



Broadway Academy Trust Policies

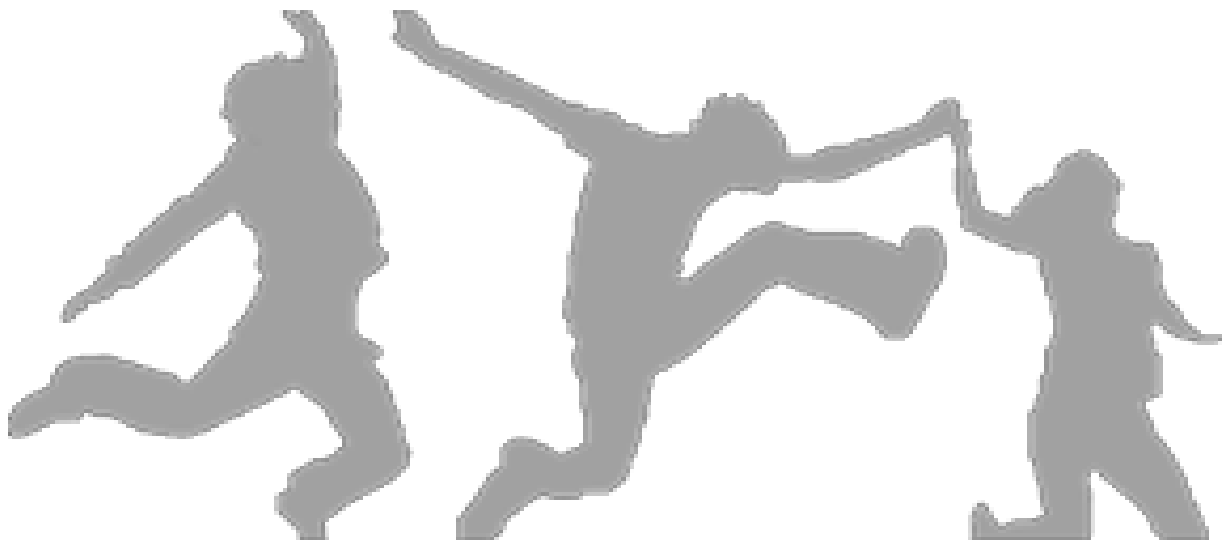
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Whistleblowing Policy

Approved by: Full Governing Board

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1. Introduction

- 1.1 Broadway Academy is committed to conducting its business with honesty, integrity and accountability. 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 to:
- (a) 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
 - (b) provide staff with guidance on how to raise those concerns
 - (c) set clear procedures for how the trust will respond to such concerns
 - (d) let staff know the protection available to them if they raise a whistle-blowing concern
 - (e) assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)
 - (f) ensure staff know that they are protected by law and that a non-disclosure agreement, confidentiality clause or 'gagging clause' in a settlement agreement or employment contract cannot stop them from making a protected disclosure in the public interest
- 1.3 The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook. This policy complies with our funding agreement and articles of association.
- 1.4 This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We have also taken into account the [Public Interest Disclosure Act 1998](#)
- 1.5 This policy applies to all employees, officers and trustees and individuals working on behalf of Broadway Academy such as trainees, contractors, consultants, agency staff or volunteers. The policy does not form part of any employee's contract of employment, and it may be amended at any time.

2. False Allegations

- 2.1 It is accepted that an employee will not disclose confidential information about the employer's operations, which is calculated or likely to destroy the mutual trust and confidence on which the employment relationship is based.
- Where an individual discovers apparent evidence of wrongdoing, then the information should be disclosed appropriately with the knowledge that the allegation will be taken seriously and investigated, and that their confidentiality will be respected.
- An individual found making malicious or vexatious allegations will, however, face appropriate action including disciplinary action, referral to the police or a regulator particularly if he or she persists in making them, when they have been declared, after due process, to be without foundation.

3. Definition of whistleblowing

- 3.1 Whistleblowing is the raising of a concern, either within the workplace or externally, that reports wrongdoing that is "in the public interest". This may include, but is not limited to:

- a) criminal offences such as fraud, corruption or theft
- b) failure to comply with any legal obligation or statutory requirement
- c) the health or safety of any individual being endangered
- d) breaches of financial management procedures
- e) sexual harassment
- f) damage to the environment
- g) attempts to cover up the above, or any other wrongdoing in the public interest

Particular concerns which may fall within the policy include breaches of the code of conduct, wilful maladministration and corruption, misuse of funds, theft or fraud.

- 3.2 A whistleblower is a person who raises a genuine concern relating to any of the above by reporting it under this policy. A whistleblower should have a reasonable belief of suspected wrongdoing or danger affecting any of the Academy's activities, think they are raising this with the right person and believe it is the public interest to do so in order for a concern to be considered 'whistleblowing'.
- 3.3 If you are uncertain whether something is within the scope of this policy you should seek advice from the Headteacher/CEO or Chair of the Board of Governors .

4. Exemptions

- 4.1 This policy will not apply where there is already an appropriate procedure in place for dealing with the concern. Specifically, this policy should not be used for:
 - a) raising or reconsideration of matters that come under existing internal procedures e.g. grievance, disciplinary, capability, dignity at work or the Academy's general complaints procedure
 - b) allegations that fall within the scope of specific statutory procedures (for example child or vulnerable adult protection). These issues should normally be referred for consideration under the relevant process, unless the whistleblower has good reason to believe that the appropriate process is not being followed or will not be followed effectively, in which case the provisions of this policy shall apply in relation to that allegation
 - c) an alternative appeal process from any complaint or grievance handled under any of the above procedures.
- 4.2 Where a disclosure falls outside the scope of this policy, the Academy will advise the whistleblower of this and consult with them about taking the matter further, if appropriate.
- 4.3 Likewise, if a disclosure made under a separate Academy procedure falls under the remit of a 'serious misconduct', the Academy will notify the whistleblower of this and investigate the allegation under this policy instead.

5. Confidentiality

- 5.1 The Academy hopes that staff will feel able to voice whistleblowing concerns openly under this policy. A complainant's right to anonymity will be respected as far as possible but there may be situations where the Academy is legally required to pass on details of a disclosure, without the consent of the whistleblower, such as in Police investigations or legal proceedings.

- 5.2 The Academy does not encourage staff to make disclosures anonymously. Proper investigation may be difficult or impossible if the Academy cannot obtain further information. It is also more difficult to establish whether allegations are credible.
- 5.3 Whistleblowers who are concerned about reprisals if their identity is revealed should speak to the Headteacher/CEO or Chair of the Board of Governors and appropriate measures will be taken to preserve confidentiality. Advice can also be sought from [Protect](#), the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6. External disclosures

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any suspected wrongdoing and/ or danger in the workplace.
- 6.2 The duty of fidelity is implied by law in every contract of employment and prohibits employees from disclosing the employers' confidential information unless it is in the public interest that the information is disclosed or unless the Academy fails properly to consider or deal with the issues raised.
- 6.3 The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The Academy 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 regulators](#) for reporting certain types of concern. Their contact details are at the end of this policy.
- 6.4 Whistleblowing concerns usually relate to the conduct of Academy staff, but they may sometimes relate to the actions of a third party, such as a student, customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, the Academy encourages you to report such concerns internally first. You should contact the Headteacher/CEO or Chair of the Board of Governors or a member of Senior Leadership Team (SLT) for guidance.

7. Raising a whistleblowing concern

- 7.1 We hope that in many cases you will be able to raise any concerns with a member of the SLT. 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 Headteacher/CEO or Chair of the Board of Governors.
- 7.2 Where the matter is more serious, or you feel that a member of SLT has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Headteacher/CEO or Chair of the Board of Governors. Contact details are set out at the end of this policy.
- 7.3 In the event that the concern relates to the Headteacher, the matter should be referred to the Chair of the Board of Governors, who will carry out the procedure referred to in this policy. In such circumstances the decision of the Chair of the Academy is final and binding.
- 7.5 The Headteacher (Ron Skelton) and the Chair of the Board of Governors (Alan Rudge) are the nominated trustees of the Board for reporting whistleblowing concerns.

- 7.6 Concerns should be made in writing wherever possible. They should include the names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

8. Investigation and outcome

- 8.1 The Headteacher/CEO or Chair of the Board of Governors or other relevant person identified in section 7 will arrange a meeting with the complainant as soon as possible to discuss the concern. The complainant will have the right to be accompanied to any meetings under this policy by a companion who is a trade union representative or work colleague. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 8.2 The Headteacher/CEO or Chair of the Board of Governors or other relevant person will get as much detail as possible about the concern at this meeting and record the information. They will then consider the information and decide whether there are grounds for proceeding further with the case. They will, as appropriate, determine the most appropriate method of investigating the concern.
- 8.3 If it becomes apparent that the concern is not of a whistle-blowing nature, the concern will be handled in line with the appropriate policy/procedure, and the complainant will be notified of this.
- 8.4 If the Headteacher/CEO or Chair of the Board of Governors or other relevant person considers that there are grounds for proceeding further, the complainant will be notified in writing, and an investigation will be conducted. The complainant will also be notified if the Headteacher/CEO or Chair of the Board of Governors or other relevant person consider that there are not grounds for proceeding further.
- 8.5 The written investigation notification will be given to the complainant to:
- acknowledge that the concern has been received
 - indicate how the matter is to be dealt with
 - give an estimate of how long it will take to provide a final response, informing the complainant as to whether any initial enquiries have been made
 - tell the staff member whether further investigations will take place and if not, why not
- 8.6 In some cases the Academy may appoint an investigator(s); dependent on the issues raised appointed investigators may be internal or external to the Academy and may include staff or consultants with relevant experience of investigations or specialist knowledge of the subject matter.
- 8.7 The investigation will be conducted speedily, ideally reporting within 15 working days of the first meeting taking place.
- 8.8 The Academy will aim to keep the complainant informed of the progress of the investigation. The need for confidentiality may prevent the Academy giving specific details of the investigation. Any information about the investigation must be treated by all parties as confidential.
- 8.9 Throughout any investigation, the Academy will provide wellbeing check-ins for both the complainant and subject(s) of a concern. Where appropriate, support and signposting to manage expectations, protect emotional wellbeing and maintain professional confidence will be offered.
- 8.10 The investigator(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and

details on how the matter can be rectified and whether or not a referral is required to an external organisation.

The investigator(s) may make recommendations for change to enable the risk of future wrongdoing to be minimised. It may also be appropriate as a result of an investigation to report the concerns raised to the Department for Education or the Police or other regulatory body.

The person who raised the concern will be informed of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

- 8.11 If the Academy concludes that an individual has made false allegations maliciously or with a view to personal gain, the individual will face appropriate action including disciplinary action, referral to the Police or a regulator as appropriate.

9. Review of outcome

- 9.1 If having followed the procedures detailed in this policy, the complainant is not satisfied that their whistleblowing concern has been properly investigated, or they feel that the action taken is inappropriate, they have the right to raise the matter, in confidence, with the Headteacher and CEO.
- 9.2 If the Headteacher and CEO has dealt with the concern, they have the right to raise the matter with the Chair of the Board of Governors.
- 9.3 The Headteacher and CEO (or Chair of the Board of Governors) will consider the complaint and may be supplied with all documentation submitted in earlier stages of the procedure. A written decision will normally be supplied within 15 working days.
- 9.4 The decision of the Headteacher and CEO or Chair of the Board of Governors is final and binding.

10. Extensions to timescales

- 10.1 Broadway Academy Trust will aim to conduct investigations within the timescales set out; however, there may be occasions when they need to be varied. If management need to amend response times, they will provide you with a written notice and explanation and information about when a response or meeting can be expected. Delays should not normally exceed ten working days.

11. Protection and support for whistleblowers

- 11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Academy aims to encourage openness and will support staff who raise genuine concerns under this policy where there is a reasonable belief that the concern is real, even if they turn out to be mistaken.
- 11.2 Staff will not suffer any detriment 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 Headteacher/CEO or Chair of the Board of Governors immediately. If the matter is not remedied, you should raise it formally using the Academy Grievance Procedure.
- 11.3 Staff must not victimise or retaliate against whistleblowers in any way. Anyone involved in such conduct may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue personally for compensation in an employment tribunal.

12. Links with other policies

12.1 This policy links with the following policies:

- Staff grievance policy
- Disciplinary policy
- Complaints procedure
- Child protection policy

13. Key Contacts

Headteacher Ron Skelton 0121 566 4340
r.skelton@broadway-academy.co.uk

Chair of Board of Governors Alan Rudge 0121 566 4334
a.rudge@broadway-academy.co.uk

Protect (formerly Public Concern at Work) - (Independent whistleblowing charity)
Helpline: 0203 117 2520
Website: [Protect | Speak Up, Stop Harm](https://www.protect.org.uk/)

APPENDIX: WHISTLEBLOWING PROCESS CHART

