



# Whistleblowing Policy and Procedure

*This policy applies to The Beckmead Trust and all of its institutions. For the sake of brevity, references to the “Trust” in the policy document are taken to mean both the Trust itself as well as all of its individual institutions.*

Publication Date	July 2021
Version Number	1.1
Related Legislation	Employment Rights Act 1996 Public Interest Disclosure Act 1998 Enterprise and Regulatory Reform Act 2013
Related Policies, Strategies and Other Documents	Grievance Policy Complaints Policy Safeguarding Policy Data Retention Policy General Data Protection Regulation
Policy Owner	Trust Board
Approval Level	People and Pay Committee
Policy Author	CEO and Company Secretary
Applies To	All employees of The Beckmead Trust including trainees and agency workers
Date Communicated to Staff	On website
Responsibility for Deployment	Headteachers
Last Review	N/A
Next Review Due	07 / 2022

## **This Policy Is informed by the Founding Values of the Trust**

**Love** will be enacted through person-centred, nurturing, compassionate education and care.

**Flourishing** will be enabled through schools and staff who promote transformation, and energetic practice that allows all members of the learning community to thrive.

**Social Justice** is delivered by school systems, high expectations and pedagogical excellence that ensures fairness, equality and democracy. • **Community:** we will at all times be accountable to the communities we serve. We will seek out and listen the views of parents, carers and children and young people in our care. We will also aid transition by listening to employers and training providers

### **In addition, this policy is related to the following principles:**

**Value for money** – the trust must bring benefit to students. Management structures and shared support services must be efficient and effective, ensuring that resources for teaching and learning are maximized.

**Inclusivity** – member organisations are committed to the full range of students in their communities. They adopt a ‘growth mind-set’ attitude and seek improved outcomes through the quality of provision and curriculum and not through selection or exclusion.

**Safety** – The trust will provide students and staff with a safe environment based on respect for all and free from prejudice and intimidation.

**Accountability** – we are accountable to our communities who fund our activity and, rightly, expect excellence and professionalism in all that we do.

**Integrity** – member institutions and their staff are on a journey of self-improvement. This requires honesty, a self-critical culture, evidence-based analysis and a rejection of arrogance.

**Celebration** – helping people progress through education is a privilege. We celebrate our successes, our students' successes and those of our partner institutions.

## **1. What Is Whistleblowing?**

1.1 Whistleblowing is the term used when a worker passes on information concerning wrongdoing. This is referred to as “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

1.2 To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law and should be dealt with instead through the Trust's Grievance Policy or the Trust's Complaints Policy.

1.3 The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- a) criminal offences (this may include, for example, types of financial impropriety such as fraud)
- b) failure to comply with an obligation set out in law
- c) miscarriages of justice
- d) the endangering of someone's health and safety
- e) damage to the environment
- f) covering up wrongdoing in the above categories

Any Safeguarding or Child Protection concerns should be reported and dealt with separately under the Trust's Safeguarding Policy.

1.4 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle’.

1.5 You are classified as being a “worker” if you are an employee of the Trust. This definition includes all types of employment. Trainees and agency workers are also classified as workers and receive the same protections.

## **2. The Beckmead Trust Approach to Whistleblowing**

2.1 The founding principles of the Trust include a commitment to Safety, Accountability, and Integrity. As such, workers are encouraged to disclose any

serious concerns that they may have in terms of the categories listed above and will be supported in doing so. The Trust will also take all reasonable steps to ensure that anyone making such a disclosure is not subject to any harassment, discrimination, or detrimental treatment.

2.3 Concerns will be treated seriously and actions taken in accordance with this policy. If you ask for the matter to be treated in confidence the Trust will do its utmost to respect your request and will take all reasonable steps to achieve this. However, it is not possible to guarantee confidentiality as there may be a limited number of occasions where this is not possible. Should this be the case (e.g. due to a statutory reporting requirement) the matter will be discussed with you first. The Trust will be sensitive to any concerns you may have as a result of any steps taken under this procedure.

2.4 Entirely anonymous disclosures are not encouraged as these can be difficult to investigate fairly or to bring to a conclusion. The Trust therefore reserves the right to determine to what extent its Whistleblowing policy and procedure can be applied to anonymous disclosures. In making this judgement, the Trust and its institutions will consider the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from other attributable sources.

2.5 If you disclose a concern that is not subsequently confirmed by an investigation, no action will be taken against you by the Trust. However, if you make a disclosure maliciously, or for your personal benefit, disciplinary action could be taken against you.

2.6 A confidentiality or “gagging” clause (e.g. as part of a compromise or settlement agreement) will never be used by the Trust as a way of preventing you from making a disclosure or blowing the whistle. Such clauses do not apply to whistleblowing.

2.7 When gathering and processing personal data as part of any whistleblowing investigation, the Trust will comply at all times with the requirements of the General Data Protection Regulation.

### **3. How You Can Raise A Concern**

3.1 It is essential that you feel comfortable and safe in making any disclosure, and therefore a number of options exist as to who you can make your report to. This can be particularly important if you need to make your disclosure at a safe distance from any individual(s) that may feature in your concerns.

3.2 As a first step, you should normally raise your concerns with your immediate line manager. However, if for any reason you feel that this is not possible, then you can also report your concerns directly to those who sit above them in the structure - this can include members of the central and executive team at The Trust.

3.3 If you would prefer to report your concerns outside of the line management

structure, then this can be done by making your disclosure either to the Chair of the Trust Board. Regardless of who you choose to make your report to, this policy will be applied in the same way. The contact details for all of these individuals are as can be found on the shared drive.

3.4 If you're instructed to cover up a wrongdoing, the person who tells you to do this is committing a disciplinary offence. If you're told not to raise or follow up any concern, even by a person in authority such as a manager, you shouldn't agree to stay silent. You should report the matter and follow the guidance of this policy.

3.5 Initially, your concerns can be raised either verbally or in writing. The earlier you express your concern the easier it is for the Trust to take action.

3.6 You may invite a work colleague or trade union representative to accompany you to any meetings or interviews that you are asked to attend in connection with the concerns that you have raised.

#### **4. How Will The Trust Respond?**

**STEP 1** The Trust will acknowledge receipt of your disclosure within 5 working days. If your concern has been raised verbally, the person who you made your disclosure to will also arrange to meet with you within this timeframe in order to draft and agree a written statement of your concerns.

**STEP 2** Initial enquiries will be made to decide whether or not an investigation is needed and what form this should take. In making this judgment the overriding concern of the Trust will be the public interest.

**STEP 3** The Trust will contact you again within 10 working days of your disclosure and will tell you in writing how the matter will be dealt with. You will also be given an estimate of how long it will take to provide a final response.

**STEP 4** Following appropriate enquires and/or investigations, the Trust will advise you in writing, subject to any legal constraints, of the actions that have been taken by the Trust as a result of your disclosure. You will also be informed if the Trust decides that your disclosure does not merit any further action, in which case the reason (s) for this decision will be given.

## **5. What To Do If You Are Not Satisfied**

5.1 The Trust very much hopes that you will be satisfied with the way that your concerns are dealt with. This policy is intended to make sure that your disclosure is properly considered and that you are kept fully informed of any actions that are taken and of a final outcome. However, if you are dissatisfied with this internal process, you can consider telling someone else externally. However, an external disclosure must be made to an appropriate body as prescribed by the law. A list of these bodies can be found at the GOV.UK website at the following link:

**<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>**

## **6. What To Do If You Are Treated Unfairly**

6.1 If you feel that you have been treated unfairly after whistleblowing, you can take your case to an employment tribunal. Further information can be found at the GOV.UK website:

**<https://www.gov.uk/employment-tribunals>**

6.2 Further advice can also be sought from the Advisory, Conciliation and Arbitration Services (ACAS):

**<https://www.gov.uk/acas>**

6.3 You must raise any claim of unfair dismissal within 3 months of your employment ending. You must notify ACAS if you want to take your case to an employment tribunal.

6.4 If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

## **7. Governance and Record-Keeping**

7.1 The Trust Board has overall responsibility for the operation and deployment of this policy but has delegated this responsibility to the Chief Executive. The Trust Board also has a responsibility to maintain the policy in terms of its content and compliance with relevant legislation. The Chief Executive will ensure that the Trust maintains records of all disclosures and that a summary of these is reported to the Trust Board on an annual basis, or more frequently if required.

7.2 Records regarding disclosures will be kept in accordance with the Trust's Data Retention Policy and in compliance with GDPR