



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, 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;
- Five of our commitments: **Collaboration and strong relationships**, Strong governance and accountability; **Supportive, challenging and fair**; **Effective communication and Equality, diversity and inclusion**.

What is the Policy for?

This policy outlines the Trust's approach to an employee or worker's disclosures about wrong doing in the workplace, known as "Whistleblowing", in accordance with the Public Interest Disclosure Act 1998. Whistleblowing is the term used when a 'worker' passes on information concerning suspected wrongdoing, malpractice, illegality or serious risk in the workplace and the disclosure is in the public interest. This is usually called "making a disclosure" or "blowing the whistle". The wrongdoing will typically (although not necessarily) be something witnessed at work, could have happened in the past, present or there is a belief it will happen in the future.

The Public Interest Disclosure Act (PIDA) 1998 was designed to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to protect responsible workers who blow the whistle about suspected wrongdoing or failures in the workplace. The section "who is this policy for" on page 4 clarifies who is considered a "worker" for the purposes of the policy.

This Policy provides a framework to enable this legislative requirement and sets out how the Trust will handle and respond to whistleblowing disclosures.

The policy seeks to:

- provide for a culture which ensure the highest standards of openness, probity and accountability and will not tolerate wrongdoing and malpractice;
- encourage workers with serious concerns about any aspect of the Trust's and its schools work to feel confident to come forward and voice those concerns.
- encourage workers to raise concerns at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action;
- provide safeguards to reassure any worker who raises concerns in the public interest and not maliciously or for personal gain, that they can do so without fear of reprisals or victimisation or disciplinary action, regardless of whether these are subsequently proven;

- set out who allegations should be made to within the Trust or school (and outside where appropriate), how it will respond to allegations made and how feedback can be obtained on any action taken;
- ensure that workers know what to do if they are not satisfied with actions taken.

Roles and Responsibilities

The Trust has overall responsibility for the policy including monitoring, reviewing and evaluating its effectiveness including actions taken in response to this policy.

The Principal/Head of School/Executive team member has overall responsibility for the fair implementation of this policy within their school/central team.

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

All workers have a responsibility to ensure that their conduct is appropriate to the workplace and do not contribute to an environment in which wrongdoing or malpractice is ignored, encouraged or condoned. They have a duty to speak out against wrongdoing and malpractice and to support colleagues who do so. Workers should use this policy to disclose suspected malpractice or wrongdoing when these are those outlined in section 2 and for other matters as outlined in section 3 should refer to the Trust's internal procedures.

If any worker wishes to discuss using this Policy, they can contact the Trust's Director of People and Strategy or Trust HR Manager and are assured of complete confidentiality. Email address: HRCentralOps@bright-futures.co.uk

Who is the Policy for?

The policy applies to all 'workers' at Bright Futures. For the purposes of this policy this term covers all employed staff and trainees; casual or agency staff; governors; trainees, consultants; contractors; volunteers and trustees who are engaged in work for the Trust.

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 and supports any worker with serious concerns about any aspect of a school's, 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 earlier a worker expresses a concern, the easier it will be to take action. They should raise a concern as soon they have a reasonable suspicion.

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 and support them when doing so, rather than them overlooking a problem or publicly disclosing the matter.

2. Matters included

Workers 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.
- a risk or actual damage to the environment. *
- unethical conduct and actions deemed unprofessional or inappropriate; this could include breaches of regulations requiring school governors to ‘act with integrity, objectivity and honesty and in the best interests of the school’ and breaches of the ‘Nolan Principles’ which are the basis of ethical standards expected of public office holders.
- 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.

Those concerns indicated with a * are deemed a protected disclosure under the PID and workers who raise them are also legally protected for any detriment in doing so.

3. Matters excluded

Concerns relating to personal circumstances such as grievances or disputes and private complaints are specifically excluded from this policy if they are not in the public interest. Staff directly employed by the Trust should refer to the Trust’s staff policies e.g., Dignity and Respect at Work, grievance, ECT induction available on the Trust Intranet and other workers should refer to the Trust’s Complaints policy on the website. Please see the further information section at the end of this policy to access these links.

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. [Policies - Bright Futures Educational Trust \(bright-futures.co.uk\)](https://www.bright-futures.co.uk/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 suspected malpractice or wrongdoing. The Trust will therefore take action to protect any worker 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 Trust's disciplinary procedure.

Any worker who believes they have suffered detrimental treatment as a result of making a disclosure or blowing the whistle should report their concerns to the Principal/Head of School or central trust senior manager.

Section 2 outlines those concerns that are deemed a legally protected disclosure under the PIDA.

Workers who wish to raise concerns and are concerned about possible reprisals if their identity is revealed should come forward and appropriate measures can be taken to preserve confidentiality subject to any legal obligations. If a worker is in any doubt, they can also seek advice from Protect (formerly known as Public Concern at Work (PCaW), the independent whistleblowing charity, who offer a free independent and confidential advice including a helpline (contact details are included in the further information section at the end of the policy).

5. Anonymous Allegations

The Trust hope that workers will feel able to voice whistleblowing concerns openly under this policy. However, if they wish 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 those responsible for investigating Safeguarding concerns to know the worker's identity, the Trust will discuss this with them.

The Trust encourages people to put their name to any allegations made as concerns raised anonymously make it more difficult for the matter to be investigated and substantiated and for the person to be provided with feedback. However, if a person still wishes to make an allegation anonymously, this can be done through their Trade Union representative. Nevertheless, anonymous allegations will always be individually considered, investigated as far as possible and any action taken will at the discretion of the Head of School/Principal/ Executive team manager depending upon:

- the nature and seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegations from attributable sources
- the best interests and protection of the Trust's assets.

6. Procedure for Raising a Concern

All workers are encouraged to raise any concerns using the appropriate channels and policies within their school or department.

We want you to speak up and actively encourage it.

- 6.1 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/Executive Team Member. Contractors and consultants should raise concerns with the Principal/ Head of school and for central operations with the appropriate senior manager. Trustees should raise concerns to the Chair of Board.
- 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@bright-futures.co.uk .
- 6.5 In the case of concerns relating to the central operations of the Trust and cannot be raised with the appropriate senior manager, the concern should be raised with the Chief Operating Officer (COO), either directly or via email to admin@bright-futures.co.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@bright-futures.co.uk.
- 6.7 Concerns can be raised verbally, 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 specific names, dates and places and any supporting documentation or evidence, 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 worker 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 worker 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 a worker 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 workers may wish to seek advice from their Trade Union representative on how best to raise any concerns to enable it to be taken forward.

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 who is not involved in the area to which the concern relates 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. An initial response will be sent to the worker within 10 school working days of the concern being raised to indicate:
- how the school or Trust proposes to deal with the matter; and the policy under which it will be dealt with;
 - whether the school or Trust considers it to be a protected disclosure;
 - contact details for the officer handling the investigation;
 - arrangements for confidentiality;
 - an estimate of how long it will take to provide a response on the outcome;
 - any initial enquiries which may have been made;
 - if no action is planned, why not;
 - Information on any support to be provided.
- The worker 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, such as the Police, Local Authority Designation Officer or external independent enquiry.
- 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 their 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 or third party, the support worker is likely to be sourced from the agency/employer.
- 7.5 The worker 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. Some concerns raised may be resolved by agreed action, once the worker's concerns have been explained, without the need for investigation. Where an investigation is necessary, the Trust will aim to keep the worker—who raised the concern informed of the progress of the investigation, its likely timescale and advise them in writing of the outcome of the investigation. However, sometimes the need for confidentiality or legal constraints may prevent the Trust giving the worker who raised the concerns specific details of the investigation or any action taken as a result, for example, any internal disciplinary or external action. Any information shared with the worker about the investigation must be treated confidentially.
- 7.7 Whilst the Trust cannot guarantee the outcome that the worker who raises concerns seeks, it will deal with the concern and fairly and in an appropriate way. If the worker 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 or those for personal gain made by employees, 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 a worker to report their concerns to an external body such as a regulator. A link to the 'prescribed regulators' to whom workers can make a "protected disclosure" (qualifying disclosure) is at the end of this policy.
- 9.2. It will very rarely be appropriate to alert the media to a whistleblowing concern. If a worker 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 a worker 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 workers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates free confidential independent advice on how best to raise concerns and those which are protected by PIDA. The contact details including a helpline are in the further information section at the end of this policy. The government also have a list of prescribed regulators for reporting certain types of concern and further details are at the end of this policy.

Further Information

- This Policy covers concerns that fall outside the scope of other Trust policies and procedures. It is not intended as recourse against financial or business decisions made by the Trust, nor is it an alternative to HR policies and procedures or the Trust complaints policy for matters relating to public interest as outlined in section 2. Staff should refer to the intranet for ECT induction and HR policies and procedures [found here](#) and workers can find the complaints policy on the website found [here](#).
- 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.
- The Trust will apply the General Data Protection Regulations and Data Protection Act 2018 in all aspects of any records relating to any whistleblowing documentation and records.
- Workers 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 prescribed 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