



# Whistle-blowing Policy

*Wisdom for life*

<b>Approved by:</b>	Trustees	<b>Date:</b> 24 March 2022
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## 1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

## 3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistleblower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust, or individual schools in 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 or complaints procedures. Where other procedures are activated simultaneously, a clear agreement will be reached between the responsible officer who is investigating the concern and the individual making the report about the separate procedures, with agreed programmes for each and an agreement as to whether or not information can be shared for the purpose of each procedure.

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](#).

Contact information can be found in section 7 of this policy.

## 4. Procedure for staff to raise a whistle-blowing concern

### 4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

### 4.2 Who to report to

It is not possible to foresee every time of concern that may be raised and to whom that might relate. Therefore the following table indicates who is most likely to be the appropriate person to whom a whistleblower should approach (contact details can be obtained from the relevant website):

Focus of concern	Person to approach
A particular school and/or one of more of its staff	The Headteacher or Chair of the LGB; or, if the matter involves both those people, the Chief Executive of BOAT.
A matter which relates to more than one BOAT school	The Chief Executive of BOAT or, if the matter, concerns the Chief Executive too, the Chair of BOAT.
A matter which concerns BOAT as a charity	The Chair of the Board of BOAT or the RSO or the Charity Commission
A matter which concerns the Board of Trustees	Either the Chief Executive of BOAT or the Chair of the Board of BOAT;  Or the RSO or the Charity Commission where neither the Chief Executive of BOAT nor the Chair of the Board of BOAT would be appropriate.

### 4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

### 4.4 Who can attend

You may invite your trade union, professional association representative or friend to be present during any meeting or interviews in connection with the concerns you have raised. Anyone who helps you will need to respect the confidentiality of the investigation.

## 5. Trust procedure for responding to a whistle-blowing concern

### 5.1 Investigating the concern

When a concern is received by the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then arrange a further investigation into the matter, involving the CEO, local governing body and/or chair of trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police.
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

### 5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the CEO, trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## 6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

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.

## 7. Escalating concerns beyond the trust

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](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

Regulator / Organisation	Contact details
<p><b>Protect</b></p> <p><a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a></p> <p>An independent charity who run a confidential whistleblowing helpline.</p>	<p>Tel: 020 3117 2520</p> <p>Email via the website <a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a></p> <p>244-254 Cambridge Heath Rd, London E2 9DA</p>
<p><b>Education and Skills Funding Agency (ESFA)</b></p>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424242/How_ESFA_handles_whistleblowing_disclosures_-_GOV.UK.pdf">How ESFA handles whistleblowing disclosures - GOV.UK (www.gov.uk)</a></p> <p>Contact form <a href="https://form.education.gov.uk/">https://form.education...</a></p>
<p><b>Health and Safety Executive</b></p> <p><a href="http://www.hse.gov.uk/contact/concerns.htm">http://www.hse.gov.uk/contact/concerns.htm</a></p> <p>Protect people against the risk to health or safety arising out of work activities.</p>	<p>HSE Concerns Team</p> <p>Tel: 0300 0031647 in office hours, (Monday – Friday from 8.30am – 5.00pm)</p> <p>Email: <a href="mailto:concerns@hse.gsi.gov.uk">concerns@hse.gsi.gov.uk</a></p>
<p><b>Ofsted</b></p> <p><a href="http://www.ofsted.gov.uk/contact-us/whistleblower-hotline">http://www.ofsted.gov.uk/contact-us/whistleblower-hotline</a></p> <p>Inspect and regulate services which care for children and young people, and those providing education and skills for learners of all ages.</p>	<p>Tel : 0300 123 3155 (Monday to Friday from 8.00am - 6.00pm).</p> <p>Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p> <p>Write: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD</p>

## 8. Approval

This policy will be reviewed annually.

These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

## 9. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Child protection policy