



Title	Whistleblowing Policy
Purpose	<p>Barnet Special Education Trust is committed to the highest possible standards of conduct and integrity.</p> <p>This document intends to provide assurance to any employee who has a serious concern about an activity or behaviour they have witnessed to raise it in confidence without fear of reprisal.</p>
Relevant to	Trustees, Local Governors, all staff.
Responsible Officer	Headteacher (Accounting Officer)
Introduced	1/2017
Modification History	nil
Related Policies	<p>Anti-Fraud and Corruption Policy</p> <p>Financial Regulations</p> <p><i>Staff Discipline, Conduct and Grievance Policy</i></p> <p>Equal Opportunities Policy</p> <p>Complaints Procedure</p>
Date Due for Review	1/2020
Relevant committee for review	LGB Finance Committee
Agreed at meeting of Trust	
Agreed at meeting of Local Governing Body	30 th March 2017
Filed as	BSET_Pol.4_Whistleblowing_Policy_Vs1_0117.docx

1. INTRODUCTION

- 1.1. Barnet Special Education Trust commits to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, or governors become aware of activities which give cause for concern, the following whistleblowing policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.
- 1.2. Throughout this policy, the term “whistleblower” denotes the person raising the concern or making the complaint.
- 1.3. The provisions of this policy apply to matters of financial mismanagement and impropriety or criminal activity and not those of more general grievance, which should be dealt with under school grievance or complaints procedures.
- 1.4. This policy is mandatory for all academies or free schools in the Trust as outlined in paragraph 2.3.5 of the Academies Financial Handbook 2016: *“Academy trusts must have appropriate procedures in place for **whistleblowing**, including making sure all staff are aware to whom they can report their concerns, and the way in which such concerns will be managed.”*

2. OBJECTIVES OF THE POLICY

- 2.1. To encourage all employees to feel confident about raising serious concerns.
- 2.2. To provide a way for individuals to raise those concerns and to receive appropriate feedback on any action taken.
- 2.3. To ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- 2.4. To reassure those who raise concerns that they will be protected from possible reprisals or victimisation provided that they have made any disclosure in good faith.

3. WHEN TO USE THIS PROCEDURE

- 3.1. This policy is intended to cover major concerns that fall outside the scope of other procedures. The type of activity or behaviour, which is dealt with under this policy includes financial matters such as:

- The criminal offence of fraud, corruption or theft
- Any other criminal activity
- Manipulation of accounting records and finances
- Inappropriate use of academy assets or funds
- Decision-making for personal gain
- Serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- Unauthorised use of public funds
- False insurance claims
- Abuse of position
- Misconduct
- Miscarriages of justice

- Abuse or ill treatment of any member of staff or service recipient
- Abuse or ill treatment of vulnerable adults or children
- Danger to Health and Safety
- Deliberate non compliance to a school policy, an official code of practice, law or regulation
- Deliberate concealment of information relating to any of the above

3.2. There are existing procedures that enable employees to lodge a grievance relating to their own employment or for the public to make a complaint. This policy is not to be used to follow up issues that have already gone through grievance or complaints procedures.

4. REPORTING A CONCERN

- 4.1. It is important to raise concerns while the problem is in its early stages as taking action to rectify matters will be easier.
- 4.2. The whistleblower is encouraged to raise the matter internally in the first instance, to allow those academy staff and governors in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.
- 4.3. However if they feel that this would be inappropriate or ineffective there are two designated individuals to specifically deal with such matters and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter:
 - **Headteacher**
 - **Chair of Local Governing Body**
- 4.4. The whistleblower may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters should be treated in strict confidence and anonymity respected wherever possible.
- 4.5. Alternatively if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed as follows:
 - If the Headteacher's activities are part of the concern, then the Chair of Local Governors is the appropriate contact.
 - If the activities of the Local Governing Body are part of the concern, the matter should be raised with the Chair of Trustees of Barnet Special Education Trust
 - If the concern is about activities as approved by the Trust then the appropriate contact is the Education Funding Agency.
- 4.6. The person reporting the matter will not be expected to prove beyond doubt the truth of an allegation but will need to demonstrate that there are reasonable grounds for their anxiety.
- 4.7. A full investigation will be carried out and action taken where allegations are found to be proven.
- 4.8. Staff may invite their trade union or professional association representative or a friend to be present during any meetings or interviews in connection with concerns reported.

- 4.9. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect a member of staff, including the whistleblower.

5. CONFIDENTIALITY

- 5.1. All concerns will be treated in confidence and every effort will be made, subject to any legal constraints, not to reveal the employee's identity. At the appropriate time, however, the member of staff may need to be called as a witness.
- 5.2. This policy encourages employees to give their names when making allegations. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Headteacher/Principal.
- 5.3. In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;
 - The credibility of the concern;
 - The likelihood of confirming the allegation with credible sources.

6. How will the matter be progressed?

- 6.1. The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, legal, personnel or finance officers, or the police.
- 6.2. Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), in conjunction where appropriate with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.
- 6.3. The whistleblower will be informed of the outcome of the investigation when the matter is completed unless this is not possible for legal reasons. Sometimes this can take a long time, especially if there is a long investigation or court proceedings are involved. Depending on the nature of the allegation and whether or not it has been substantiated, the matter will be reported to the governing body, the Trust or the Educational Funding Agency (EFA).

7. Protection from reprisal

Anyone who makes a report in good faith will be protected from victimisation or reprisal. The Public Interest Disclosure Act 1998 gives statutory protection for employees who report in good faith on crime, illegality, or deliberate concealment of these. The protection covers reports to the employer or a regulating authority. The Act protects the employee from being subjected to discipline or dismissal or any other detriment from making the report.

8. Raising unfounded malicious concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns, this will also be taken seriously and may constitute a disciplinary offence.

9. If you are not satisfied

9.1. If you are not satisfied with the response to your whistleblowing report within school you can contact the Chair of Trustees.

9.2. The Trust hopes that you will be satisfied with the whistleblowing routes offered by this policy. But if you are not and you want to take the matter up outside the Trust, you can contact your ward Councillor, the external auditor, the [Education Funding Agency](#), or the police, or take legal advice. If you do this make sure that you do not put yourself at legal risk by disclosing confidential information in circumstances where that is not allowed. Ask the person you contact about this.

10. Conclusion

Existing good practice in terms of systems of internal control both financial and non-financial and the external regulatory environment in which academies operate ensures that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the academy. This document the Trust's commitment that concerns are taken seriously and action will be taken.