



# Whistleblowing Policy

Version 3.0

Status	Statutory
Responsible committee/Individual	Trust Board
Author	CEO
Target Audience	All stakeholders
Date Policy Agreed	December 2019 – Version 1 September 2021 – Version 2 May 2022 – Version 3
Review Date	July 2023

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## **1 Introduction**

The Brighter Futures Learning Partnership Trust is fully committed to an ethos of openness, accountability and transparency, where employees are encouraged to voice any concerns they have in a professional, responsible and effective way. It is important to the organisation that issues such as suspected fraud, misconduct or wrongdoing by workers or officers of the organisation are reported and properly dealt with. All individuals are therefore encouraged to raise any concerns about the conduct of others at the Trust or the way in which the organisation is run. This policy details the way in which individuals may raise concerns and how those concerns are dealt with.

This policy is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management.

## **2 Aims of Policy**

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff within the Brighter

Futures Learning Partnership Trust and the Trust reserves the right to amend its content at any time.

This Policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including the Members, Directors, Governors, CEO, Headteachers, Principal, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers.

### Roles and Responsibilities

The **Trust Board** is responsible for monitoring the effectiveness of this policy, ensuring there is an appropriate framework in place to enable staff and others to raise concerns.

The **CEO** is responsible for ensuring that staff and others do not suffer a detriment in the application of this policy and procedure. The CEO will ensure that:

- Any individual who makes a disclosure of wrongdoing or malpractice in good faith is protected against victimisation
- Anyone who victimises a whistleblower will be subject to the Trust's Disciplinary Policy and Procedure
- Any matters raised will be treated seriously, swiftly, consistently, fairly and professionally
- Any matter raised will be promptly and thoroughly be investigated by an appropriate senior person
- The whistleblower's identity, will, so far as is possible, remain confidential
- Any employee or worker who knowingly makes false allegations against a colleague will be subject to the Trust's Disciplinary Policy and Procedure
- Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken

**Headteachers, Principal and Business/HR Managers** are responsible for ensuring that all employees and officers of the Trust are aware of this policy. They will ensure:

- The policy is implemented fairly and consistently

- Whistleblowers are treated with dignity and respect and are offered access to appropriate support

**Leaders and Managers** must ensure they deal with whistleblowing issues swiftly, respectfully, thoroughly and professionally, whilst upholding confidentiality as far as possible

**Employees and Officers of the Trust** have a responsibility for raising any concerns they have, thus providing the Trust with the opportunity to resolve any issues which arise. It is expected that wherever possible employees and officers of the Trust raise concerns before malpractice or wrongdoing occurring. However, where this isn't possible, it is expected that employees and officers of the Trust raise concerns at the earliest possible opportunity in line with this policy and procedure.

## 4. What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity
- child protection and/or safeguarding concerns
- miscarriages of justice
- danger to health and safety
- damage to the environment
- failure to comply with any legal or professional obligation or regulatory requirements
- financial fraud or mismanagement
- negligence
- breach of the Academy's internal policies and procedures including its Code of Conduct
- conduct likely to damage the Trust's reputation including the unauthorised disclosure of confidential information
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to employee's own personal circumstances, such as the way in which an employee has been treated at work. In such cases an employee should follow the Grievance Policy and Procedure.

If employees are uncertain whether something is within the scope of this policy, they should seek advice from the CEO or Headteacher or Principal and if the matter is in relation to an alleged wrongdoing by the CEO - seek the advice of the Chair of the Trust or if the Headteacher or Principal seek advice from the CEO.

## **5. Raising a Whistleblowing Concern**

The Trust hopes that in many cases staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

However, where the matter is more serious, or felt that the Line Manager has not addressed the concern, or the employee prefers not to raise it with the Line Manager for any reason, the employee must contact one of the following:

- =CEO
- =Headteacher of the Academy or Principal of the UTC
- =The Chair of Governors who is responsible for Whistleblowing matters

A more thorough investigation may then be undertaken as appropriate. This will include an interview and statement from the individual who raised the issue(s), potentially other witness statements alongside the collation of any relevant evidence. The Manager investigating the issue will report to a panel made up of the CEO/Headteacher/Principal and two Trustees/Members/Governors, which will take any action, including reporting the matter to any appropriate government department or regulatory agency.

As a minimum the CEO/Headteacher/Principal/Chair of Governors will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Headteacher/Principal should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

The Trust will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The Trust will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter. As a first step, you should normally raise concerns with your immediate manager or Principal. However, depending upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, it may not be appropriate to contact the Headteacher/Principal. Where this is

the case you should report your concern directly to the CEO or the Chair of Governors or the of Chair of Directors.

If disciplinary action is required, the Manager investigating the issue will investigate the matter with assistance from either the HR/Business Manager and the findings will be shared with the CEO. If the allegations involve the CEO the HR/Business Manager will work directly with the CFO and the Trust Board. On conclusion of any investigation, the individual will be advised of the outcome, including the actions that the Trust Board has either taken or intends to take. If no further action is required, the rationale for this decision will be shared with the individual. If the individual reasonably believes that the appropriate action has not been taken, he/she should report the matter to the appropriate authority.

The legislation sets out a number of bodies to which qualifying disclosures may be made, including:

- HM Revenue and Customs
- Financial Conduct Authority
- Competition and Markets Authority
- Health and Safety Executive
- Environment Agency
- Serious Fraud Office
- Independent Office for Police Conduct

Whistleblowers can also make disclosures to Ofsted by telephone (0300 123 3155), via email ([whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)) or in writing to : WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

## Confidentiality

The Trust hopes that employees will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the Trust will endeavour to keep his or her identity private in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the Trust will discuss this with the member of staff first.

The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'Whistleblowers' who are concerned about possible reprisals if their identity is revealed should

come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the Academies' Disciplinary Procedure. If the Headteacher/Principal knows or has a suspicion that an employee comes into this category, then s/he will take advice from the CEO or the Chair of Governors who will help to determine what action should be taken.

If in any doubt employees can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

**Public Concern at Work (Independent whistle blowing charity) Helpline: 020 7404 6609**

**E-mail:** [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

**Website:** [www.pcaw.co.uk](http://www.pcaw.co.uk)

## **⚡ Concerns against Governors / Directors**

If a concern against a Governor is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher/Principal with the CEO or Chair of Governors who will decide how it should be dealt with.

If the concern is against the Chair of Governors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Headteacher/Principal who will decide in consultation with the Safeguarding Governor and the CEO with responsibility for Whistleblowing matters how it should be dealt with. In normal circumstances such a concern would be referred to the Board of Directors.

If a concern against a Director is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the CEO with the Chair of Directors who will decide how it should be dealt with. If the concern is against the Chair of Directors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the CEO who will decide in consultation with the Safeguarding Director with responsibility for Whistleblowing matters how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education.

## **⚡ External Disclosures**



The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for employees to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media.

We strongly encourage employees to seek advice before reporting a concern to anyone external.

## Investigation and Outcome

Once a member of staff has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. The Trust will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In most cases a panel of three Governors will investigate any issue. In rare cases the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

The Trust will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the Trust concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.

Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the Trust will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Principal will have the right to refer any particular case to the Chair of Governors for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher/Principal, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the Trust's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

## **~~10.~~ Protection and Support for 'Whistleblowers'**

It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher/Principal immediately. If the matter is not remedied the member of staff should raise it formally using the Trust's Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

## **~~11.~~ Safeguarding**


If a member of staff suspects that there is a serious safeguarding issue that they feel that the Principal is not taking seriously or that they believe there is a serious safeguarding issue involving the Principal, they should in the first instance contact the CEO/Executive Principal or Chair of Governors.

If they still believe the issue hasn't been resolved they can then contact:

The Local Authority Designated Officer (LADO) on 01302 737748

Date Policy Agreed: May 2022 (Version 3)

Signed CEO of BFLPT – Helen-Redford-Hernandez:

A handwritten signature in black ink, oriented vertically. The signature reads "H. Redford-Hernandez" in a cursive, flowing script.

Date: May 2022

Signed – Chair of BFLPT – Marcus Isman-Egal:

A handwritten signature in black ink, oriented horizontally. The signature reads "Marcus Isman-Egal" in a cursive, flowing script.

Date: May 2022

Policy to be reviewed: July 2023

Created: December 2019 (Version 1)  
Revised: September 2021 (Version 2)  
May 2022 (Version 3)