breach of Bohunt Education Trust internal policies and procedures;
- Conduct likely to damage Bohunt Education Trust's reputation;
- Unauthorised disclosure of confidential information;
- Concerns about the harm or risk of harm to children;
- The deliberate concealment of any of the above matters.

This policy applied to all individuals working at all levels of Bohunt Education Trust (the 'Trust'), including officers, trustees, governors, members, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this policy).

## **2. Protecting the Whistleblower**

Under the Public Interest Disclosure Act 1998, a Whistleblower is protected from detriment and unfair dismissal. Bohunt Education Trust (the Trust), and each member School, will support and not discriminate against concerned staff who apply the Whistleblowing procedure, provided any claim is made in good faith, even if they turn out to be mistaken.

## **3. When Should Whistleblowing Procedures Be Used?**

- If a member of staff has concerns about wrongdoing (or potential wrongdoing) at any member School or otherwise in the Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done;
- Each individual member of staff should feel able to speak freely on such matters. However, the Trust, its member Schools and colleagues have the right to protect themselves against unfounded, false or malicious accusations;
- Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously;
- Whistleblowing is not appropriate for dealing with issues between a member of staff and the Trust or any member School which relate to their own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions and in accordance with relevant internal policies, including the Grievance Policy;

- Whistleblowing is not appropriate for dealing with student complaints, which are dealt with under each member School's in school processes for responding to student concerns, and in accordance with internal policies and procedures including, as an example, the Anti-Bullying Policy;
- However, use of these procedures under this Policy is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has safeguarding concerns in any member School, they should raise their concern, in the first instance with the Headteacher or Designated Safeguarding Lead in that School, or otherwise with the Trust Safeguarding Lead. Where a Representor remains concerned, they may contact the CEO.

#### 4. The Procedure

Any issue raised will be kept confidential while the procedure is being used. The Representor (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing. Staff are discouraged from making anonymous disclosures as this may make the investigation difficult or impossible to conduct;

If the concern relates to the Representor's line manager or any person to whom he or she reports, other than the Head of School or in the case of the Trust, the CEO, the Representor should raise the issue with the Headteacher;

If the concern related to the Head of School, the Representor should raise the matter with the CEO, or if the concern related to the CEO, the Representor should raise the matter with the Chair of the Board of Trustees;

The person with whom the matter is raised is referred to as the 'Assessor'. The Assessor will:

- Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
- Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
- Report all matters raised under this procedure to the Chair of the Local Governing Body, other than when the concern relates to the CEO and this has been raised with the Chair of the Board of Trustees.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague who must respect confidentiality of the disclosure and any subsequent investigation. The Assessor may be accompanied by a member of staff to take notes which will be made available after the meeting and propose how to deal with the matter.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, both internal and external to the Trust, such as HR or governance advisers, in order to assess the nature of the case and to inform the outcome of the investigation.

Promptly within ten working days of the interview, the assessor will recommend one of more of the following:

- The matter be further investigated internally by the Trust;
- The matter be further investigated by external consultants appointed by the Trust;
- The matter be reported to an external agency;
- Disciplinary proceedings be implemented against a member of staff;
- The route for the Representor to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by the member School and Trust.

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the member School's or Trust's other procedures or policies;
- The matter concerned is already (or has been) the subject of legal proceedings or has already been referred to an external agency.

The recommendation of the Assessor will be made to the Head of School. However, should it be alleged that the Head of School is involved in the alleged wrongdoing; the recommendation will be made to the CEO. The Head of School, CEO or Chair of the BET Board, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Local Governing Body and the Trust Board.

The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except;

- Where the Assessor is under a legal obligation to do so;
- Where the information is already in the public domain; or
- On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview. All responses to the Representor will be made in writing and sent to the Representor's home address. If the Representor has not has a response within the above time limit or such reasonable extension as the Academy requires, the Representor may go to an appropriate external agency, under section 6, but will inform the Assessor before doing so. The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **5. Malicious Accusations**

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

## **6. Informing External Agencies**

Within the Trust, all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless a member School and the Trust fail to follow required procedures. Other colleagues may have agreed separate confidentiality agreements upon appointment. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct applicable to all staff.

Whistleblowing to the media is not appropriate or permitted in any circumstances.

## **7. Confidential Employee Enquiries**

Staff may, on a confidential basis, seek prior guidance from the Head of School, HR or governance lead if they wish to establish whether any course of conduct on their part or on the part of another member of staff may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Head of School, HR or governance lead will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the member School, the Trust or any person under these procedures.

## **8. Monitoring, Evaluation and Review**

The Board of Trustees will assess the implementation and effectiveness of this policy across the Trust and each Local Governing Body will receive an annual report from the Head of School recording whether this policy has been triggered. The policy will be promoted and implemented throughout the Trust by each member School.

Current contact details for CEO, Heads of Schools, HR and the governance lead are available either on the Trust or School websites, or via 01428 724324 where general enquiries can always be made without raising concern or needing to explain the purpose for the request.