

## Whistleblowing Policy and Procedure

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### 1. Policy statement

- 1.1. Future Academies is committed to the highest possible standards of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust's/school's work are encouraged to come forward and voice those concerns. This policy sets out Future Academies' policy and procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work.
- 1.2. Employees are often the first to realise that there may be something wrong within an organisation and it is important that they feel able to express their concerns without fear of harassment or victimisation. The Public Interest Disclosure Act 1998 is designed to protect employees who make certain disclosures of information in 'the public interest' from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 1.3. This policy aims 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;
  - Provide staff with guidance as to how to raise those concerns;

- Provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- Provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- 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 mistaken.

- 1.4. This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.5. This policy describes how any employee can raise any concerns they may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

## **2. Legislation**

- 2.1. The requirement to have clear whistleblowing procedures in place is set out in [The Academy Trust Handbook](#).
- 2.2. This policy has been written in line with the above document, as well as government guidance on [whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).
- 2.3. This policy complies with our funding agreement and articles of association.

## **3. Scope of policy**

- 3.1. This policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.
- 3.2. This policy is designed to sit alongside the Future Academies Grievance Policy and Procedure and Future Academies Complaints Policy and Procedure. As a guideline, concerns, which should be raised through these routes, are as follows:
- Employment related issues should be raised through the Future Academies Grievance Policy and Procedure
  - Future Academies Complaints Policy and Procedure can be used for complaints about Governors.

## **4. Equal Opportunities**

- 4.1. The whistleblowing policy must always be applied fairly and in accordance with employment law and Future Academies' Equality Policy.

## **5. What is whistleblowing?**

- 5.1. Whistleblowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistleblowing include, but are not limited to:
- Criminal offences such as fraud or corruption;
  - Pupils' or staffs' health and safety being put in danger;

- Failure to comply with any legal or professional obligation or statutory requirement;
- Breaches of financial management procedures;
- Attempts to cover up the above, or any other wrongdoing in the public interest;
- Damage to the environment;
- Negligence.

5.2. A whistleblower is a person who raises a genuine concern relating to any of the above.

5.3. Not all concerns about the trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

5.4. When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

5.5. Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#).

## **6. Before raising a concern**

6.1. Before initiating the procedure employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

## **7. Safeguards**

### **7.1. Harassment or victimisation**

7.1.1. Future Academies recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Future Academies will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

### **7.2. Confidentiality**

7.2.1. Future Academies will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the school to address the concern and in some circumstances, the school may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

### 7.3. **Anonymous allegations**

7.3.1. Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the school. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### 7.4. **Malicious or vexatious allegations**

7.4.1. If an employee makes an allegation in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

### 7.5. **Unfounded allegations**

7.5.1. If an employee makes an allegation which, following investigation, is unfounded, the outcome will be notified to the employee who raised the concern, who will be informed that the matter is concluded and that it should not be raised again unless new evidence becomes available

### 7.6. **Support for Employees**

7.6.1. It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.

## 8. **When to raise a concern**

8.1. Employees should consider the examples in section 3 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

8.2. The earlier an employee expresses the concern, the easier it is to take action.

## 9. **Who to report to**

9.1. Employees should report their concern to:

- For academy based employees - their senior line manager or the Principal
- For central employed employees - their senior line manager or the Trust CEO.

9.2. If an academy employee believes that the Principal is involved, they should report their concern to the Trust CEO.

9.3. If an employee believes that the Trust CEO is involved, they should report their concern to Chair of the Future Academies Board.

9.4. An employee can by-pass the academy and the CEO and contact the Chair of the Future Academies Board if they feel the management of the academy as a whole is engaged in an activity of a whistleblowing nature.

- 9.5. Where there are concerns at a Trust management level it may be appropriate to escalate these to the Chair of the Future Academies Board.

## **10. How to raise a concern**

- 10.1. Concerns should be made in writing wherever possible, setting out the background and history of the concern, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. It is important that the employee makes it clear that they are raising the issue via the whistleblowing procedure.
- 10.2. The employee raising the concern should also include details of any personal interest in the matter.
- 10.3. In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.
- 10.4. At each meeting under this policy the employee may bring a trade union representative or colleague.

## **11. Stage One: the meeting**

- 11.1. When a concern is received by the senior line manager/Principal/CEO/Trust Board Chair (referred to here as the "Recipient") they will :
- Acknowledge receipt of the concern within 5 working days
  - Meet with the employee within 10 working days of receiving the concern.
- 11.2. At the initial meeting the Recipient will:
- Establish as much detail as possible about the concern, and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the Recipient should handle the concern in line with the appropriate policy/procedure
  - Reiterate, at this meeting, that the employee is protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 7 of this policy)
  - Establish whether there is sufficient cause for concern to warrant further investigation.
- 11.3. If the meeting establishes that there is sufficient cause for concern to warrant further investigation:
- The Recipient should then arrange a further investigation into the matter, involving a more senior member of staff, for example the Principal, the Trust's Chief Executive Officer, the Chair of the Future Academies Board, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police.
  - The employee who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps
  - A record should be made of the decisions and/or agreed actions.
- 11.4. Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the academy's HR advisers.

## **12. Stage Two: Outcome of the investigation**

- 12.1. Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(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, such as the local authority or police.
- 12.2. They will inform the employee who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.
- 12.3. Beyond the immediate actions, the Principal, Executive leaders, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.
- 12.4. Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## **13. Escalating concerns beyond the Trust**

- 13.1. Future Academies encourages employees to raise their concerns internally but recognises that they may feel the need to report concerns to an external body. A list of prescribed bodies to whom employees can raise concerns is included [here](#) and:

- [Protect](#) Tel no: 020 3117 2520
- Recognised Trade Union
- External Auditor
- Relevant professional bodies or regulatory organisations
- Solicitor

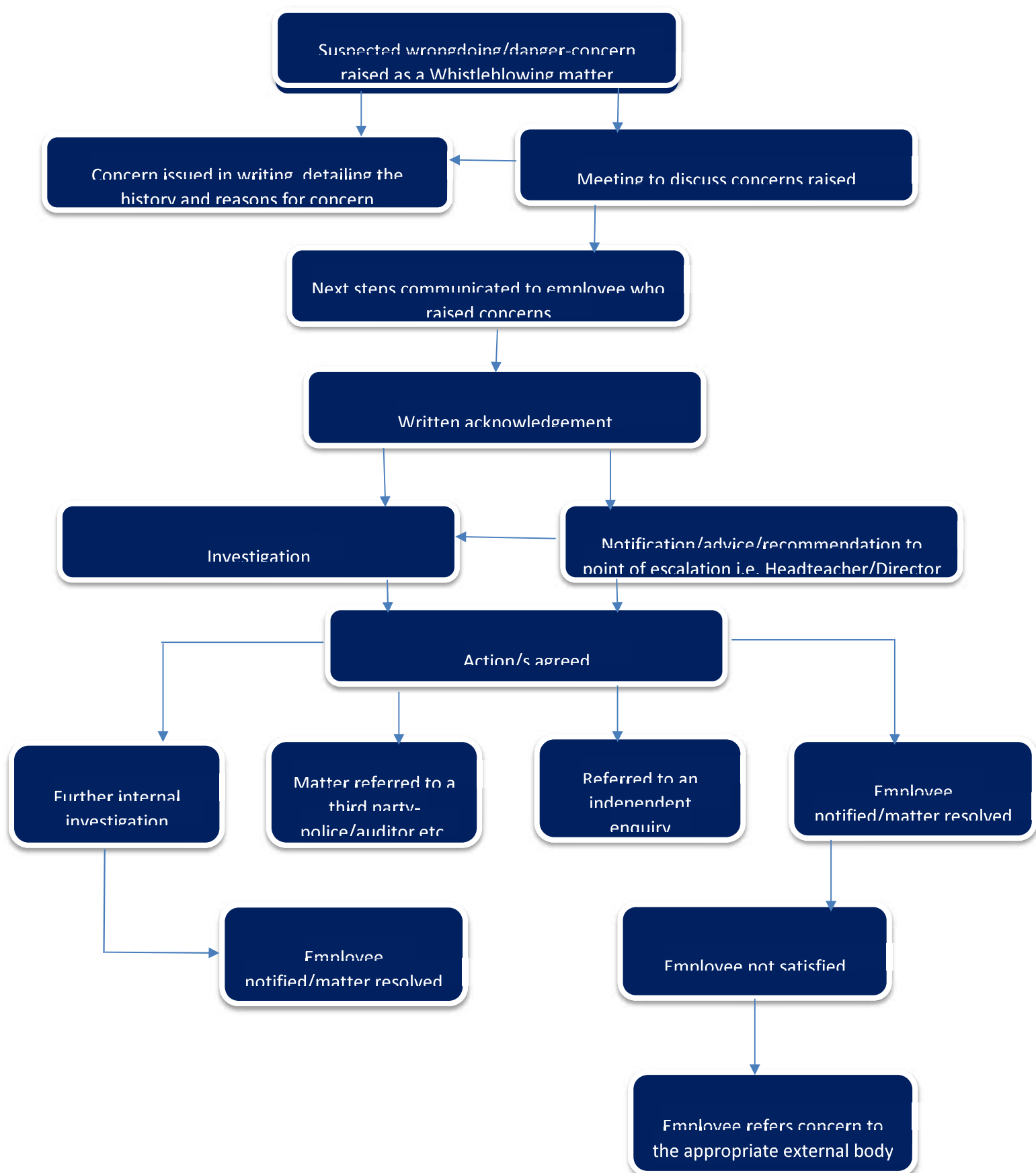
*\*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

- 13.2. Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## **14. Monitoring and Review**

- 14.1. The Future Academies CEO will hold overall responsibility for monitoring the implementation and effectiveness of this policy. This policy will be reviewed internally by the CEO annually, and by the Future Academies Board every two years.

## Appendix A: Whistleblowing Flowchart



Document control table			
Document Title: Whistleblowing Policy and Procedures			
Author (name & job title):		Governor Support Officer	
Staff responsibility: (name or post)		Chief Executive Officer	
Date Formally approved:	December 2018	Formal Approval by:	Trust Board
Review information:	<i>Scheduled</i>	<i>Next Review Due By</i>	
<i>Internal Review</i>	Annually	December 2019	
<i>Formal Approval</i>	Every two years	December 2020	
Document History			
<i>Version</i>	<i>Date</i>	<i>Reviewer</i>	<i>Note of revisions</i>
v1	August 2016	AW	Created
v1.1	May 2018	JA	Re-formatted
V1.2	December 2018	EPM	Reviewed and approved.
V2	June 2021	TS	Reviewed, updated and reformatted.