Bright Futures

EDUCATIONAL TRUST

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

Whistleblowing Policy

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THIS IS A TRUST WIDE POLICY.

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Introduction

The Trust's values provide the foundation for all policies, procedures and practices. This policy reflects and promotes the Trust's core values and should be implemented in a manner that upholds these values in all decision-making and practice. All colleagues are expected to apply this policy with professionalism, integrity and consistency, ensuring that the Trust's commitment to Leadership, Integrity, Passion, Community, Equality and Resilience remains central to its implementation. When interpreting or applying this policy, consideration should always be given to how actions and outcomes align with and reinforce the Trust's values, culture and strategic objectives.

The effectiveness of this policy will be evaluated not only through compliance but also through the extent to which its implementation promotes and sustains the Trust's ethos and strategic priorities.

1.1 All schools and Multi Academy Trusts are required to have appropriate procedures in place for handling whistleblowing and for ensuring staff know who they can contact if they wish to raise a concern.

1.2 This policy explains the types of concerns that can be raised under this procedure, the legal protection for whistleblowers and how whistleblowing concerns will be handled.

1.3 This procedure should be followed for any whistleblowing matters raised by employees, supply staff and agency workers.

1. What is Whistleblowing?

2.1 Whistleblowing is the term used when a ‘worker’ passes on information concerning suspected wrongdoing, malpractice, illegality or serious risk in the

workplace. The wrongdoing will typically (although not necessarily) be something witnessed at work and will relate to one of the following wrongdoings specified within The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996:-

i. a criminal offence (such as fraud or theft)
ii. a failure to comply with a legal obligation or duty
iii. a miscarriage of justice
iv. a danger to the health and safety of an individual
v. dangers to the environment
vi. deliberate concealment of information tending to show any of the above matters

2.2 The concern could be about something that happened in the past, is currently happening or likely to happen in the future.

2.3 In some cases, it may be appropriate to investigate a concern/disclosure under another policy, such as the Trusts Dignity and Respect at Work Policy, Grievance Policy, Complaints procedure or ECT Induction procedure. Matters relating to potential child protection or safeguarding matters are handled in accordance with the Trust/school's Child Protection and Safeguarding policy.

2. Purpose of this policy

3.1 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.

3. Legal protection for whistleblowers

4.1 Whistleblowers are protected by law (under The Public Interest Disclosure Act 1998) from being treated unfairly or losing their jobs because they 'blow the whistle'.

4.2 Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.

4.3 The law protects a whistleblower from any retaliation or discrimination which may occur, so long as they believe any “protected disclosure” to be true, it is proportionate to the circumstances and importantly that it is made to a prescribed person or relevant body only.

4.4 An employee is not protected or immune from other action being taken against them if making the disclosure breaks the law.

4.5 The school’s Governing Body/Trust Board will provide all reasonable protection for those who raise concerns made in the public interest. They will also be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure. If any persons raising a concern believe themselves to be suffering a detriment for having raised a concern, this should be made known to the school’s governing body or Trust board. They can do this directly or through the person nominated to provide them with support.

3.6 Any protection the whistleblower may be entitled to by law, may be compromised or lost if the disclosure is made to the press.

4. Procedure for raising a whistleblowing concern

5.1 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.

5.2 Concerns can be raised anonymously, but the person receiving the allegation may not be able to take it further if they haven’t been provided with all the information they need.

5.3 Whistleblowers can give their name but request confidentiality and, in these circumstances, every effort will be made to protect their identity.

5.4 All disclosures made under this procedure will be treated sensitively, consistently and fairly.

5.5 If any worker wishes to discuss using this Policy, they can contact the Trust’s Head of People and are assured of complete confidentiality. Email address: HRCentralOps@bright-futures.co.uk

5. Step 1- Deciding who to report the concern to

6.1 Concerns can be raised verbally or in writing. Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.

6.2 Please raise your concern with your line manager. Alternatively, you can raise the matter with the Principal or the Chair of Governors via governance@bright-futures.co.uk

6.3 If you wish to report the matter to someone outside the school or your concern does not relate to a school you can contact Lindsay Batchford, Trustee via governance@bright-futures.co.uk

6.4 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as the Local Authority or a regulator. You may wish to obtain advice from a trade union representative, the Citizen's Advice Bureau or the independent whistleblowing charity, Protect.

6.5 Reporting concerns to the media, in most cases will lead to the loss of your whistleblowing law rights.

6. Step 2 – Responding to your concern

7.1 The person with whom you have raised your concern will decide what action is needed. They may ask you to provide further information. Initial enquiries will be carried out to assess the seriousness of the matter and the scope of any investigation.

7.2 An initial response will be sent within 10 school days of the concern being raised to let you know how your concern will be dealt with. This may include:

- 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 (i.e. whistleblowing) disclosure;
- 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;
- appropriate contact details and information on any support to be provided.

7.3 You may be asked to attend additional meetings to provide further information. You may wish to invite a trade union or professional association representative to any such meeting.

7.4 The person with whom you have raised your concern will at the same time notify the Trust's Head of People and the Chair of Governors/Trustees. The Chair will also determine whether anyone else should be notified.

7.5 An independent person will be appointed to act as your Support Officer during any investigation. The Support Officer will make contact with you, explain their role and keep you informed about the progress of the investigation. If you have any concerns about the conduct of the whistleblowing process, you should raise these with your Support Officer.

7. Step 3 – Investigation

8.1 Initial enquiries will be made to decide whether an investigation is appropriate.

8.2 An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from you to protect the confidentiality of other people.

8.3 Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.

8.4 Where an investigation is necessary, it may involve:

- an internal investigation by the Principal, an Executive Team Member, a Trustee/Governor or staff member with relevant experience or specialist knowledge;
- an investigation by the Trust's Internal Audit Service;
- a referral to an external investigator or agency, such as the Police or Local Authority Designation Officer (LADO);
- the setting up of an external independent inquiry.

8. Step 4 – Outcome and next steps

9.1 You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

9.2 If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate:

- your trade union
- the Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government & Social Care Ombudsman
- Equality and Human Rights Commission
- NSPCC should the concern relate to a child.

9.3 A full list of prescribed people and bodies is provided by GOV.UK: Whistleblowing: list of prescribed people and bodies - GOV.UK.

9.4 You have a duty to the school not to disclose confidential information. This does not prevent you from seeking independent advice at any stage, for example from a trade union representative, the Citizen's Advice Bureau or the independent whistleblowing charity, Protect.

9. Unfounded allegations

10.1 If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

10.2 Similarly, if an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

10. Additional information and contact details

More information and guidance about whistleblowing

- Acas: The law - Whistleblowing at work
- GOV.UK: Whistleblowing for employees
- UK Whistleblowing charity: Protect - Speak up stop harm

Trust Contact Details

- Governance@bright-futures.co.uk

Local Organisations

- Local Authority Designated Officer (LADO) for Safeguarding Children

Other External Bodies

- GOV.UK: Whistleblowing: list of prescribed people and bodies - GOV.UK
- Ofqual: Ofqual's whistleblowing policy
- Ofsted: whistleblowing@ofsted.gov.uk
- NSPCC: Whistleblowing Advice Line