



## **WHISTLEBLOWING POLICY**

<b>Approving Body</b>	Trust
<b>Date of Last Review</b>	February 2018
<b>To be Reviewed</b>	February 2021
<b>Statutory (Y/N)</b>	Y
<b>Signed/Authorised</b>	Kathryn Burns, CEO

## **I. POLICY STATEMENT – PURPOSE, SCOPE AND GUIDING PRINCIPLES**

1. BMAT operates with honesty and integrity at all times; and expects all members of the BMAT community to do the same.
2. Notwithstanding this, all organisations face the risk of things going wrong from time to time or of unknowingly harbouring illegal or ethical conduct.
3. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
4. BMAT has adopted this policy and procedure on whistleblowing to enable employees to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the organisation.
5. The aims of this policy are as follows:
  - a. To reflect that BMAT will not tolerate malpractice;
  - b. To encourage employees to report suspected malpractice as soon as possible, in the knowledge that all concerns raised in good faith will be taken seriously and investigated as appropriate and that confidentiality will be respected;
  - c. To provide a clear and simple internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace; in most cases, it will not be necessary to alert anyone externally;
  - d. To provide employees with guidance as to how to raise those concerns; and
  - e. To reassure employees that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken;
  - f. To inform employees that the [BMAT Disciplinary Policy and Procedure](#) will be invoked in the case of malicious or vexatious allegations;
2. Scope: This policy applies to all individuals working at all levels of BMAT, who shall be collectively referred to as 'employees' in this policy. 'Employees' include:
  - a. Officers, directors, employees, consultants, contractors, trainees, homeworkers; and
  - b. Part-time and fixed-term workers; and
  - c. Casual and agency staff and volunteers.

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

- a. Criminal activity;
- b. Miscarriages of justice;
- c. Dangers to health and safety;
- d. Damage to the environment;
- e. Failure to comply with any legal or professional obligation or regulatory requirements;
- f. Bribery;
- g. Financial fraud or mismanagement;
- h. Negligence;
- i. Breach of internal policies and procedures;
- j. Conduct likely to damage our reputation;
- k. Unauthorised disclosure of confidential information
- l. Concerns about the harm or risk of harm to children; and
- m. The deliberate concealment of any of the above matters.

4. A whistle-blower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it in accordance with this policy.

5. Responsibility for the Success of this Policy:

- a. The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other employees who may deal with concerns or investigations under this policy receive regular and appropriate training.
- b. All BMAT employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

6. Confidentiality: Employees who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although employees are encouraged to express their concern in writing

wherever possible. If there is evidence of criminal activity then the Police will in all cases be informed.

7. Status: This policy does not form part of any employee's contract of employment and it may be amended at any time. This policy is separate from the [BMAT Grievance Policy and Procedure](#). Employees should not use this policy to raise grievances about their personal employment situation. This procedure is to enable employees to express a legitimate concern regarding suspected malpractice within BMAT.

8. If an employee is uncertain as to whether or not something is within the scope of this policy, s/he should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

## **II. PROTOCOL FOR HANDLING WHISTLEBLOWING CONCERNS**

9. In the first instance, employees with whistleblowing concerns should raise those concerns as soon as reasonably practicable with a member of the Senior Leadership Team or a member of the Trust Executive. Matters may be put in writing for comfort and/or convenience.

10. In some cases, raising concerns in this way will reveal that a whistleblowing concern can be resolved quickly and effectively, for example because it:

- a. Is genuine but mistaken; or
- b. Relates to a non-serious matter, such as a minor and accidental breach of an internal policy or procedure (e.g. an administrative error that can be easily rectified).

11. If a whistleblowing concern is discovered to be genuine but mistaken, the person to whom it is reported must still record the concern in writing and clearly inform the whistle-blower why s/he is mistaken. Genuine but mistaken whistleblowing concerns will never be used against the employees who raise them.

12. If a whistleblowing concern relates to a non-serious matter that can be easily rectified, the person to whom it is reported must:

- a. Record the concern in writing;
- b. Rectify any effect of the non-serious error, such as a single and minor administrative error, unless it has already been rectified; and

- c. Ensure that the individual or team responsible for the error is informed of it and encouraged to avoid it in the future. This may require training, guidance on how practice should improve and monitored target setting (e.g. the assignment of a 'mentor' to the individual or department concerned, who is responsible for checking that the error is not repeated over a specified period);
- d. Communicate the outcome of the above to the whistle-blower, preferably in writing.

**13. The Whistleblowing Officer is Miss Kathryn Burns, the BMAT CEO and Accounting Officer. She should be contacted if:**

- a. A whistleblowing concern is more serious; or
- b. A whistleblowing concern has not been addressed effectively by a member of the Senior Leadership Team or the Trust Executive; or
- c. If, for a legitimate reason, an employee would prefer not to raise it with any member of the Senior Leadership Team or the Trust Executive.

**14. If a whistleblowing concern relates to the Whistleblowing Officer,** then it should be referred to the Chair of the Trust, via Mr Ebrahim Vawda, Clerk to the Trust.

**15.** Contact details are listed at the end of this policy.

**16.** Any whistleblowing concern will be investigated in a timely manner, and appropriate corrective action will be pursued. The procedure will necessarily vary according to the gravity and nature of the incident reported. If the incident is of a disciplinary nature, BMAT will following the [Disciplinary Policy and Procedure](#).

**17. A meeting will be arranged between the SLT member, Trust Executive or Whistleblowing Officer and the employee as soon as reasonably practicable, to discuss the whistleblowing concern.**

- a. Following a reasonable request, employees may bring a colleague or trade union representative ['companion'] to any meeting under this policy. Companions must respect the confidentiality of disclosure and any subsequent investigation. If a companion cannot attend a meeting, then the employee should request to postpone to a convenient time, no more than five school days after the original date. If the companion is still unable to attend, then the employee must choose another companion.

- a. A written summary of the concern will be taken; where possible, this should be by a member of HR or the Trust Executive.
- b. The employee will be provided with a copy after the meeting.
- c. If possible, an indication will be given of how the matter will be dealt with.

18. Once a whistleblowing concern has been raised, the SLT member, Trust Executive or Whistleblowing Officer will carry out an initial assessment to determine the need for and scope of any investigation.

19. The same person will inform the employee of the outcome of the initial assessment, usually in writing.

20. Depending on the outcome of the initial assessment, the employee may be required to attend additional meetings in order to provide further information relating to the whistleblowing concern.

21. In some cases, the SLT member, Trust Executive or Whistleblowing Officer may choose to appoint an investigator or team of investigators. The Whistleblowing Officer may chair an investigation but should not investigate a whistleblowing concern without support from another investigator. Wherever possible, appointed investigator(s) should:

- a. Be a member of the Senior Leadership Team, the Trust Executive or the Board of Trustees; with
- b. Relevant experience of investigations; and
- c. Specialist knowledge of the subject matter.

22. The investigator(s) may:

- a. Hold further meetings with the whistle-blower;
- b. Hold meetings with the subject(s) of the whistleblowing concern, in order to investigate the extent and accuracy of the concern;
- c. Make written recommendations for change to enable BMAT to minimise the risk of future wrongdoing. These recommendations may be in line with other BMAT policies, such as the [Capability Policy](#), [Disciplinary Policy](#) and [Performance Management Policy](#).

23. Investigator(s) will aim to keep whistle-blowers informed of the progress of an investigation and its likely timescale. However, the need for confidentiality may prevent BMAT from disclosing specific details of an investigation e.g. if disciplinary

action is taken, then it will be a confidential matter between BMAT and the disciplined employee.

24. Investigators must keep a written record at each stage of an investigation and treat any information obtained from an investigation as confidential.

25. If a whistle-blower is found to have made false and/or malicious allegations, with or without a view to personal gain, disciplinary action will be taken against him/her, in accordance with the [BMAT Disciplinary Policy and Procedure](#).

### **III. REPORTING WHISTLEBLWING CONCERNS AND/OR DISCLOSING THEM TO AN EXTERNAL BODY**

26. [EFA guidance](#) states that the whistle-blowing individual should only contact the EFA if the Academy or Multi-Academy Trust's own procedure has already been followed. Accordingly, this policy provides an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace; it will not be necessary or appropriate to alert an external body unless:

- a. Exceptionally serious circumstances justify it;
- b. The whistle-blower believes that BMAT would conceal or destroy the relevant evidence;
- c. The whistle-blower believes they would be victimised by BMAT;

27. However, the law recognises that in some exceptional circumstances, it may be appropriate for whistleblowing concerns to be reported to an external body or regulator.

28. It will very rarely, if ever, be appropriate to alert the media and the act of doing so may result in legal action being taken by BMAT against the disclosing employee.

29. Employees are strongly encouraged to seek advice before reporting a concern to an external body. The independent whistleblowing charity, [Public Concern at Work](#), operates a confidential helpline. Their contact details are at the end of this policy.

30. Whistleblowing concerns usually relate to the conduct BMAT employees, but they may relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. Employees are encouraged to report such concerns internally in the first instance.

31. Reporting. It is the responsibility of the Whistleblowing Officer only to report any incident of proven malpractice to BMAT Trustees and/or Governors.

#### **IV. CONCERNS OR COMPLAINTS ABOUT THE HANDLING OF A WHISTLEBLOWING MATTER**

32. BMAT cannot always guarantee the outcome sought by employees with whistleblowing concerns. However, BMAT will try to deal with concerns fairly, objectively and sensitively. By using this policy, employees can help BMAT to achieve its aims, in the interests of all members of the BMAT and wider community.

33. If an employee is dissatisfied with the way in which their whistleblowing concern was handled under this policy, s/he may consider raising it with the EFA, which takes all genuine whistleblowing concerns seriously. Contact details for the EFA and other useful professional organisations are listed at the end of this policy.

#### **V. PROTECTING AND SUPPORTING WHISTLEBLOWERS**

32. Whistle-blowers may worry about possible repercussions. BMAT aims to encourage openness and will support employees who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

33. Employees must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. I

34. If a whistle-blower believes that s/e has suffered any such treatment, s/he should inform the Whistleblowing Officer immediately (or the Chair of the Trust, via the Clerk to the Trust, if the detrimental treatment involves the Whistleblowing Officer).

35. If employees threaten or retaliate against whistle-blowers in any way, they will be subject to disciplinary action, under the [BMAT Disciplinary Policy and Procedure](#).

#### **VI. LIST OF CONTACTS**

36. Whistleblowing Officer – Miss Kathryn Burns – BMAT MD and Accounting Officer:

- a. [kburns@beaconacademytrust.co.uk](mailto:kburns@beaconacademytrust.co.uk) ;
- b. 020 8551 4954;
- c. Beal High School, Woodford Bridge Road, Ilford, IG4 5LP.

37. Chair of the Trust – Mr Mel Woodcock, contactable through Mr Ebrahim Vawda,

Clerk to the Trust:

- a. [evawda@beaconacademytrust.co.uk](mailto:evawda@beaconacademytrust.co.uk)
- b. 020 8551 4954.
- c. Beal High School, Woodford Bridge Road, Ilford, IG4 5LP.

38. EFA:

- a. [Procedure for dealing with Complaints about Academies](#)
- b. [‘Contact Us’ Form](#)
- c. Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.

39. Public Concern at Work:

- a. Whistleblowing Advice Line – 020 7404 6609