



## **WHISTLEBLOWING POLICY**

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## CONTENTS

1. POLICY SUMMARY AND GUIDING PRINCIPLES.....	3
2. MAIN LEGISLATIVE AND NATIONAL GUIDANCE AND OTHER RELEVANT DOCUMENTS.....	5
3. PROCEDURES.....	5
4. ROLE AND RESPONSIBILITIES.....	7
5. COMPLAINTS.....	8
6. FURTHER GUIDANCE & INFORMATION.....	8

### **Equality Impact Assessment**

We will do all we can to ensure that this policy does not discriminate, directly or indirectly. We shall do this through regular monitoring and evaluation of our policies. On review we shall assess and consult relevant stakeholders on the likely impact of our policies on the promotion of all aspects of equality, as laid down in the Equality Act (2010). This will include, but not necessarily be limited to: race; gender; sexual orientation; disability; ethnicity; religion; cultural beliefs and pregnancy/maternity.

## 1. POLICY SUMMARY AND GUIDING PRINCIPLES

### Introduction

- 1.1 This policy sets out the principles that enable you to raise concerns about a danger, risk, malpractice or wrongdoing that affects others, without fear of adverse consequences such as harassment or victimisation.
- 1.2 The BLP Board of Directors are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious and legitimate concerns about any aspect of the Trust's work, to come forward and voice those concerns through accessible channels rather than overlooking the issues or discussing them externally. Making your disclosure under this policy will enable the school / Trust to address any risks as early as possible
- 1.3 It is recognised that certain cases will have to proceed on a confidential basis. This policy sets out the principles that enable you to raise concerns about a danger, risk, malpractice or wrongdoing that affects others, without fear of adverse consequences.
- 1.4 In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns in the public interest.

### Aims and Scope of the Policy

- 1.5 Aims
  - provide avenues for you to raise concerns and receive feedback on any action taken
  - allows you to take the matter further if you are dissatisfied with the Trust's response; and
  - reassure you that you will be protected from reprisals or victimisation for whistleblowing in the public interest.
- 1.6 There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the Trust. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, although the Trust reserves the right to determine which procedure is appropriate.

### What is a concern?

- 1.7 Concerns to be reported under this policy may relate to something which involves an issue in the public interest and which you have reasonable belief to be true, for example where:
  - 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 obligation to which that person is subject;
  - conduct is likely to damage the Trust's reputation;
  - is against the Trust's Contract Procedure Rules, Financial Procedure Rules or other policies;
  - falls below established standards or practice;
  - amounts to improper conduct, including serious misuse or abuse of authority;
  - a miscarriage of justice has occurred, is occurring or is likely to occur;
  - the health and safety of any individual had been, is being or is likely to be endangered;
  - the environment has been, is being or is likely to be damaged;
  - bribery
  - mismanagement of funds has occurred, is occurring or is likely to occur;
  - negligence;

- unauthorised disclosure of confidential information;
- abuse (e.g. physical, sexual);
- discrimination to any worker or service recipient e.g. disability, race etc.; or
- the information tending to show any of the above is being or is likely to be concealed.

If your concern is regarding;

- The safeguarding of children or young people, please call 0113 376 0336 (option 3) during office hours and the Children's Emergency Duty team on 0113 376 0469 out of normal office hours.
- The safeguarding of vulnerable adults, please call 0113 222 4401 (minicom: 0113 222 4410) during office hours and 07712 106378 at all other times.
- Suspected Benefits Fraud it should be reported to Benefit Fraud by phoning DWP National Benefit Fraud Hotline 0800 854 440 or by visiting the website on [www.gov.uk/report-benefit-fraud](http://www.gov.uk/report-benefit-fraud) or writing to National Benefit Fraud Hotline Mail, Handling Site A, Wolverhampton, WV98 2BP

## **Safeguards**

### Protection from reprisal

- 1.8 The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Employees who make a disclosure that is deemed to be in the public interest are protected from suffering a detriment in their employment under the Public Interest Disclosure Act 1998 (PIDA). The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you have reasonable belief to be true and to be in the public interest. This will include disciplinary action against those that subject an individual to detriment as a result of the whistleblowing. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.
- 1.9 Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact your union, the Head Teacher, the Chair of the Governing Body, the Chief Education Officer or the BLP Board of Directors.

### Confidentiality

- 1.10 The Trust treats the details of all whistleblowers in confidence and will not intentionally divulge your identify without your consent. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and in some circumstances a statement by you may be required as part of the evidence.

### Anonymous Allegations

- 1.11 Allegations can be made anonymously. However, this policy encourages you to provide your name and contact details when making your allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.
- 1.12 Anonymous allegations will be considered wherever possible at the discretion of the Trust. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:
- the seriousness of the issues raised
  - the credibility of the concern; and

- the likelihood of confirming the allegation from other, attributable sources

#### Untrue or Malicious Allegations

- 1.13 If you make an allegation in the public interest and which you had a reason to believe was true, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations which you could not have reasonably believed was true, appropriate action may be taken against you including disciplinary action.

## **2. MAIN LEGISLATIVE AND NATIONAL GUIDANCE AND OTHER RELEVANT DOCUMENTS**

Public Interest Disclosure Act (1998)  
Data Protection Act (2018)  
Freedom of Information Act (2000)  
Employment legislation  
Employment policies  
The Enterprise and Regulatory Reform Act (2013)  
General Data Protection Regulation 2018

## **3. PROCEDURES**

### How to Raise a Concern

- 3.1 It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the Trust with an opportunity to address the associated issues as early as possible. The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.
- 3.2 As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should contact the Head Teacher, the Chief Education Officer, the Governing Body or the BLP Board of Directors.
- 3.3 You may invite your trade union or professional association to raise a matter on your behalf.
- 3.4 Concerns may be raised in writing and/or by email to the following. All referrals made will be treated in the strictest of confidence.
- Your manager
  - Head Teacher
  - Chief Education Officer
  - Chair of Governing Body
  - Chair of the BLP Board
- 3.5 Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, such as:

- The background and history to the case;
- The reason why you are particularly concerned
- Any specific details available including names, dates, times and places;
- Details of any particular conversations that support the concerns;
- Details any personal interest that you may have in the matter; and
- How you think that things may be put right, if possible.

3.6 If a concern is discussed with someone directly involved then it creates an opportunity for evidence to be tampered with or removed. Concerns should not be discussed with others who are not involved in an appropriately structured investigation. Doing so may leave you open to accusations of making slanderous or libellous comments should your concerns be unfounded, as these could damage the reputation of individuals and the Trust even if there is no evidence of any wrongdoing.

3.7 There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If you are at all unsure about the gathering of evidence, advice is available from the Headteacher / Chief Education Officer / Chair of Governors / CEO or other senior member of BLP staff.

How the BLP Will Respond

3.8 The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- be investigated internally, (this is the most likely option)
- be referred to the Police
- be referred to the external auditor
- form the subject of an independent inquiry
- or any combination of the above

3.9 In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

3.10 Some concerns may be resolved by agreed action without the need for investigation.

3.11 Within ten working days of a concern being received, where appropriate, the Trust will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter (including potential timescales)
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place and, if not, why not.

3.12 The amount of contact between the person(s) considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

3.13 When any meeting is arranged, you have the right, if you wish, to be accompanied by a Union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.

3.14 The Trust will take steps to minimise any difficulties that you may experience as a result of raising a

concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will advise you about the procedure.

- 3.15 The Trust acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

#### How the Matter can be Taken Further

- 3.16 This policy is intended to provide you with an avenue to raise concerns within the organisation. The Trust hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, the following are possible contact points.

- Relevant professional bodies or regulatory organisations
- Your union
- The Health and Safety Executive (HSE)
- The Information Commissioner
- Your local Council Member (if you live in the area of the Council). A list of Council Members is available from Members Service (0113) 2243206 or on the internet at <http://democracy.leeds.gov.uk>
- Your solicitor
- The Police
- Public Concern at Work 020 7404 6609 <http://www.pcaw.org.uk/> (independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)
- The Department for Business, Energy and Industrial Strategy [www.gov.uk/beis](http://www.gov.uk/beis)

- 3.17 If you do take the matter outside the Trust, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. If you have any queries as to what constitutes confidential information, please seek advice.

#### Support for whistleblowers

- 3.18 Everything possible will be done to manage employment relationships following a genuine and reasonable concern being raised.

## **4. ROLE AND RESPONSIBILITIES**

### The BLP Board of Directors

The Board of Directors has overall responsibility for:

- maintaining and operating the policy
- annual review of the policy
- annual report on the effectiveness of the policy
- approving amendments to the policy
- promoting the policy periodically

### Headteachers

Headteachers of individual schools will:

- maintain a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) and will report as necessary to the BLP Board of Directors via the CEO.

### Managers/Leaders

To undertake investigations without undue delay. To maintain confidentiality.

Employees

To raise issues of concern responsibly.

Others

As an employee of a contractor of the school/Trust or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The Trust is committed to encouraging all individuals, including non-Trust employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as Trust employees.

**5. COMPLAINTS**

An individual wishing to make a complaint about anything relating to this policy should refer to the BLP Complaint Policy published on the BLP Website.

**6. FURTHER GUIDANCE & INFORMATION**

Further guidance and information to support the implementation of this policy is available in a separate document published by the BLP.