



Bromley Youth Music Trust

Whistleblowing Policy

Bromley Youth Music Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment.

Bromley Youth Music Trust seeks to promote inclusivity and values diversity. It also seeks to ensure that the work environment for its staff is supportive, and one where individual respect is shown to all. All members of staff and students, regardless of their gender, race, ethnic background, culture, disability, sexual orientation, age, religion, socio-economic status or any other factor will be supported and encouraged to perform to their potential.

Last Reviewed	November 2021
Reviewed by	SB/GS
Date of next review	August 2022

Whistle Blowing Policy

1. Introduction

The Trustees and CEO are committed to delivering a high-quality service to its students and expect high standards from BYMT staff and contractors. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold:

- to encourage staff to raise concerns about malpractice within BYMT without fear of reprisal
- to reassure staff that concerns will be taken seriously
- to provide information about how to raise concerns and explain how the CEO and Trustees will respond

2. Scope of the Policy

This policy applies to all BYMT employees and former employees, hub partners, volunteers and contractors engaged by the BYMT.

3. What is Whistle Blowing?

In practical terms, whistle blowing occurs when a concern is raised about danger, illegality or serious bad practice that affects others. As the person blowing the whistle you will not necessarily be directly affected by the danger, illegality or bad practice. Consequently, you will not necessarily have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself.

4. Blowing the Whistle on Malpractice

Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following:

- the physical, emotional or sexual abuse of pupils or staff
- neglect of pupils or staff
- financial maladministration
- unauthorised use of BYMT funds
- fraud and corruption
- failure to comply with legal obligations
- endangering of an individual's health and safety
- damage to the environment
- a criminal offence
- failure to follow financial and contract procedure rules
- showing undue favour to a contractor or a job applicant
- deliberate concealment of information relating to any of the above

Staff should raise their concerns with the Deputy Head of Service (see below) as soon as any suspected malpractice becomes apparent. Remember that the earlier you raise concerns the easier it will be to take action. You (the whistle blower) are a witness

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to events, not a complainant and so you do not need to wait for proof of malpractice before raising concerns.

When reporting a concern, you should provide as much information and detail as possible. In particular, you should provide the full names of the people involved or who know about what is happening, dates of events and any relevant documentation. This will help the investigator to focus on the main issues quickly.

There will be some cases where it is not appropriate for you to raise concerns with the Deputy Head of Service. In those cases, you should report your concerns to the CEO but if this is not appropriate you should report your concern to Trustees, either to the Chair of the Personnel Committee or to the Chair of Trustees.

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. You will be advised whether an investigation will take place or not. When making a decision, the Deputy Head of Service, CEO or Chair of Trustees will consider whether continuing with an investigation is in the public interest.

5. Advice and Support

Bromley Youth Music Trust recognises that staff may wish to seek advice and support from their professional association or trade union before blowing the whistle and you are strongly advised to do so. One such representative or a friend may also accompany you at any meetings.

6. Confidentiality

Bromley Youth Music Trust understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, BYMT recognizes that whistle blowers may wish to raise concerns in confidence. If you (the whistle blower) make a request for the matter to be kept confidential then every effort will be made to respect this wish. At the appropriate time however, you may need to come forward as a witness.

7. Anonymous Allegations

You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate. The decision whether to investigate an anonymous allegation will be made by the Deputy Head of Service and/or CEO and/or the Trustees. When making this decision they will take into account the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

8. Protection for the Whistle Blower

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the police. The person to whom you reported your

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concern will be responsible for keeping you informed about the progress of the investigation and the action taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. BYMT will support you in this process and ensure that you are clear about what will happen.

BYMT will not tolerate harassment or victimization and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action. The fact that someone has decided to raise concerns in good faith will not be allowed to jeopardise their continuing employment with BYMT.

9. Allegations not made in Good Faith

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action.

10. Blowing the Whistle outside Bromley Youth Music Trust

In certain circumstances it may be appropriate to raise concerns outside BYMT to the appropriate "prescribed regulator". This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just a suspicion. You are advised to discuss your concerns with a legal advisor, professional association or trade union before reporting them outside BYMT

Examples of prescribed regulators are set out below:

- Department for Education
- General Teaching Council
- The Audit Commission
- The Standards Board for England
- Information Commissioner
- Environment Agency
- Health and Safety Executive
- Commissioner of the Inland Revenue
- General Social Care Council
- OFSTED
- National Care Standards Commission
- The Charities Commission

As a last resort you may choose to raise your concern outside BYMT to someone other than a prescribed regulator, e.g. to the Police or your MP. You should only do this if, in addition to the conditions above, they meet one of three preconditions, as follows:

Provided the disclosure is reasonable in all circumstances and is not made for personal gain, the preconditions are that you:

- reasonably believed that you would be victimized if you raised the matter internally within BYMT; or

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- reasonably believed that the matter would be “covered up” and there is no prescribed regulator; or
- you have already raised the matter internally or with a prescribed regulator.

11. Complaints, Grievances and Members

Employees who are aggrieved about their own employment situation should consider whether to use the BYMT grievance procedure after having discussed the matter with their professional association or trade union.