

**Royal Wootton Bassett Academy Trust
Whistleblowing Policy**

Written by: AEL **RWBAT Responsibility:** GCr/AEI

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Relevant Legislation: The Bribery Act (2010)
Employment Rights Act 1996
Public Interest Disclosure Act 1998

Related Policies:

Anti-Bribery Policy
Health and Safety Policy

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1. Introduction

Employees may, in properly carrying out their duties, have access to, or come into contact with, information that indicates there is something seriously wrong within the Trust. Staff who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. They may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy/Trust. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, all staff must remember that the welfare of the students is paramount.

Royal Wootton Bassett Academy Trust (RWBAT) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Disclosure Policy is intended to encourage and enable staff to raise serious concerns within the Trust/Academy rather than overlooking a problem or blowing the whistle outside.

This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and seeks to bring into the open concerns of the staff and public relating to issues concerning dishonesty involving the Trust.

This policy supports the Trust's Anti-Fraud and Corruption Policy and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable colleagues to raise serious concerns within the Academy/Trust, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.

2. Aims and scope of the policy

This policy aims to:

- Provide avenues for colleagues to raise concerns and receive feedback on any action taken
- Allow colleagues to take the matter further if they are dissatisfied with the Academy's/Trust's response
- Reassure colleagues that they will be protected from reprisals or victimisation for whistleblowing in good faith

There are existing procedures in place to enable colleagues to lodge a grievance relating to their own employment. This Disclosure Policy is intended to cover concerns that fall outside the scope of that procedure.

That concern may be about something that:

- Is unlawful
- Is contrary to the Trust policies
- Falls below established standards or practice
- Amounts to improper conduct

For example (this list is not exhaustive):

- Malpractice or ill treatment of a colleague
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Disregard for legislation, particularly in relation to health and safety at work
- Breach of Financial Regulations
- Showing undue favour over a contractual matter or to a job applicant
- A breach of any code of conduct or protocol
- Information on any of the above has been, is being, or is likely to be concealed

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

3. Safeguards

Harassment or Victimisation

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. The Trust will not tolerate harassment or victimisation and will take action to protect colleagues when they raise a concern in good faith. The Trust will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the RWBAT Disciplinary Procedures.

This does not mean that if colleagues are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

For **allegations against staff** please see Appendix A at the back of this document.

Confidentiality

The Trust will do its best to protect a colleague's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by colleagues may be required as part of the evidence.

Anonymous allegations

This policy encourages colleagues to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Trust.

In exercising the discretion, the factors to be taken into account would include the:

- Seriousness of the issues raised
- Credibility of the concern
- Likelihood of confirming the allegation from an attributable source

False allegations

If colleagues make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, colleagues make malicious or vexatious allegations, disciplinary action may be taken against them.

4. How to raise a concern

We encourage all our staff to follow the internal procedures outlined in this policy, but understand that in some cases you may feel it is necessary to take your concerns to external authorities. This should, however, be done only as a last resort. Staff should only approach external authorities regarding their concerns without discussing them internally first if:

- They feel that they are being discriminated against and that there is no internal authority that can be contacted with trust
- They reasonably believe that they will be victimised if they follow internal procedures for whistle-blowing
- They believe that the concern that they have raised has not been taken seriously or acted upon correctly

We urge staff who take their concerns to external authorities to be careful not to disclose any confidential information. Information that is confidential and should therefore not be disclosed should be outlined in your contract of employment.

The authorities that may be of help to you are:

- Local Safeguarding Children Board
- External Auditor
- Education Funding Agency
- Financial Services for Schools
- Ofsted
- Police
- Health & Safety Executive
- Public Concern at Work (<http://www.pcaw.org.uk/>)
- Relevant professional bodies or regulatory organisations
- Local Council member (if the staff member lives in the area of the Council)
- Governor Support Team
- Department for Education
- Local Citizens Advice Bureau

5. How the Trust will respond

The Trust will investigate all allegations and concerns but the act of investigation does not indicate that the Trust has accepted the allegations as true.

Usually, the first course of action will be one of the following:

- An investigation by managers, or through the disciplinary process
- An investigation under other procedures such as child/adult protection
- An investigation under procedures designed to deal with allegations made against professionals
- A referral to the Police
- A referral to the external auditor or other external investigation
- An investigation under other forms of prosecution and inspection such as the protection of Public Health and Safety
- A referral to an independent investigator

Any concerns that fall under specific procedures will be followed up as described in their specific policy, e.g. child protection and safeguarding issues will be followed up as described in the Trust's child protection and safeguarding policy.

Concerns will usually be dealt with in this way:

1. Staff will raise their concern with their manager, either in person or in writing. If their manager is the subject of the concern, they should go straight to the Headteacher. Staff will be dealt with in confidence and invited to an interview to discuss the allegation. Staff can go straight to the Chair of the Governing Board with their concern, but they will be asked to explain why they did not feel comfortable taking it to a member of the Leadership Team
2. The member of the Leadership Team that has heard the concern will decide upon the next course of action. If they decide that it is a genuine concern, and that it is appropriate to follow the whistle-blowing procedure, they may take the matter to the Headteacher or the Chair of the Governing Board.

6. How the matter can be taken further

This policy is intended to provide colleagues with an avenue to raise concerns within the Trust. The RWBAT hopes colleagues will be satisfied. If they are not and feel that it is right to take the matter outside the Trust, the following are possible contact points:

- The Local Governing Body
- Chair of Governors
- The Chief Executive Officer
- The Trust Board of Governors
- The Chair of the Trust Board of Governors
- The External Auditor
- Relevant professional bodies or regulatory organisations
- Solicitor
- The Police
- An independent person or organisation nominated for the purpose by the Academy

Public concern at work

If colleagues do take this matter outside the Trust, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. Colleagues should check with the contact point about that.

7. The Monitoring Officer

The Monitoring Officer (Headteacher) has overall responsibility for the maintenance and operation of this policy and they will liaise as necessary with the Governing Body and Chair of Governors.

The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger colleague confidentiality) and will report as necessary to the Governing Body.

8. The Law

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

The Act is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work. For the avoidance of doubt, financial issues are covered by Section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988.

Appendix A Allegations Against Staff Flowchart



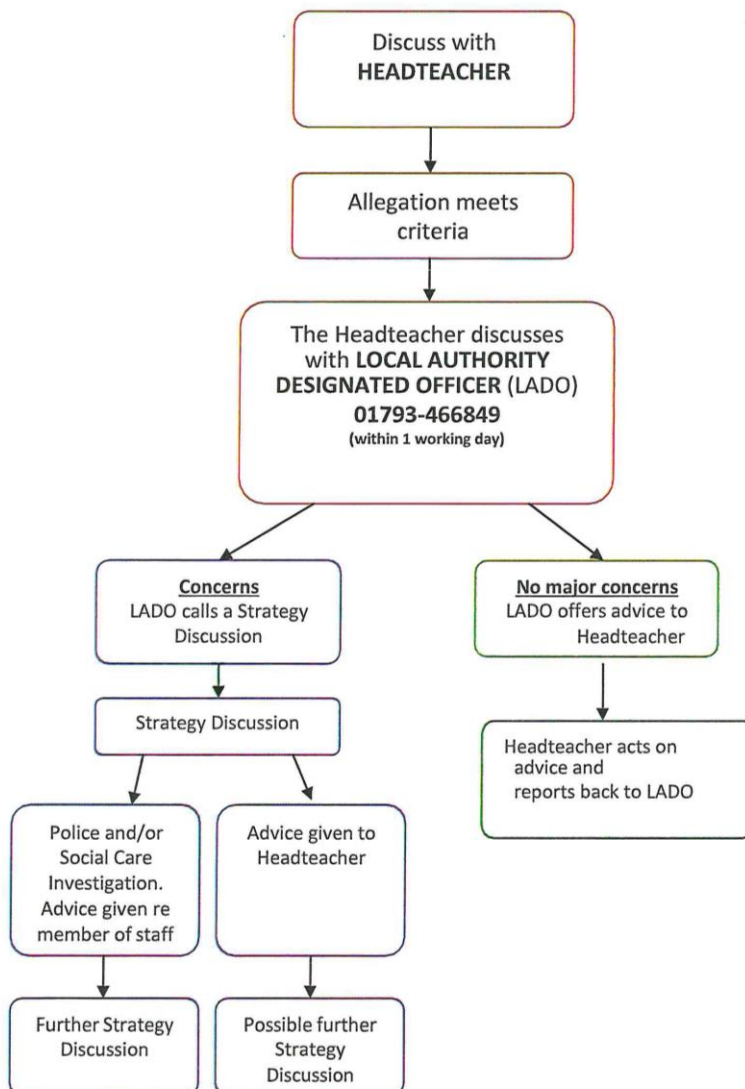
Allegations against Staff Flowchart

For more detailed guidance, please refer to www.swcpp.org.uk or www.swindonlscb.org.uk

An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

If you have a concern that a person who works with children and young people may have behaved inappropriately or you have received information that may constitute an allegation you should:



In the event of an allegation against the Headteacher, this should be report to the Chair of the Local Governing Body.