



Whistleblowing Policy (incorporating Anti-Bribery Statement)

Compiled by:

CEAT

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Adopted by the Board of Trustees

Signed Chair of Trustees:	<i>Carole Davies</i>
Signed CEO:	<i>A. Dulcini</i>

The review of this policy will be as and when required in response to national requirements and in light of continuous school-based monitoring and evaluation data.

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Introduction

Central England Academy Trust (the Trust) is dedicated to providing the utmost care for its pupils and staff. We aim to ensure that all members of the Trust community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

Staff who are concerned about the conduct of a colleague towards a pupil, for example, or misuse of Trust/school funds or resources, are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their or their colleague's career. This policy enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

The Trust takes responsibility for ensuring that all staff are aware of whistleblowing policy and procedures and how concerns will be managed. The Trust will ensure that all concerns raised with them by whistleblowers will be treated properly and fairly.

Definition of 'whistleblowing'

Whistleblowing inside the workplace is defined as the reporting by workers or ex-workers of wrongdoing, such as fraud, malpractice, mismanagement, breach of health and safety law, safeguarding or any other illegal or unethical act either on the part of management, the governing body or fellow employees. This will usually be something you have seen at work, though not always. As well as employees, workers may include volunteers, contractors and outside agencies or others. Such a disclosure, made in the public interest, will be under the protection of the Public Interest Disclosure Act 1998.

Reporting concerns to the school/Trust

If you have a concern about another member of staff you should report it to your line manager, a member of the school leadership team, the designated person for safeguarding, or the Headteacher. Complaints about the Headteacher should be reported to the CEO of the Trust. Complaints about the CEO should be reported to the Chair of the Trust Board.

All concerns will be taken seriously by the Trust/school and investigated thoroughly. If you are in any doubt as to whether a concern is valid, you should report it, and the Trust/school can decide to what extent it needs to be investigated.

Wider disclosure

We encourage all our staff to follow the internal procedures outlined in this policy but understand that in some cases you may feel it is necessary to take your concerns to external agencies.

Under the terms of the Public Interest Disclosure Act 1998, you may take your concerns to an external agency where you reasonably believe that:

- you would be victimised by the Trust/school
- evidence that you submit in relation to the concern would be concealed or destroyed by the Trust/school
- you have previously made a disclosure of substantially the same nature.

We urge staff who take their concerns to external agencies to be careful not to disclose any confidential information. Information that is confidential and should therefore not be disclosed should be outlined in your contract of employment. **Note: it is against the law to publish any information which may lead to the identification of a worker who is subject to an allegation.**

The authorities that may be of help to you are:

- Children's Social Care Services
- Police
- NSPCC
- Health & Safety Executive
- Audit Commission
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Department for Education/ESFA
- Ofsted

Confidentiality

All concerns will be treated in confidence, and the Trust is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law, if the whistleblower has to give evidence at any hearings.

In cases where identities are revealed for whatever reason, the Trust will do its best to support all parties involved and protect them from discrimination and victimisation.

Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution.

Anonymous allegations

We would encourage staff to put their name to concerns raised as it will aid a more thorough investigation. However, the Trust will investigate all anonymous allegations seriously; following the proceedings outlined in this policy as far as is possible.

False allegations

The Trust encourages all staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded.

The Trust may take disciplinary action against staff who make claims that are found to be knowingly false, malicious, vexatious or for personal gain.

Responding to a concern

The Trust will investigate all allegations and concerns thoroughly, but the act of investigation does not indicate that the Trust has accepted the allegations as true.

Usually, the first course of action will be one of the following:

- an investigation by managers, internal audit, or through the disciplinary process
- an investigation under other procedures such as child/adult protection
- an investigation under procedures designed to deal with allegations made against professionals
- a referral to the police
- a referral to the external auditor or other external investigation
- an investigation under other forms of prosecution and inspection such as the protection of public health and safety
- a referral to an independent investigator.

Any concerns that fall under specific procedures will be followed up as described in their specific policy, e.g., child protection and safeguarding issues will be followed up as described in the school's child protection and safeguarding policy.

Whistleblowing procedures

The role of the whistleblower

Concerns will usually be dealt with in this way:

1. Staff will raise their concern with their manager or member of leadership team, either in person or, preferably, in writing. If their manager is the subject of the concern, they should go straight to the Headteacher. Staff will be dealt with in confidence and invited to an interview to discuss the allegation. Staff can go straight to the CEO or Chair of the Trust Board with their concern, but they will be asked to explain why they did not feel comfortable taking it to a member of their leadership team or Principal.
2. The manager or member of the leadership team that has heard the concern will decide upon the next course of action. If the concern has been raised verbally, they may ask for it to be put in writing. If they decide that it is a genuine concern, and that it is appropriate to follow the whistleblowing procedure, they may take the matter to the Headteacher, the CEO or the Chair of the Trust Board.
3. If there is any reason that the member of staff making the complaint or raising the concern feels that they are unable to speak any member of the school or Trust Board, they should contact the relevant authority.

Role of the leadership team

Hold an interview

Once an allegation has been brought to their attention, the senior staff member, Headteacher, CEO or Chair of the Trust Board will hold an interview with the person making the allegation, in confidence. This will take place immediately if there is concern that a child is at risk of harm, or within 10 working days if this is not the case. During this interview they will:

- get as much information about the basis of the allegation as they can, and will record what is discussed
- discuss the next action points and steps that will be taken with the staff member who has raised the allegation, and ensure that they fully understand what is going to happen; if the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined
- provide support to the whistleblower; they may be worried about their position, getting someone else into trouble, or what they suspect may be happening.

Staff may want to seek the support of their trade union when going through whistleblowing procedures. Staff are allowed to take a representative from their trade union to their interview and subsequent meetings.

Decide on a course of action

If there is cause for concern once the interview has been carried out, the leading member of staff will take the information that they have recorded to the Headteacher (or CEO if the Headteacher is of concern or Chair of Board if the CEO is of concern).

If it is decided that no further action will be taken this will be explained to the whistleblower within 10 working days. This may be because:

- the leading member of staff, Headteacher, CEO or Chair of the Trust Board does not feel that there is enough evidence to warrant a continued investigation and that it is unlikely that any malpractice has occurred or will occur
- there is a belief that the whistleblower is not acting in good faith
- the matter has already been raised and is being investigated.

The Headteacher, if not already involved, will be informed of the concern even if no further action is to be taken.

Role of the Headteacher, CEO and Chair of the Trust Board

The person who receives the report – whether it is the Headteacher, CEO or Chair of the Trust Board must act on the concern fully. If there is a good reason not to, this will be explained at the next Trust Board meeting and reported back to the whistleblower.

The Headteacher, CEO or Chair of the Trust Board will decide whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

The decision and progress of the case will be reported back to the leadership member involved, and this will be reported by them to the whistleblower.

The outcomes of any investigations will be reported to the whistleblower in writing to their home address within 10 working days. If they do not receive any information and this time has passed, they may appeal for information through their manager or relevant external authorities.

Recording, monitoring and evaluation

All staff concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.

The Trust Board will review and evaluate all allegations, how they have been dealt with, and their outcomes, to prevent similar future cases, and ensure that procedures are being used correctly and are effective.

This policy will be reviewed annually and any relevant cases that have come up during the past year will be taken into account when it is being reviewed.

Outcomes

If the whistleblower is dissatisfied and feels that an allegation that they have made has not been dealt with seriously or properly, they can take the matter up with the relevant authority. All school leaders will try their best to deal with allegations fairly and effectively.

Independent advice

This policy is designed to help staff with any whistleblowing concerns and procedures, but the Trust understands that some staff may wish to get advice from independent external agencies.

Contact details

Chair of the Trust Board – Mrs Carole Davies

Telephone: 02476 740 932 – *Mrs Amy Pearson*

CEO – Mr Andrew Dickinson

Telephone: 02476 740 932 – *Mrs Amy Pearson*

External Contacts

Acas

Telephone: 0300 123 1100

Public concern at Work

Whistleblowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

National Audit Office

Whistleblowing enquiries: 020 7798 7999

General Fraud and Corruption enquiries: 020 7798 7264

Appendix 1 – Anti-Bribery Statement

1. Introduction

1.1 The Bribery Act 2010 introduced a new, clearer regime for tackling bribery. This anti-bribery statement sets out the policy for dealing with bribery or suspected bribery, namely the prohibition of any form of theft, fraud, bribery or corrupt practices, whether covered directly by the Bribery Act 2010 or not.

1.2 The Trust is committed to maintaining an honest, open and constructive culture so as to best fulfil its objectives. It is therefore committed to the elimination of theft, fraud, bribery and corruption, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.

1.3 The overall aims of this statement are to:

- i. assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly;
- ii. set out the Trust's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption;
- iii. ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - criminal prosecution;
 - civil prosecution;
 - internal/external disciplinary action (including professional/regulatory bodies).

1.4 All employees should be aware that theft, fraud, bribery and corruption will normally be regarded as a serious disciplinary offence which will be addressed in accordance with the Trust's Disciplinary Policy and associated procedures.

2. Definitions

2.1 'Bribery' means the taking of an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages. A bribe might be taken in

order to gain any commercial, contractual or regulatory advantage for the Trust in a way which is unethical or for personal advantage, pecuniary, or otherwise, for the individual or anyone connected with the individual.

2.2 'Corruption' means the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. A corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

3. Rationale

3.1 Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines.

3.2 The Trust will not commit an offence of failing to prevent bribery, if it can show that it had 'adequate procedures' in place to prevent bribery.

4. Scope

4.1 This statement applies to all employees regardless of position held, as well as those acting on behalf of the employer, including Governors, other volunteers, temporary workers, consultants, contractors, and/or any other parties who have a business relationship with the Trust. It will be brought to the attention of all employees and Governors and will form part of the induction process for new staff.

4.2 The Trust has procedures in place that reduce the likelihood of theft, fraud, bribery or corruption occurring. These include Standing Orders, Financial Regulations, documented policies and procedures, including whistleblowing and a system of internal control (including Internal and External Audit) and risk assessment.

5. Core Principles

5.1. The Trust operates a zero-tolerance attitude in respect of theft, fraud, bribery and corruption.

5.2 All staff have a personal responsibility to protect the Trust from theft, fraud, bribery or corruption, are responsible for maintaining the highest standards of business conduct and are expected to behave honestly and with integrity.

5.3 In the event that a member of staff becomes suspicious that theft, fraud, bribery or corruption is being committed, they are fully authorised to take immediate action to prevent further or to secure evidence. Any such action should be reported to senior management. Where such action or reporting is not possible the Whistleblowing Policy should be used to report the matter.

5.4 If it subsequently becomes clear that those suspicions and actions were ill founded, then the Trust will not discipline the member of staff concerned, unless it is considered that the action was motivated by personal animosity.

5.5 Individuals must not communicate directly with any member of the press, media or any other third party about a suspected act of theft, fraud, bribery or corruption, but should address any such concerns in accordance with the Whistleblowing Policy.

5.6 All gifts, payments or any other contribution received, whether in cash or in kind, shall be documented, regularly reviewed, and properly accounted for.

5.7 The Trust will procure goods and services ethically and transparently with the quality, price and value for money determining the successful supplier/contractor, not by receiving (or offering) improper inducements.

5.8 The Trust prohibits employees and associated persons from offering, giving, soliciting or accepting any bribe in any way, or to give, or be perceived to have given, a financial or other advantage to any person, (whether a UK or

foreign public official, political candidate, party official, private individual, private or public sector employee or any other person) in order to induce that person to perform his/her functions or activities improperly.

5.9 The Trust may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is therefore prohibited.

5.10 Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by the Trust or its employees in the UK or any other country.

5.11 This statement is not intended to prohibit appropriate corporate entertainment and / or hospitality undertaken in connection with the Trust's business activities, provided the activity is customary under the circumstances, is proportionate, and is properly recorded / disclosed as set out in the Financial Regulations.