



WHISTLE BLOWING POLICY

This is a Trust-Wide Policy
which applies to all the schools within the
Trust

Date of Policy Approval: **18 October 2016**
Reviewed May 2018

Owner of Policy: **Director of HR and
Strategy**

Authorised By: **Operations Board**

Policy Review Date: **September 2020**

Distribution: **All Staff
Website**

Whistle Blowing Policy

Bright Futures Educational Trust's (BFET or the Trust) Strategy underpins all aspects of this policy and the way in which it will be applied. These elements are:

- Our vision, the best **for** everyone and the best **from** everyone;
- Two of our values; **Integrity**: We do the right things for the right reasons and **Passion**: We take responsibility, work hard and have high aspirations;
- Three of our commitments: **Collaboration and strong relationships, Supportive, challenging and fair** and **Effective communication**.

What is the Policy for?

Whistleblowing is the term used when a worker passes on information concerning perceived wrongdoing. This is usually called "making a disclosure" or "blowing the whistle". The wrongdoing will typically (although not necessarily) be something witnessed at work.

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace.

This Policy provides a framework to enable this legislative requirement.

Who is the Policy for?

The policy applies to all staff and workers employed or commissioned by the educational establishments which form part of BFET, as well as members of the Local Governing Bodies of those establishments, Trust Head Office staff, Members and Trustees and any contractors or volunteers undertaking work on behalf of the Trust.

Policy Standards

1. General

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages employees and others with serious concerns about any aspect of a School's work, or the Trust's work and/or operations to come forward and voice those concerns.

The Trust recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisal and is intended to encourage and enable staff to raise serious concerns internally, either within their own School or centrally to the head office, rather than overlooking a problem or publicly disclosing the matter.

2. Matters included

Staff who make a disclosure under this policy should believe they are acting in the public interest. This means, in particular, that personal grievances and complaints are not usually covered by whistleblowing law. Therefore, concerns raised under this Whistle Blowing Policy should be about something that is, or may be, classed as:

- An unlawful or criminal offence.
- A breach of a legal obligation.
- A miscarriage of justice.
- Mistreatment or abuse of a client or a member of the public for whom the Trust has a responsibility.
- Malpractice or ill treatment of any individual by a member of staff.
- A disregard of legislation governing health and safety at work.
- Seeking undue favour over a contractual matter or a job application.
- Non-compliance, or a breach, of the Trust on financial regulations.
- Improper conduct or unauthorised use of public funds.
- Leading to, or could lead to, damage to the environment.
- A deliberate cover up of information tending to show any of the above.

This list is for guidance only and is not intended to be comprehensive.

Personal grievances are specifically excluded from this policy if they are not in the public interest and staff should refer to the Trust's Grievance Policy.

3. Protections for the Whistle-blower

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 therefore take action to protect any person who raises a concern in good faith. It will not tolerate any resulting harassment or victimisation, including informal or indirect pressures, and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.

Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward and appropriate measures can be taken to preserve confidentiality. If a member of staff is in any doubt they can also seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline (contact details are included at the end of the policy).

4. Anonymous Allegations

The Trust hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wishes to raise a concern confidentially, the Trust will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern or an external party such as the police or Safeguarding to know the member of staff's identity, the Trust will discuss this with them.

This policy encourages people to put their name to any allegations made as concerns expressed anonymously are much less powerful, although they will still be investigated. Concerns raised anonymously make it more difficult for the matter to be investigated and for the person to be provided with feedback. It is also more difficult to establish whether any

concern is credible. However, if a person still wishes to make an allegation anonymously, this can be done through their Trade Union representative.

5. Unfounded Allegations

If an allegation is made in good faith, but is not confirmed by an investigation, no action will be taken against the person bringing the allegation.

In the case of any malicious or vexatious allegations, disciplinary action may be taken under the Trust's disciplinary policy.

6. Procedure for Raising a Concern

All staff/workers and governors are encouraged to raise any concerns using the appropriate channels and policies within their school.

- 6.1 Staff/workers should, in the first instance, raise a concern with their Line Manager.
- 6.2 If, for some reason, raising the concern with their Line Manager is inappropriate, then the concern should be raised with the Principal/Head of School.
- 6.3 For school concerns, where it is felt the matter cannot be raised with the Principal/Head of School, it should be raised with the Chief Executive Officer (CEO) of the Trust.
- 6.4 In the case of concerns relating to the Trust, rather than an individual school, the concern should be raised with the CEO of the Trust.
- 6.5 For Trust concerns where it is felt the matter cannot be raised with the CEO, it should be raised with the Chair of the Trust's Board of Trustees.
- 6.6 Concerns can be raised orally, but it is good practice for the concern to be recorded, in writing, at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible), and the reason why the individual is particularly concerned about the situation.
- 6.7 It is preferable for the above notes to be recorded, in writing, by the person making the allegation. In the case where notes are recorded by the person to whom the concern is raised, a copy will be sent to the individual making the allegation, either to their home address or via a representative, to give them an opportunity to agree it is an accurate record of the situation.
- 6.8 The Trust recognises that the earlier a concern is expressed, the easier it is to take action.
- 6.9 Although an individual is not expected to prove the truth of their allegation, they will need to demonstrate there are sufficient grounds for their concern.
- 6.10 It is recognised, and encouraged, that staff may wish to seek advice from their Trade Union representative on how best to raise any concerns.

7. The Trust/School's Response

- 7.1 The action taken by any school and/or the Trust will depend on the nature of the concern. The Trust will usually arrange a meeting with the member of staff who has raised the concern as soon as possible to discuss their concern in more detail. A member of staff may bring a colleague or trade union representative to any meeting under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 7.2 The Trust will carry out initial enquiries to assess the seriousness of the matter and the scope of any investigation. The Trust will inform the member of staff of the outcome of this assessment and how they propose to deal with the matter. The member of staff may be required to attend additional meetings to provide further information.
- 7.3 In some cases the Trust may appoint an internal investigator or team of investigators including staff with relevant experience or specialist knowledge. The investigation may employ specific procedures where these are applicable, for example in cases of child protection or discrimination, or in some cases refer the matter to another agency.
- 7.4 The member of staff will also be notified of the name of an independent person (known as the Support Officer) who will support the individual during any investigation. The Support Officer will make contact with the individual and explain his/her role: dealing with all confidentiality issues; agreeing frequency of contact and keeping them informed about the progress of the investigation. They will also inform the person investigating the concern of any further issues the individual thinks may be necessary and relevant.
- 7.5 The individual should raise with the Support Officer any concerns about the conduct of the whistleblowing process who will then take the appropriate steps to support the individual, both in the workplace and at any criminal or disciplinary proceedings which may eventually result and at which the individual may be asked to give evidence.
- 7.6 The Trust accepts that anyone raising a concern needs to be reassured that the matter has been properly addressed. Therefore, the Trust will aim to keep the member of staff who raised the concern informed of the progress of the investigation and its likely timescale. However, sometime the need for confidentiality may prevent the Trust giving the member of staff specific details of the investigation or any disciplinary or external action taken as a result. Any information shared with the member of staff about the investigation must be treated confidentially.
- 7.7 If a member of staff is not happy with the way in which their concern has been handled, they can raise it with one of the Trustees.

8. Raising Concerns with External Bodies

- 8.1 Whilst it is intended this procedure will resolve any concerns internally the law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator.
- 8.2 It will very rarely be appropriate to alert the media to a whistleblowing concern. If an individual does choose to go to the media they can expect, in most cases, to lose their whistleblowing legal rights. They must reasonably believe that the information they disclose, and any allegations contained in it, are substantially true. They cannot be acting for personal gain. It is only in exceptional circumstances that an individual can go

to the media without losing their legal rights. If they have not followed accepted procedure and gone to their employer or a prescribed person, they must reasonably believe that their employer will subject them to “detriment” or conceal or destroy evidence. Even then, their choice to make the disclosure must be reasonable.

- 8.3 The Trust strongly encourages staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed persons for reporting certain types of concern. The contact details are at the end of this policy.

Roles and Responsibilities

The Principal/Head of School has overall responsibility for the implementation of this Policy within their School.

The Chief Executive Officer has the overall responsibility for the implementation of this Policy for any matters raised with the Trust.

If any member of staff wishes to discuss using this Policy, they can contact the Trust’s Director of Head of Human Resources and Strategy and are assured of complete confidentiality.

Further Information

- This Policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust or an Academy. Nor is it an alternative to well-established disciplinary or grievance procedures.
- This Policy may overlap with other Trust or Academy policies for dealing with complaints, Codes of Conduct and with protocols for good working relationships within the Trust and its Academies.
- Staff should refer to the Government’s guidance for whistleblowers to verify the position that a personal grievance is not generally regarded as a protected disclosure. Workers can also contact the Advisory, Conciliation and Arbitration Service (ACAS) for guidance on whistleblowing and grievances. Useful information can be found at: <http://www.acas.org.uk/index.aspx?articleid=1919>
- Public Concern at Work the independent whistleblowing charity can be contacted via their helpline on 0207 404 6609 or by email at whilstle@pcaw.co.uk. Their website is available at www.pcaw.co.uk
- Further information on raising concerns with external bodies is also available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf