



Bridge Academy Trust

**WHISTLEBLOWING POLICY &
PROCEDURE**

September 2017

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THE TRUST POLICY STATEMENT

- 1.1. The Trust are committed to conducting its operations with honesty and integrity, and expects members, trustees, governors, employees in each school and suppliers to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.2. The aims of this policy are:
 - 1.2.1. to encourage employees, members, trustees, governors, and suppliers 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 subject to any overriding requirement of law (for example, criminal proceedings);
 - 1.2.2. to provide all concerned with guidance as to how to raise those concerns;
 - 1.2.3. to reassure all concerned that they should be able to raise **genuine** concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.4. This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work and the revisions to the law introduced by the Enterprise and Regulatory Reform Act 2013 from 25 June 2013.
- 1.5. This policy does not form part of any employee's contract of employment. It may be amended at any time.
- 1.6. The Bridge Academy Trust. "The Trust", as an academy trust company, is regulated by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for Education. The Academies Finance Handbook states that there must be a provision for whistleblowing.
- 1.7. The following persons hold the following roles envisaged in the EFA Financial Handbook:
 - 1.7.1. **Accounting Officer:** is the Chief Executive Officer
 - 1.7.2. **Principal Finance Officer:** is the Chief Finance & Operations Officer
 - 1.7.3. External Auditor: Price Bailey LLP

SCOPE

- 2.1. This policy applies to all individuals working at all levels of the Trust, This includes all senior managers, members, trustees, employees, consultants, contractors, trainees, governors, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff and trustees in this policy).

ROLES AND RESPONSIBILITIES

- 3.1. The Trust has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy and for periodic review of the policy.

- 3.2. The CEO and Chair of Audit and Risk Committee have day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 3.3. All Staff, trustees and governors are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Chair of Audit and Risk Committee.
- 3.4. This policy will be made available to all staff, trustees and governors and will be drawn to the attention of new employees, trustees and governors as part of their induction.
- 3.5. This policy will be published on the Trusts and school websites.

WHAT IS WHISTLEBLOWING?

- 4.1. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
 - 4.1.1. criminal activity;
 - 4.1.2. miscarriages of justice;
 - 4.1.3. danger to health and safety;
 - 4.1.4. damage to the environment;
 - 4.1.5. failure to comply with any legal or professional obligation or regulatory requirements;
 - 4.1.6. bribery;
 - 4.1.7. financial fraud or mismanagement;
 - 4.1.8. negligence;
 - 4.1.9. breach of the school's internal policies and procedures
 - 4.1.10. conduct likely to damage the school's reputation;
 - 4.1.11. unauthorised disclosure of confidential information or other activity;
 - 4.1.12. malpractice in relation to public examinations;
 - 4.1.13. the deliberate concealment of any of the above matters.
- 4.2. A whistleblower is a person who raises a genuine concern relating to any of the above and they reasonably believe that disclosure is in the public interest. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the activities within the Trust (a whistleblowing concern) you should report it under this policy as soon as possible.
- 4.3. This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work or the way your child has been treated in school. In those cases you should use the Grievance Procedure, the relevant appeal process under the schools specific employment policies or the Complaints Policy.
- 4.4. If you have any concerns relating to child protection or safeguarding you should raise these under the appropriate Policies and Procedures.
- 4.5. If you are uncertain whether something is within the scope of this policy you may seek advice from the charity Public Concern at Work (whose contact details are at the end of this policy) and your trade union.

RAISING A WHISTLEBLOWING CONCERN

- 5.1. The Trust hopes that in most cases you will be able to raise any concerns with your line manager, Headteacher/Head of School or the CEO. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Chair of the Audit and Risk Committee or the External Auditor.
- 5.2. However, where the matter is more serious, or you feel that your line manager or the Headteacher/Head of School or CEO has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Chair of Audit and Risk Committee or alternatively the Chair of the Board.
- 5.3. Contact details are set out at the end of this policy.
- 5.4. The Trustees will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 5.5. The Trustees will take down a written summary of your concern and provide you with a copy after the meeting. The Trustees will also aim to give you an indication of how it proposes to deal with the matter and an approximate timetable for doing so.

CONFIDENTIALITY

- 6.1. The Trustees encourages all staff, trustees and governors to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, the Trustees will make every effort to protect your identity. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 6.2. The Trustees do not encourage anyone to make disclosures anonymously. Proper investigation may be more difficult or impossible if it cannot obtain further information. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Chair of Audit and Risk Committee and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, which offers a confidential helpline. Their contact details are at the end of this policy.
- 6.3. If a whistleblowing concern has been raised with the Trustees this must not be disclosed to any other parties. The content of that concern is also confidential so that the Trustees may investigate the allegation fairly and effectively. The individual may of course discuss the matter with a professional adviser or trade union, with any investigator appointed by the Trustees and with those other contacts identified in this policy. It is also important to maintain confidentiality once any investigation has been concluded, except in the circumstances set out in section 7 below.

EXTERNAL DISCLOSURES

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

- 7.2. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body. It will very rarely, if ever, be appropriate to alert the media. You should 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 regulators for reporting certain types of concern. Their contact details are at the end of this policy. Your trade union may also be able to advise you in these matters.
- 7.3. The Trustees understand is that the Education and Skills Funding Agency is not a prescribed person for the purposes of Section 43F of the Employment Rights Act 1996 and that the ESFA would not count as the Minister of the Crown for the purposes of Section 43E of the Employment Rights Act as no members of the Trust Board are appointed by a Minister of the Crown under any enactment.
- 7.4. The Trustees believes that a whistleblower will only be legally protected for making a disclosure to the Education and Skills Funding Agency or to Ofsted in the following circumstances:
- 7.4.1. The alleged wrongdoing relates to the conduct of the ESFA or Ofsted on any other matter to which the ESFA or Ofsted has legal responsibility
 - 7.4.2. The whistleblower reasonably believes the information disclosed and any allegation to be substantially true, is not made for personal gain, it is reasonable for the disclosure to be made, and one of the following conditions applies:
 - 7.4.2.1. The whistleblower reasonably believes that he will be subjected to detriment by the Trust if he makes the disclosure to the Trustees or a prescribed person, or
 - 7.4.2.2. The whistleblower reasonably believes that it is likely that evidence will be destroyed or concealed if he makes the disclosure to the Trustees and there is no prescribed person covering the alleged wrongdoing, or
 - 7.4.2.3. The whistleblower has previously made a disclosure of substantially the same material to the Trustees.
- 7.5. Appendix 2 sets out a relevant extract from the ESFA's Procedure for dealing with complaints about academies:
- 7.6. The Trustees believes that the bodies listed at Appendix 1 are the prescribed persons for the areas which may relate to the school. A whistleblower will only have protection for a disclosure to a prescribed person if they reasonably believe
- 7.6.1. Disclosure is in the public interest, and
 - 7.6.2. The relevant wrongdoing falls within the description of the matter in respect of which that person is prescribed; and
 - 7.6.3. The information disclosed and allegation contained in it are substantially true.
- 7.7. Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a supplier or government agency. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact the Chair of Audit and Risk Committee for guidance.

INVESTIGATION AND OUTCOME

- 8.1. Once you have raised a concern, the Trustees will carry out an initial assessment to determine the scope of any investigation. The Trustees will inform you of the outcome of that

assessment and an approximate timetable for any next steps. You may be required to attend additional meetings in order to provide further information.

- 8.2. In some cases, the Trustees may appoint an investigator or team of investigators (including staff) with relevant experience of investigations or specialist knowledge of the subject matter. An investigation may be internal or external. The investigator(s) may make recommendations for change to enable the Trustees to minimise the risk of future wrongdoing.
- 8.3. The Trustees will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trustees giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 8.4. If the Trustees concludes on the basis of all the evidence provided to it that a whistleblower has made false allegations maliciously or with intent to damage the reputation of the Trustees or of any of its staff or with a view to personal gain, the whistleblower will be subject to disciplinary action which could result in dismissal.
- 8.5. The Trustees encourages prompt disclosure of potential wrongdoing. If you have delayed in disclosing potential wrongdoing you will be asked to explain why you have delayed in making the disclosure.

IF YOU ARE NOT SATISFIED

- 9.1. While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 9.2. If you are not happy with the way in which your concern has been handled, you can raise it with the Chair of the Audit & Risk Committee or the External Auditor. Contact details are set out at the end of this policy.

PROTECTION AND SUPPORT FOR WHISTLEBLOWERS & OTHER STAFF

- 10.1. It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trustees aims to encourage openness and will anyone who raises genuine concerns under this policy, even if they turn out to be mistaken.
- 10.2. Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Chair of Audit and Risk Committee immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 10.3. Staff must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases the whistleblower may sue you personally for compensation in an employment tribunal.
- 10.4. Teaching staff, whether the whistleblower or the subject of a whistleblowing allegation, may seek support from the Teacher Support Network's 24 hour Support Line, whose contact details are at the end of this policy.
- 10.5. Staff who are the subject of a whistleblowing allegation:

- 10.5.1. are entitled to be accompanied at any meetings by a trade union representative or co-worker not otherwise involved in the matter
- 10.5.2. are not entitled to know the identity of the whistleblower
- 10.5.3. are entitled to see and approve any final statements made by them as part of an investigation
- 10.5.4. should indicate if they believe that the allegation made against them was false and if it was false whether it was made maliciously or with intent to damage the reputation of the school or of any of its staff or for personal gain

CONTACTS

External Auditors	Gary Miller FCA Head of Education and Academies Team Price Bailey LLP Causeway House 1 Dane Street Bishop's Stortford CM23 3BT Tel. 01279 755888 Fax 01279 755417
Chair of Audit and Risk Committee	Via the Clerk to the Trust
Chair of the Board of Trustees	Via the Clerk to the Trust
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
Teacher Support Network	Support Line 08000 855 088
Education & Skills Funding Agency	Department for Education Castle View House East Lane Runcorn Cheshire WA7 2GJ

APPENDIX 1 – RELEVANT PRESCRIBED PERSONS

Certification Officer	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Charity Commissioners for England and Wales	The proper administration of charities and of funds given or held for charitable purposes.
Commissioners of the Inland Revenue	Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.
Comptroller and Auditor General	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally-funded public services.
Director of the Serious Fraud Office	Serious or complex fraud.
Environment Agency	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.
Food Standards Agency	Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.
Children's Commissioner	Matters relating to the views and interests of children.
Health and Safety Executive	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Local authorities which are responsible for the enforcement of health and safety legislation.	Matters which may affect the health or safety of any individual at work; matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
Information Commissioner	Compliance with the requirements of legislation relating to data protection and to freedom of information.
Pensions Regulator	Matters relating to occupational pension schemes and other private pension arrangements including matters relating to the Regulator's objective of maximising compliance with the duties under Chapter 1 of Part 1 (and the safeguards in sections 50 and 54) of the Pensions Act 2008.
Office of Qualifications and Examinations Regulation.	Matters in relation to which the Office of Qualifications and Examinations Regulation exercises functions under the Apprenticeships, Skills, Children and Learning Act 2009
Local authorities which are responsible for the enforcement of food standards.	Compliance with the requirements of food safety legislation.

Extract from EFA's November 2012 procedure for dealing with complaints about academies

What the EFA will investigate

We will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

What the EFA will not investigate

We will not investigate complaints that are, for example:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- about discrimination. These should be raised with the Equality Advisory Support Service
- about data protection. These should be raised with the Information Commissioner's Office
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- about criminal behaviour. These should be raised with the police
- being, or have been, considered by a court or similar body
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- about safeguarding or child protection matters. These should be taken up with the academy's Local Safeguarding Children's Board
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

We will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint