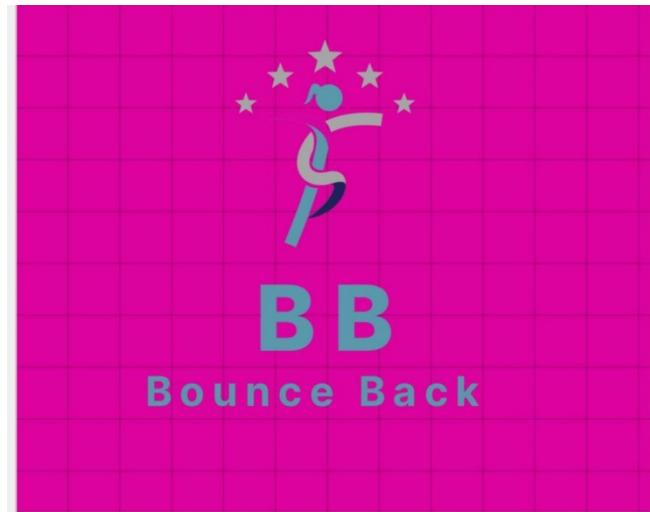


Bounce Back Alternative Provision



Whistleblowing Policy

Control Sheet

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| Version number | 1.2 |
| Original date approved | September 2024 |
| Current date approved | September 2025 |
| Approved by | Rebecca Swallow |
| Date of next review | September 2026 |
| Status | Active |
| Policy Owner | Bounce Back AP |
| Policy location | Website, on site |

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Bounce Back AP Whistleblowing Policy

1. Introduction

1.1 Bounce Back AP is committed to the achieving the highest possible standards of quality, honesty, integrity, openness and accountability. This policy has been introduced to confidentially raise concerns about malpractice and wrongdoing within the organisation in the right way and without worry or the fear of victimisation, subsequent discrimination, or disadvantage.

1.2 This policy applies to all employees and those contractors working for the organisation, for example agency, volunteers or providing services under a contract with Bounce Back AP.

1.3 Members of staff are often the first to realise that there may be something seriously wrong within an organisation. They may however, not express their concerns because they fear that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstance it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.4 Bounce Back AP takes malpractice very seriously. We expect employees, and others, who have genuine and serious concerns about any aspect of the setting's operations to come forward and voice these concerns.

1.5 This policy document makes it clear that staff may do so without fear of victimisation, subsequent discrimination, or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within Bounce Back AP and without resorting to taking their complaint to an external organisation. However, nothing in this policy should be seen to encourage the deliberate lodging of false, vexatious or malicious complaints. It will remain the policy of Bounce Back AP to take appropriate action in such cases.

1.6 Our aim is to ensure that no person will be treated less favourably on the grounds of their protected characteristic or any other condition which cannot be shown to be wholly justified in relation to employment with Bounce Back AP or in delivering services to the community in all that we do.

2. The Public Interest Disclosure Act 1998

2.1 The Public Interest Disclosure Act came into force in 1999. The Act is intended to encourage employees to raise their concerns in a reasonable way where there is practice within an organisation which threatens the public interest. The intention of the Act is that employees will raise their concerns internally and regulates the situations which they may raise the matter externally.

2.2 Employees will only be protected if they make a qualifying disclosure which is an allegation of one of the relevant failures summarised below:

- That a criminal offence has been or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with a legal obligation to which she/he is the subject
- That a miscarriage of justice has occurred, is occurring, or is likely to occur

- That the health and safety of any individual has been, is being, or is likely to be jeopardised
- That the environment has been, is being, or is likely to be damaged;
- That information intending to show any matter falling within the above categories has been, is being, or is likely to be deliberately concealed.

2.3 In order to benefit from the protection of dismissal and/or victimisation, the employee must normally raise the matter in a prescribed way. It will not often be appropriate for the employee to simply disclose the matter externally. They must raise it internally first in most instances.

2.4 Initially the disclosure is protected in terms of remaining within the ambit of the act only if made in good faith to the following persons:

- An employer or some other responsible person who has legal responsibility for the matter or whose conduct it relates to
- Some other person in accordance with the employer's procedure
- A legal advisor in course of obtaining legal advice
- A Minister of the Crown where the employer is appointed by the Minister

2.5 There are certain circumstances where an employee may be permitted to make the disclosure externally, but ordinarily such a disclosure will have to be a person or regulatory body prescribed by an order made by the Secretary of State for these purposes e.g. the Health and Safety Executive

2.6 In these circumstances the employee will be obliged to show that they reasonably believe the disclosure to be substantially true and that it is not made for personal gain.

2.7 In all other circumstances, unless the failure is of an exceptionally serious nature, the employee will not be entitled to disclose the failure externally with immunity unless they have already raised it internally, or with a prescribed regulatory body.

3. Aims and scope of this policy

3.1 This policy aims to:

- Encourage staff to feel confident in raising concerns and act upon concerns about practice
- Provide avenues to staff to raise those concerns and receive feedback on any action taken
- Reassure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in good faith.

3.2 To raise a concern or bring a complaint or grievance relating to a personal position, employees should refer to the Grievance Policy. The Whistleblowing Policy is to help raise concerns where it is believed the interest of others such as colleagues, students could be at risk and to cover major concerns that fall outside the scope of other procedures.

3.3 This confidential reporting policy is intended to cover major concerns that fall outside the scope of other procedures. These concerns include:

- Conduct which is an offence or a breach of law

- Disclosures related to serious miscarriages of justice
- Health and Safety risks to staff, students and the public
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Other serious unethical conduct

3.4 Any concerns that amounts to any aspects of Bounce Back AP's operations, the conduct of its staff, officers and Governors, or others acting on behalf of Bounce Back AP, can be reported under these procedures. This could be something that:

- Falls below known standards or the standards to which you believe Bounce Back should subscribe
- Is in breach of the Articles of Association, Terms of Reference of agreed policies
- Amounts to improper conduct.

4. How to raise a concern

4.1 If a member of staff suspects wrongdoing in the workplace and is of the view that all internal and formal avenues have been exhausted or that no appropriate avenues to address the concern in question, they should consider the following:

- That a disclosure should be raised in 'good faith'
- They must not approach or accuse the individuals directly
- They must not try and investigate the matter themselves
- They must not convey their suspicions to anyone other than those with the appropriate authority by the must do something
- They may seek advice from their trade union representative

4.2 As a first step, the discloser should normally raise concerns with the relevant nominated officer. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if the discloser believes that the Proprietor is involved in the matter of concern, or the normal channels of communication are inappropriate for some reason, they should approach the Chair of Governors. If, for some significant reason, the discloser does not feel comfortable raising they should approach one of the nominated officers' identified in the Contacts section.

4.3 Concerns may be raised verbally in the first instance but should be raised in writing subsequently. In any event the report should set out the background and history of the concern giving relevant names, dates and places where possible, and the reason why they are particularly concerned about the situation.

4.4 The earlier a concern is expressed, the easier it is to take appropriate action.

4.5 Although the discloser is not expected to prove the truth of an allegation that is made, it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.

4.6 Alternatively, the discloser may wish to seek advice from their Trade Union representative, or the Protect Charity – <https://protect-advice.org.uk/>

5. How Bounce Back AP will respond

5.1 All concerns will initially be treated confidentially and every effort made not to reveal the identity of the disclosure who will not be required without their written consent to participate in any enquiry or investigation unless there are grounds to believe they may have been involved in misconduct or malpractice.

5.2 It must be understood that the success of internal investigations, disciplinary proceedings and criminal prosecutions may be dependent on the willingness of the discloser to participate. In general, the discloser's identity will not be revealed without their permission unless:

- The investigator is under a legal obligation to do so
- The information is already in the public domain
- On a strictly confidential basis to administrative staff in the context of preparation of reports
- On a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining advice
- The investigator forms the opinion that the disclosure is deliberately untrue, vexatious and/or malicious.

5.3 The action taken by Bounce Back AP will depend on the nature of the concern. Where appropriate the matters may:

- be investigated by management or through the disciplinary policy
- Be referred to the Police
- From the subject to an external enquiry.

5.4 In order to protect individuals and Bounce Back AP, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example child protection or capability issues), will normally be referred for consideration under those procedures.

5.5 Having determined that the matter disclosed is properly a matter for consideration within this policy and procedure, the Nominated Officer shall determine whether to:

- Call for the matter to be investigated internally
- Refer the matter to the Police
- Call for an independent enquiry

- In some cases, a matter disclosed might be dealt with by agreed action without the need for further investigation. (In determining the above, Nominated Officer shall take such advice or consult with senior colleagues as may be necessary)

5.6 If a disclosure is to be the subject of an internal investigation, this will be investigated by senior management or through the disciplinary policy. Internal Audit would normally be instructed to investigate disclosures relating to financial malpractice or impropriety and in all cases of alleged fraud, the Fraud Policy should replace this procedure.

5.7 In other cases, the investigation should be carried out by a senior member of staff independent of the area in which malpractice or impropriety is alleged to have occurred. In all cases no one having any part to play in reaching a decision on any matter raised through disclosure shall take part in investigating matters contained in the disclosure.

5.8 Upon completion of an internal investigation, a written report will be submitted by the Investigator/ Proprietor who will determine what action, if any, should be taken in the circumstances. If any circumstances whereby the Proprietor is identified as a party directly involved in the concern expressed by the discloser, a written report will be submitted to the Chair of Governors.

5.9 Where it is found that a rule or regulation has been breached which forms part of an agreement or contract between Bounce Back AP and an external body, the appropriate senior manager must notify the external body in writing of the breach and supply any additional information requested by that body. The manager must also notify the Board of Governors accordingly.

6. Initial Action and Feedback

6.1 Within 5 working days of a concern being raised under this policy the Nominated Officer considering the issues will write to the discloser:

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Giving an estimate (so far as reasonably practicable) as to how long it will take to provide final response
- Informing them whether any initial enquiries have been made; and
- Informing them whether further investigations will take place and if not, why not

6.2 The amount of contact between the discloser and the officer considering the issues will depend on the nature of the matters raised; the potential difficulties involved; and the clarity of information provided. If necessary, further information will be sought from the discloser.

6.3 Where any meeting is arranged, the discloser has the right, if they so wish, to be accompanied by a Trade Union representative or a work colleague who is not involved in the area of work to which the concern relates.

6.4 Bounce Back AP will take appropriate steps to minimise any difficulties the discloser may experience as a result of raising a concern. For example, if they are required to give evidence in criminal or disciplinary proceedings Bounce Back AP will advise them about the procedure.

6.5 Bounce Back AP accepts that the discloser needs to be assured that the matter has been properly addressed. Therefore, subject to any legal restraints, the discloser will receive as much information as possible about the outcomes of any investigation.

7. How can this matter be taken further?

7.1 This policy is intended to provide employees and other persons with an avenue to raise concerns within Bounce Back AP and it is hoped that they will take this option in the first instance. Bounce Back AP hopes they will be satisfied but if not, and the discloser feels it is right to take the matter outside the organisation, then depending upon the nature of the issue involved, the following are possible contact points:

- Relevant professional bodies or regulatory organisations
- The Secretary of State for Education
- OFSTED
- OFQUAL
- ACAS
- The Whistleblowing Charity – Protect (formerly known as Public Concern at Work)
- The Police
- Teaching Regulation Authority
- The local Citizen Advice Bureau
- An independent legal adviser within the meaning of the Public Interest Disclosure Act 1998
- A regulatory body designated for the purposes of the Public Interest Disclosure Act
- The ESFA/DFE
- Member of Parliament
- National Audit Office
- Health and Safety Executive

Contact details for some of these organisations can be found on the External Contacts sheet.

7.2 Disclosers are strongly advised to take advice from their Trade Union representative before raising a complaint with an external body.

7.3 It is extremely unlikely to be the case that a complaint should ever be shared with the media. Again, disclosers considering this step are strongly advised to take advice from their Trade Union representative before taking such action.

7.4 If the discloser does wish to take the matter outside Bounce Back AP, they must first ensure that they do not disclose confidential information. In addition, if the discloser wishes to secure the protections afforded by the Public Interest Disclosure Act, they must ensure that their disclosure is

protected within the meaning of the Act and that it complies with a set of specific conditions, which vary according to whom the disclosure is made. If necessary, the discloser may wish to seek advice.

8. Responsibility for the policy

8.1 The responsibility for the effectiveness and efficiency of this policy rests with the Bounce Back AP. The organisation will be advised about and maintain records of concerns raised and the outcomes (but in a form which does not endanger the disclosers confidentiality).

8.2 The nominated officer will ensure that all staff are made aware of this policy. This policy shall be easily accessible to staff and new staff should also be made aware of the policy. Staff will be able to access this policy.

8.3 This policy will be included in the induction process for new starters to Bounce Back AP and new starters will be provided with relevant training. In addition, there will be annual reminders to all staff with regard to the existence of the policy.

9. General Principles underlying this policy

9.1 Consistency of treatment and fairness, Bounce Back AP is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

9.2 Confidentiality, the whistleblowing process will be treated with confidentiality. However, the desire for confidentiality does not override the need for Bounce Back AP to quality assure the operation and effectiveness of the policy.

Bounce Back AP Contacts

In case of an issue where an individual does not feel comfortable raising concerns to the Proprietor/ Headteacher, the individual should approach Bounce Back AP by contacting any of the following nominated officers:

- Chair of Governors

External Contacts

If an employee feels unable to contact Bounce Back AP or the concern is about Senior Leaders, please contact:

- The Charity Commission for England and Wales

Tel: 0300 066 9197

Website: www.gov.uk/charity-commission Email: whistleblowing@charitycommission.gov.uk

- The Education and Skills Funding Agency (ESFA) Tel: 0370 000 2288

Online Form: https://form.education.gov.uk/service/Contact_the_Department_for_Education

- Secretary of State for Education Ministerial and Public Communications Division Department for Education

Piccadilly Gate Store Street Manchester M1 2WD

Tel: 0370 000 2288

Website: www.gov.uk/contact-dfe

- Ofqual

Tel: 0300 303 3344 Email: whistleblowing@ofqual.gov.uk

Online Form: www.smartsurvey.co.uk/s/ofqual-whistleblowing Ofsted Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk

- NSPCC Whistleblowing Helpline

Tel: 0800 028 0285

Email: help@nspcc.org.uk

Employees are also encouraged to contact their Trade Union representative for advice and support.