



Whistleblowing Policy

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WHISTLEBLOWING POLICY

INTRODUCTION

The Fallibroome Trust with its staff and Governing Bodies seek to manage all aspects of school business and activity with full regard for high standards of conduct and integrity.

This policy acts as a framework to allow concerns of staff, parents, governors or the school community to be raised confidentially and provides for a thorough and appropriate investigation of the matter to a satisfactory conclusion.

The Trust is committed to tackling fraud and other forms of malpractice and treats these issues seriously. It is recognised that some concerns may be extremely sensitive and a procedure has been developed which allows for the confidential raising of concerns within the school environment but which also has recourse to an external party outside the management structure of the school.

PURPOSE

The purpose of this policy is to enable employees to raise concerns about the conduct of others in a confidential manner.

GOVERNANCE

The Local Governing Body is a committee of the Fallibroome Trust. The Local Governing Body will adopt and comply with all policies communicated by the Directors of the Trust. The Local Governing Body is responsible for setting out the policies and practices for staff. The Local Governing Body may delegate these matters to:

- The Principal/Headteacher;
- A sub-committee of the Local Governing Body; or
- A sub-committee and the Principal/Headteacher.

Where this procedure refers to the Local Governing Body representative this can be any one of the above.

SCOPE

This policy is applicable to employees and workers of the Fallibroome Trust. The extended meaning of 'worker' as defined under Section 43K of the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) applies here. For the purposes of this policy, 'employees' refers to both employees and workers of the Fallibroome Trust.

AIMS

The aims of this policy are to:

- a) Provide a process for employees to raise concerns about wrongdoing (known as 'disclosures') in the workplace;
- b) Reassure employees that concerns raised in good faith will be handled seriously and as confidentially as possible without reprisals; and
- c) Promote accountability throughout the Trust, reducing the risk of serious malpractice occurring.

The Trust recognises that it can be difficult to come forward to highlight wrongdoing in the workplace, especially if it involves fellow staff and commits to respond to any whistleblowing disclosure sensitively and with care. Employees making a disclosure will be kept informed as to what steps are being taken to investigate and resolve the issue and confidentiality will be maintained.

THE LEGAL BACKGROUND

Whistleblowing is a specific type of disclosure where an individual, acting in the public interest, reasonably believes that one or more of the following is happening, has happened, or will happen in their workplace:

- a) a criminal offence;
- b) failure to comply with a legal obligation;
- c) a miscarriage of justice;
- d) a danger to health and safety;
- e) damage to the environment; or
- f) deliberate concealment of any of the above.

An employee does not have to provide evidence of allegations in order for the Trust to investigate a disclosure.

Employees who raise genuine concerns in good faith in line with this policy are protected from detrimental treatment under employment legislation. Employees who make disclosures maliciously, make disclosures without a reasonable belief in their truth or make disclosures which are personal grievances against other individuals will not receive this legal protection and may face disciplinary action as a result.

Complaints relating to an employee's individual circumstances in the workplace should be raised under The Fallibroome Trust's Grievance Policy.

If an employee is unsure as to whether a concern should be raised under this policy, or needs guidance on how to raise such a concern, the charity *Public Concern at Work* can provide independent and confidential advice.

ANONYMITY AND CONFIDENTIALITY

- Employees are encouraged to raise concerns openly.

- This makes it easier for the Trust to assess the issue, to decide how to investigate and to obtain more information.
- An employee who raises a concern confidentially if he or she gives her name on the condition that it is not revealed without their consent.
 - A request for confidentiality will be respected to every extent possible unless otherwise required by law. However, in some cases, it will be impossible to take action on the concern without open testimony from the whistleblower.
- An employee who raises a concern anonymously if he or she does not give their name at all.
 - The Trust will assess information received anonymously as best as it can. It will consider the seriousness of the allegations and the likelihood of being able to confirm the allegations from verifiable sources.
 - Making a disclosure anonymously will limit the Trust's ability to ask follow-up questions and to provide feedback on the information received. It will also be more difficult for an employee who has made an anonymous disclosure to qualify for the legal protections given to whistleblowers.

KEEPING CHILDREN SAFE

For the avoidance of doubt, nothing within this policy is intended to prevent staff from complying with their obligations as stated in the statutory guidance Keeping Children Safe in Education or in The Fallibroome Trust's Safeguarding Policy.

All staff working within the Trust must report any safeguarding concerns about an individual's behaviour towards children and young people immediately. Allegations or concerns about colleagues and visitors must be reported directly to an academy's Headteacher or Designated Safeguarding Lead as outlined in the Safeguarding Policy.

RAISING A WHISTLEBLOWING CONCERN

The Fallibroome Trust's procedure for raising a whistleblowing concern is set out in Appendix 1. The procedure details who to contact regarding a whistleblowing concern and how to escalate this within the organisation if necessary.

INVESTIGATION AND OUTCOME

When a whistleblowing concern is raised, The Fallibroome Trust will instigate an investigation. This may be led by the person receiving the disclosure or another colleague they have appointed to lead the investigation (the investigating officer).

The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.

An employee making a disclosure is entitled to be accompanied by a colleague or a trade union representative at any time during the disclosure or the investigation. Individuals acting in this support role must adhere to the confidentiality provisions in this policy.

The investigating officer will report their findings to the person who received the disclosure, who will then decide if the matter warrants further investigation and what the next steps will be. This may involve setting up an independent investigation panel or involving external authorities.

At an early stage in the investigation, if appropriate in the circumstances, the person (or persons) about whom the disclosure was made will be informed. They will be told about the disclosure and any supporting evidence and will be given an opportunity to respond.

Appropriate corrective action will be taken and the individual making the disclosure will be kept informed of progress. Wherever possible (subject to any third party rights) they will be informed of the resolution.

Records of the investigation will be kept for six years by the Company Secretary. Records will include an official report of the disclosure and the subsequent action taken.

NOTIFICATION

Headteachers in receipt of a disclosure must notify the Chief Financial Officer within 24 hours of receipt and prior to instigating an investigation.

The Chief Financial Officer in receipt of a disclosure must notify the Chief Executive Officer within 24 hours of receipt and prior to instigating an investigation.

The Chief Executive Officer in receipt of a disclosure must notify the Chair of the Audit & Risk Committee within 24 hours of receipt and prior to instigating an investigation.

Outcomes of all investigations must be reported to the Chair of the Audit & Risk Committee and at the next meeting of the Audit & Risk Committee.

CONTACT WITH EXTERNAL BODIES

This policy is intended to provide a framework for reporting, investigating and rectifying suspected wrongdoing in the workplace. It is designed to support a culture of transparency and accountability where employees feel able to raise concerns about potential illegal or unethical activity.

The law, however, does recognise that in exceptional circumstances, employees have the right to raise concerns directly with bodies and people known as 'prescribed persons'.

These include regulatory agencies such as Ofsted and the Education and Skills Funding Agency. A complete list of prescribed persons can be found on the Government's website.

Employees are strongly encouraged to seek advice from *Public Concern at Work* before making disclosure to an external body.

CONTACT WITH THE MEDIA

It will very rarely, if ever, be appropriate for an employee to approach the media with details of suspected wrongdoing. Employees who do so will likely lose the whistleblowing protections given to them by the law and may face disciplinary action, up to and including termination for gross misconduct.

PROTECTION FOR WHISTLEBLOWERS

No employee will suffer detrimental treatment for having raised a concern made in good faith.

If an employee believes they are being subjected to reprisal or victimisation as a result of raising a concern, they should contact the Chief Financial Officer immediately. Action will be taken to protect the employee.

REVIEW

This policy will be reviewed in line with changes in legislation and best practice.

APPENDIX 1: PROCEDURE FOR RAISING A WHISTLEBLOWING CONCERN

STAGE ONE

INFORM

Disclose the suspected wrongdoing first to:

- Your Headteacher or
- The Chief Financial Officer.

RESPONSE

You should expect a response detailing to whom the disclosure has been notified and any action taken and an intended timetable for the investigation within **five working days** of the Headteacher or Chief Financial Officer becoming aware of the disclosure. Investigations will be carried out in line with the whistleblowing policy.

ESCALATION

You may escalate your concern in the following circumstances:

- If the person you should be making a disclosure to is implicated in your whistleblowing concern (i.e. suspected by you of wrongdoing), you may escalate to the next person in the list.
 - If the Chief Financial Officer is suspected of wrongdoing, proceed directly to Stage Two.
 - If no response is received after five days, you shall be entitled to proceed to Stage Two.
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STAGE TWO

INFORM

Disclose the suspected wrongdoing to The Chief Executive Officer.

RESPONSE

You should expect a response detailing to whom the disclosure has been notified and any action taken and an intended timetable for the investigation within **five working days** of the Chief Executive Officer becoming aware of the disclosure.

ESCALATION

You may escalate your concern in the following circumstances:

- If the Chief Executive Officer is suspected of wrongdoing, proceed directly to Stage Three.
 - If no response is forthcoming after five days, you shall be entitled to proceed to Stage Three.
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STAGE THREE

INFORM

Disclose the suspected wrongdoing to the Chair of the Audit Committee on behalf of the Board of Trustees.

RESPONSE

You should expect a response detailing to whom the disclosure has been notified and any action taken and an intended timetable for the investigation within **ten working days** of the Chair of the Audit Committee becoming aware of the disclosure.

ESCALATION

You may escalate your concern in the following circumstances:

- If no response is forthcoming after ten days, you shall be entitled to proceed to Stage Four.
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STAGE FOUR

If you do not receive a response within the timescales specified above, you shall be entitled to notify a relevant and appropriate body outside The Fallibroome Trust, which may include:

- the Health and Safety Executive (**HSE**);
- the Environment Agency;
- the Information Commissioner;
- the Department for Education (**DfE**);
- the Department for Business, Energy & Industrial Strategy (**BEIS**);
- the Police;
- the Charity Commission;
- Ofsted.

Please only escalate to Stage Four if you have followed the other steps in the process.

CONTACT DETAILS AND QUERIES

If you are unsure who any of the staff mentioned in the above procedure are or if you are not sure who you should be contacting, please email info@fallibroometrust.org.uk.