

Frank Field Education Trust



Whistleblowing Policy

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Approved by CEO:

Tom Quinn

Approved by Chair of Trustees:

Dr Chris Hampshire



Frank Field
Education Trust

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1. INTRODUCTION

Frank Field Education Trust is committed to conducting its affairs in accordance with the highest possible standards of probity and integrity, and to maintaining governance arrangements which are efficient, effective and economic, expeditious and timely, open and transparent, which meet relevant legal requirements and obligations; which provide for proper accountability; and which promote integrity and objectivity in the conduct of FFET business.

In this context, FFET is committed to ensuring that it has procedures in place to expose any malpractice, misconduct, corruption, maladministration or other impropriety throughout all its academies and its central office.

This document is to provide the Trust central team and academy staff, students, contractors, third parties and external bodies with the support and guidance needed should there be suspicion of malpractice or impropriety. All such concerns will be taken seriously, and will be handled fairly and in confidence, wherever possible

Links with other Policies

This Policy has obvious links with the wider safeguarding agenda and specifically all policies that make up the safeguarding suite of documents. It should be read in conjunction with the Safeguarding Policy. When ratifying or reviewing the policy, links should be made with the other relevant policies.

2. DEFINITION

Whistleblowing occurs when an employee raises concerns, usually to their employer or a regulator, about a particular type of workplace danger or illegality that affects others. The Public Interest Disclosure Act 1998 is the key piece of whistleblowing legislation protecting employees who 'blow the whistle' in the public interest (e.g. crimes, civil offences, miscarriages of justice, dangers to health and safety), and/or the cover up of any of these.

The malpractice has a public interest aspect to it, usually because it threatens others. It applies to raising a concern within the organisation as well as externally, such as to a regulator.

The Public Interest Disclosure Act 1998, known as the Whistleblowing Act, is intended to promote internal and regulatory disclosures and protect the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality, or other wrongdoing. The concern may relate to something that is happening or has happened in the past or something that you fear may happen in the future.

Particular considerations may apply to allegations in relation to child protection/safeguarding issues. If a member of staff raises a concern of a child protection nature the Principal or FFET Chief Operations Officer (COO) should urgently contact the local authority LADO (Local Area Designated Officer) to seek advice and guidance. It is important to note that professionals may also make direct referrals to Children's Social Care and the LADO if they have concerns either before raising their concerns with FFET or if the member of staff is dissatisfied with the actions of the Principal or COO. The following policies and procedures apply equally strongly to the protection of employees raising concerns about safeguarding.

3. PRINCIPALS SUPPORTING THE PROCEDURE

In implementing this policy each academy within FFET and the central FFET team will:

- create an ethical, open culture;
- write, publish and communicate a code of conduct and ethics;
- establish safe routes for communication of concerns;
- appoint individuals or a group outside the normal line management to receive complaints of irregularities or other concerns;
- protect the whistle blower;
- make it clear that the Trust will support and not discriminate against concerned employees, provided any claim is made in good faith;
- establish a fair and impartial investigative procedure;
- make sure that the Trust responds to the concern by focusing on the problem, rather than denigrating the messenger;
- recognise that the duty of fidelity is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that information is disclosed, or unless the Trust fails to properly consider or deal with the issue;
- safeguard against abuse of the procedure;
- ensure that the malicious raising of unfounded allegations is recognised as a disciplinary offence;
- uphold the right to disclose a concern;
- recognise that the individual member of staff has the right to disclose a concern/issue if FFET does not deal with the matter in accordance with this policy;
- ensure there is an annual review mechanism using the experience of operating the whistle blowing procedure to date.

4. PROTECTING THE WHISTLE BLOWER

The Public Interest Disclosure Act 1998 is designed to protect 'whistle blowers' from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers. Students may also have information which should be raised in the public interest and they too are able to utilise this FFET whistleblowing procedure.

5. THE PROCEDURE

All parties need to agree that the issue raised will be kept confidential while the procedure is being used wherever possible.

The Representor (the person raising the concern) should:

Raise their concern with the Principal. If the Principal is implicated, the FFET Chief Operations Officer (COO) should be consulted. This may be done orally or in writing. The Representor has the right to have the matter treated confidentially.

If the Principal or COO believes the concern to be genuine, and that it is appropriate to use the Whistle Blowing procedure, the process continues where the Principal or COO becomes the Assessor or delegates the role to an appropriate person.

If the Representor feels unable to raise their concern with the Principal, in the first instance, they may contact the Trust's COO. If this occurs, the Representor will be asked to justify why they feel unable to raise the concern with their Principal.

Staff should be aware that someone who approaches the media before they have gone through internal procedures, as set out in this policy, is unlikely to be protected under whistleblowing law.

The Assessor should:

- interview the Representor within seven working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury;
- obtain as much information as possible from the Representor about the grounds for the belief of malpractice;
- consult with the Representor about further steps which could be taken;
- advise the Representor of the appropriate route if the matter does not fall under the Trust's Whistle blowing Procedure;
- report all matters raised under this procedure to the Trust's Internal Auditors who undertake the role of Responsible Officer.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of academy staff to take notes.

Within ten working days of the interview, the Assessor will recommend to the Trust CEO one or more of the following:

- a. the matter be investigated internally by the Trust;
- b. the matter be investigated by the Trust's Responsible Officer;
- c. the matter be reported to the Education Funding Authority (EFA);
- d. the matter be reported to the Police;
- e. the route for the member of staff to pursue the matter if it does not fall within this procedure; or
- f. that no further action is taken by the Trust

The grounds on which no further action is taken include:

- the Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- the Assessor is satisfied that the Representor is not acting in good faith;
- the matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- the matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the EFA or other public authority.

Should it be alleged that the Trust's COO or CEO is involved in the alleged malpractice; the Assessor's recommendation will be made to the Trust's Responsible Officer.

The recipient of the recommendation (CEO or Responsible Officer) will ensure that it is implemented, unless there is good reason for not doing so in whole or in part. This will be reported to the next meeting of the Trust Board of Directors.

The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously.

In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- where the Assessor is under a legal obligation to do so;

- where the information is already in the public domain;
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice;
- where it is essential that the Representor provides evidence at a disciplinary hearing or other proceedings.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty-eight days. All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limits, they may appeal to the Trust's external auditors, but will inform the Assessor before doing so.

The Representor may, at any time, disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice. The Trust will ensure the Representor is protected from any form of victimisation or discrimination.

6. MALICIOUS ACCUSATIONS

Deliberately false or malicious accusations made by a Representor will be dealt with under the Trust's Disciplinary Procedure.

7. EXTERNAL SOURCES

Whistle blowing to an external source, without first going through the internal procedure, is inadvisable without compelling reasons. A reason may be that the Representor is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues or possible discrimination. The external sources which could be used are:

- EFA;
- Member of Parliament;
- National Audit Office;
- Health and Safety Executive;
- Police

The Trust will ensure the Representor is protected from any form of victimisation or discrimination.

8. CONFIDENTIAL EMPLOYEE ENQUIRIES

Employees may, on a confidential basis, seek prior guidance from the Principal if they wish to establish whether any course of conduct on their part, or on the part of another employee, may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Principal will attempt to provide guidance on the basis of information provided, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.

9. MONITORING, EVALUATION AND REVIEW

The policy will be promoted and implemented throughout the Trust. To assess its implementation and effectiveness, it will be reviewed on an annual basis.

Links to other School policies

This Policy will be read in conjunction with other policies regarding the safety and welfare of children.

These together make up the suite of policies to safeguard and promote the welfare of children in this school.

The policies listed below are all available on the website:

- **Child Protection and Safeguarding Policy**
- **Staff Conduct Policy**
- **Anti-Bullying policy**
- **Behaviour policy**
- **Sexual Violence and Sexual Harassment in Schools policy**
- **Equality and Diversity Policy**
- **ICT Acceptable Use Policy**
- **Whistleblowing Policy**
- **Managing allegations against staff Policy**
- **E-Safety Policy**
- **First Aid Policy**
- **Attendance and Punctuality Policy**
- **Behaviour and Safety Policy**
- **Fraud Policy and Procedures**
- **Academies Financial Handbook 2019**
- **Keeping Children Safe in Education 2019**
- **Working Together to safeguard Children 2018**
- **Managing Allegations against staff policy**