



Bright Futures

EDUCATIONAL TRUST

The best *for* everyone, the best *from* everyone

WHISTLE BLOWING (FREEDOM TO SPEAK OUT) POLICY

This is a Trust-Wide Policy

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Whistle Blowing (Freedom to Speak out) Policy

Bright Futures Educational Trust's (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;
- All three of our values; **Community**: We work together for a common purpose acknowledging our diversity as strength; **Integrity**: We do the right things for the right reasons and **Passion**: We take responsibility, work hard and have high aspirations;
- Four of our commitments: **Collaboration and strong relationships, Supportive, challenging and fair; Effective communication and Equality, diversity and inclusion.**

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 'workers' at Bright Futures. This term covers all employed staff and trainees; casual or agency staff; governors; consultants; contractors; volunteers and trustees.

1. Please speak up

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, without fear of reprisals.

We want you to speak up and actively encourage it.

The Trust recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that workers can do so without fear of reprisal and is intended to encourage and enable workers to raise serious concerns with the Trust, 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 e.g. alleged fraud.
- 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.
- Civil offence e.g. negligence/breach of contract
- Improper conduct or unauthorised use of public funds e.g. alleged bribery.
- 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.

3. Matters excluded

Personal grievances or disputes are specifically excluded from this policy if they are not in the public interest and staff should refer to the Trust's staff policies e.g. Dignity and Respect at Work, grievance and disputes.

In addition, matters relating to potential child protection or safeguarding matters are handled in accordance with the Trust/school's Child Protection and Safeguarding policy.

Matters relating to parental complaints are handled in accordance with the trust's Complaints policy which can be found on the website <http://bfet.co.uk/information/bfet-policies/>

4. 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).

5. 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.

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.

We want you to speak up and actively encourage it.

- 6.1 Staff/workers should, in the first instance, raise a concern with their Line Manager.
- 6.2 Matters should be raised as early as possible.
- 6.3 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.
- 6.4 For school concerns, where it is felt the matter cannot be raised with the Principal/Head of School, it should be raised with the Director of Education, either directly or via email to admin@bfet.uk.
- 6.5 In the case of concerns relating to the central operations of the Trust, the concern should be raised with the Chief Operating Officer (COO), either directly or via email to admin@bfet.uk.
- 6.6 For Trust concerns where it is felt the matter cannot be raised with the COO, it should be raised with the Chief Executive Officer (CEO) either directly or via email to admin@bfet.uk.
- 6.7 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.
- 6.8 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.

- 6.9 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. Responding to a concern

- 7.1 The action taken will depend on the nature of the concern. A meeting will usually be arranged with the worker who has raised the concern as soon as possible to discuss their concern in more detail. A worker 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 Initial enquiries will be carried out to assess the seriousness of the matter and the scope of any investigation. The worker will be informed of the outcome of this assessment and how they propose to deal with the matter and where appropriate who will be the point of contact. An initial response will be sent within 10 working days of the concern being raised. The member of staff may be required to attend additional meetings to provide further information.
- 7.3 In some cases an internal investigator or team of investigators including staff with relevant experience or specialist knowledge may be appointed. Alternatively, the investigation may be more appropriately handled by an external investigator/agency.
- 7.4 The worker will also be notified of the name of an independent person (known as the Support Officer) who will support them 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. Where the worker is employed by an agency, the support worker is likely to be sourced from the agency/employer.
- 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 It is accepted 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. 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.

9. Raising Concerns with External Bodies

9.1 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.

9.2. 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.

9.3 The Trust strongly encourages staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, 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 policies and procedures. It is not intended as recourse against financial or business decisions made by the Trust, is it an alternative to HR policies and 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>
- Protect is an independent whistleblowing charity can be contacted via their helpline on 0203 1172520. Their website is: <https://protect-advice.org.uk/raising-a-concern/>
- 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