



Whistleblowing Policy

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What is whistleblowing?

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. In this guidance, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

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 in particular that personal grievances and complaints are not usually covered by whistleblowing law. 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:

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

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure (PIDA) Act 1998). 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’.

BN1 Arts recognises that it is good practice to create an open, transparent and safe working environment where staff feel able to speak up. Although the law does not require BN1 Arts to have a whistleblowing policy in place, the existence of a whistleblowing policy shows that BN1 Arts has commitment to listen to the concerns of workers. By having clear policies and procedures for dealing with whistleblowing, an organisation demonstrates that it welcomes information being brought to the attention of management.

BN1 Arts is committed to the following:

- Recognising staff are valuable ears and eyes
- Ensuring that our culture is open and supportive
- Training and support to ensure that staff can easily approach a range of people in the organisation.
- Being able to respond - ensuring that BN1 Arts investigates promptly, asks further questions where required and delivers the outcome of the investigation.
- Embracing the whistleblowing policy so that managers have better information to make decisions and control risk.
- Recognising that it is important that staff feel they can report concerns internally so that BN1 Arts can act promptly and put right whatever wrongdoing is found.

Aims and Scope of Policy

This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that they are encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment. This policy does not enable them to raise a concern about a breach of their own contract of employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

This policy is not limited to whistleblowing relating to safeguarding, it also includes:

- criminal offences (for example fraud)
- placing someone's health and safety in danger without remedy
- risk or actual damage to the environment
- miscarriage of justice
- breaking of the law by the institution, (for example does not have the right insurance)
- covering up of any wrongdoings
- Safeguarding staff against reprisal, harassment and violence

BN1 Arts will not tolerate harassment or victimisation of members of staff when matters are raised. Any member of staff who victimises or harasses a member of staff as a result of them having raised a concern in accordance with the whistleblowing policy will be dealt with under BN1 Arts's staff disciplinary procedures.

BN1 Arts:

- Is committed to good practice and high standards and wants to be supportive of employees.
- Recognises that the decision to report a concern can be a difficult one to make.
- Recognises that support will need to be provided to the staff member, at the time the allegation is raised, during the investigation itself and following the outcome of the investigation. The nature and type of support offered will need to be discussed and agreed with the individual staff member.
- Will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

Confidentiality

BN1 Arts recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistleblower is likely to be called in to give evidence in court.

BN1 Arts will ensure that the member of staff(s) involved in the disclosure offered all reasonable support if they cannot be kept anonymous.

Anonymous Allegations

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of students. In relation to determining whether an anonymous allegation will be taken forward the Senior Leadership Team will take the following factors into account:

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then BN1 Arts will consider taking disciplinary action against the member of staff. In the most serious of cases. This may include dismissal.

Allegations Concerning Child Protection Issues

If a staff member raises a concern relating to a child protection issue, the DSL must deal with the matter in accordance with BN1 Arts's Safeguarding Procedure. If after raising concerns related to child protection issues a member of staff still has concerns, and the issue has not been referred to Social Services by the college, the member of staff can make a direct referral to the Social Services.

There are several independent organizations that members of staff can contact anonymously for advice and guidance around child protection issues.

The NSPCC can be contacted either by phone on 0808 800 5000, via email at help@nspcc.org.uk or via their online reporting tool at nspcc.org.uk/keeping-children-safe/reporting-abuse/report

Procedure for Making a Whistleblowing Allegation

Concerns should be expressed to the DSL. If the concerns involve the DSL then the College Principal should be the first point of contact. If the member of staff feels they cannot express their concerns with the College Principal, they may raise concerns with any of the senior leadership team. If the member of staff feels they cannot express their concerns within BN1 Arts, they may raise their concerns with someone outside the organisation setting from the list of organizations in the section of this policy 'Taking the Matter Further'. Any concern about a member of SLT or the CEO must be reported to Brighton & Hove City Council who will be responsible for reporting the concerns to the LADO where necessary.

<https://www.brighton-hove.gov.uk/report-safeguarding-concern>

Where the concern relates to a child protection matter BN1 Arts's Safeguarding Procedure must be followed. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

The member of staff should put their concern in writing for the avoidance of doubt. They should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for their concerns. If they feel unable to put the matter in writing they can still raise their concern verbally and should telephone or arrange to meet the appropriate person. They can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.

Response to Whistleblowing

The matter raised may:

- need consultation with the local authority's designated social services manager for child protection/safeguarding if there is a concern relating to child protection.
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the HMRC or DofE if there are concerns about financial management or financial propriety in BN1 Arts.
- need inquiry internally in BN1 Arts.

At this stage concerns/allegations are neither accepted nor rejected.

Timescale for Response

The member of staff will normally receive a written response within 5 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing them of support available whilst matters are looked into and following the outcome of the investigation
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that they can remain anonymous.

The Inquiry Process

The person receiving the allegation will be the DSL unless the concern involves the DSL in which case the College Principal will be the first point of contact. There will be a duty on the first point of contact to deal promptly with the matter, to become the contact point for the employee raising the concern and write to the employee within 5 college days to advise them how their concern will be addressed. If required the first point of contact can obtain advice on procedure from BN1 Arts' Senior Leadership Team.

If a member of staff needs to talk to the investigating person, they are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The first point of contact will seek to keep the employee informed of progress with their concern in a timely manner. However the timescales to be followed will vary depending on the nature of the issue raised and the procedure that is being followed to address the matter.

The Report

A report will be produced following an investigation into the concern in accordance with the appropriate process. The matter and action to be taken, if any, will be determined by the person (s) who are identified in the procedure as having the delegated authority to deal with the matter.

BN1 Arts accepts that the employee needs to be assured that the matter has been properly addressed. Thus, the member of staff will be informed when an investigation has been concluded.

Note: The DSL, College Principal or SLT may, at any point, seek advice on the whistleblowing process from the Local Authority or other body, depending on the allegation/disclosure.

The DSL must report, in a general way, all whistleblowing cases on a termly basis to the SLT and to the advisory board.

All information relating to the disclosure of information will be securely held.

Accurate information relating to any subsequent investigation will be retained securely and where allegations have been proven to be unfounded this will be clearly recorded.

Taking the matter further

If no action is to be taken and/or the member of staff is not satisfied with the way the matter has been dealt with, they can make a complaint under the BN1 Arts' grievance or complaint procedure or raise their concerns with other organizations as listed below:

- the local authority
- a trade union or professional association
- a relevant professional body or regulatory organisation (for example HMRC, Department for Education or NSPCC)

APPENDIX A

Letter confirming receipt of a protected disclosure (whistleblowing) - BN1 Arts staff

Template letter to respond to an employee who has made a protected disclosure

[name]

[address]

[town]

[postcode]

[Date]

[Employee's name]

[Employee's

address]

[Employee's town]

[Employee's

postcode]

Dear [name]

I confirm that on [date] I received your [form/letter/email] dated [date] raising concerns about [state issues].

In accordance with BN1 Arts' whistleblowing policy, the first step is for you to provide me with more details of your concerns. Please find enclosed a form to set out your concerns. You should use this form to provide dates, times, locations and the identities of those involved in the wrongdoing, and details of any witnesses who can corroborate the allegations. Once your concerns have been sufficiently clarified, I (if DSL is implicated in the wrongdoing, the College Principal) will provide you with a written response as to how the matter will be investigated.

OR

In accordance with BN1 Arts' whistleblowing policy, the first step is for you to provide me as a College Principal with more details of your concerns. Normally, the DSL would investigate your concerns. However, as you have implicated them in the wrongdoing, I will be your initial point of contact and will provide you with a written response as to how the matter will be investigated. Please find enclosed a form to set out your concerns. You should use this form to provide dates, times, locations and the identities of those involved in the wrongdoing, and details of any witnesses who can corroborate the allegations. Once your concerns have been sufficiently clarified, I will provide you with a written response as to how the matter will be investigated.

Please be assured that the fact that you are the source of the disclosure will be kept confidential as far as possible. However, it is possible that individuals you work with may find out. If you are subjected to any detriment, or are bullied or harassed, for making a disclosure, you should inform me immediately and an investigation into the matter will follow to deal with perpetrators.

If you have any queries or concerns in the meantime, please do not hesitate to contact me

Yours sincerely

DSL or College Principal (if
DSL is implicated)

WHISTLE BLOWING DISCLOSURE FORM –COLLEGE BASED STAFF

When to use this model whistleblowing form:

- For the employee to make a formal disclosure.
- Making a public interest disclosure (whistleblowing)

This form is intended for use by any individual working in BN1 Arts (including contractors, agency workers and volunteers) who wish to raise an issue about wrongdoing.

This form should be used to report wrongdoing within BN1 Arts (for example, misconduct of a child protection nature, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under BN1 Arts' whistle blowing policy or grievance procedure, please read BN1 Arts' whistleblowing policy, which provides an example of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult with the DSL or any member of SLT for further advice. If you are implicating the DSL then you should contact the College Principal or a member of the senior leadership team. Once you have submitted this form, BN1 Arts' whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone you may have implicated. Below.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the college will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to the DSL, (or BN1 Arts's College Principal if you are implicating the DSL) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal public interest disclosure (whistleblowing)

Employee's name:

Employee's job title: Date:

Does your public interest disclosure relate to the Designated Safeguarding Lead Summary of disclosure:

Yes/No

Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

Individuals involved:

Please provide the names and contact details of any people involved in your concerns, including witnesses.

Outcome requested:

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

Declaration

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.

Form completed by (please print):

Signature:

For completion by the DSL or CP

Date form received:

Name of recipient and job role:

Signature: