



## Whistleblowing Policy

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## 2. Version Control

Date	Version	Revision	Owner
15/05/17	1.0	New policy document	Future Generation Trust Policy Team
18/09/18	2.0	Annual review of policy	Future Generation Trust Policy Team
03/12/19	3.0	Annual review of policy	Future Generation Trust Policy Team
10/11/20	4.0	Annual review of policy	Future Generation Trust Policy Team
29/11/21	5.0	Scheduled review of policy	Future Generation Trust Policy Team
09/06/23	6.0	Early review necessary due to an additional academy joining the Trust.	Future Generation Trust Policy Team
28/11/23	7.0	Annual review of policy	Future Generation Trust Policy Team

### 3. Introduction

Future Generation Trust (FGT) is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the individual academy. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the Trust's **Data Protection Policy**. This policy will not be confused with the procedure on dealing with harassment at work or the Trust's Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of academy staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers

### 4. Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA 'Academy trust handbook'
- DfE 'Keeping children safe in education 2023'.
- GOV.UK 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'.

This policy operates in conjunction with the following Future Generation Trust policies:

- **Complaints Policy & Procedure**
- **Data Protection Policy**
- **Disciplinary Policy & Procedure**
- **Records Management Policy**

## 5. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the chair of governors.

*Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The [Non-employees](#) section of this policy includes further details on how whistleblowing affects non-employees.*

## 6. Definitions

**Whistleblowing:** Whistleblowing is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

**In the public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

**Blacklisting** refers to an individual who is being refused work because they are viewed as a whistleblower.

**Grievances** involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

## 7. Roles and responsibilities

The **Trust Board** will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the Trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring this policy provides an open and transparent framework where employees of the Trust community can raise their concerns.
- Receive an annual report summarising activity undertaken under the Trust's whistleblowing policy. This report will include a record of the number and types of concerns raised and the outcomes of investigations, feedback from individuals who have used the arrangements, any complaints of victimisation, any complaints of failures to maintain confidentiality and a review of staff awareness, trust and confidence in the arrangements. When no disclosures have been made, the annual report will confirm a nil return.

The **Local Governing Body (LGB)** will be responsible for:

- Ensuring all members of the academy community have access to this policy.
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the academy can raise their concerns
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the LGB include a record of the Trust's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns

The **Headteacher** will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by the academy community.
- Being the first point of contact regarding whistleblowing.

The **Chair of the LGB** will be responsible for receiving any concerns raised about the Headteacher.

All **members of the academy community** will be responsible for:

- Raising any concerns that meet the definitions in the definitions section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## 8. Harassment and victimisation of staff

FGT recognise that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the academy as a whole; however, the Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's **Disciplinary Policy and Procedure**.

## 9. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust's **Complaints Policy & Procedure**.

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

## 10. Good practice principles

The Trust has adopted the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

By providing a clear procedure for mediating and resolving cases, as outlined in Section 11, the Trust will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the academy will mediate and resolve disputes.

The academy will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

## 11. Procedure

When raising concerns, individuals will express them in **writing** to the Headteacher, by completing the Whistleblowing Report Form, attached as Appendix 1. Once received, the Headteacher will follow the procedure outlined in Section 12.

E-mail cannot be guaranteed as a secure medium and is not recommended as a channel for reporting issues relating to this policy.

If an individual is raising a concern about the Headteacher, they should complete the Whistleblowing Report Form, attached as Appendix 1 and forward this to the Chair of Governors. Where this is the case, the Chair of Governors will take on the Headteacher's duties outlined in Section 12.

If an individual is raising a concern about a member of the Future Generation Trust Central Team, they should complete the Whistleblowing Report Form attached as **Appendix 1** and forward this to the nominated Trustee, whose details are contained in **Appendix 2**. Where this is the case, the nominated Trustee will take on the Headteacher's duties outlined in Section 12.

When individuals raise their concern, they should include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed here ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)), or they can be contacted on 020 3117 2520.

Once an individual has raised a concern, the Trust/academy will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their Trade Union raises the matter.



If a member of staff feels they should report a concern to the Education and Skills Funding Agency (ESFA), they should use their [online contact form](#).

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the Trust/academy or feels their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The academy, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

## 12. Interview and Investigation

The Headteacher will write to the individual within **ten working days** of receiving the Whistleblowing Report Form to acknowledge that the concern has been recorded, as well as to indicate proposals for dealing with the matter.

The initial stage may involve the Headteacher undertaking an interview with the whistleblower if appropriate, and then an assessment of further action will be decided. During this initial stage, the Headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

The Headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the academy giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the LGB will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If you would like an update or feedback following the raising of your concern, you will be told, where appropriate the outcome of the investigation. However, due to the legal obligations of confidentiality the Trust owes other employees, it might not be able to freely provide feedback on the outcome of any disciplinary action taken against another employee. Where action is not taken, the individual will be given an explanation.

A record will be kept of the seriousness of the issues raised and the credibility of the concern, including any initial concerns raised verbally that subsequently are not submitted in writing. All records will be kept confidential and will be stored in line with the Trust's **Records Management Policy**.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the Investigating Officer needs to talk to the whistleblower, they are permitted to be accompanied by a Trade Union representative or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and to assist in monitoring the procedure.

### **13. What the Trust asks of whistleblowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not take the concern outside the academy unless it is to report the concern through the proper external channels e.g. gossiping.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

### **14. Appeal process**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust's **Complaints Policy & Procedure**.

### **15. Unfair treatment**

An individual can take a case to an Employment Tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [www.protect-advice.org.uk](http://www.protect-advice.org.uk), or from an individual's Trade Union.

Any claims of unfair dismissal need to be made within three months of the investigation ending.

## **16. Monitoring and review**

This policy will be reviewed every two years and updated where appropriate, taking into account any new legislation and government guidance.

An annual report will be presented to the Audit & Risk Committee each January detailing all whistleblowing allegations from the previous year. If there were no concerns reported a 'nil return' will be reported and recorded in the minutes for the meeting.

**Policy adopted on:** 14<sup>th</sup> December 2023

**Review Date:** November 2024

**Signed:** Fliss Dale

**Designation:** Chair of Trust Board

## Appendix 1 Whistleblowing Report Form



Name: \_\_\_\_\_

Academy: \_\_\_\_\_

Role: \_\_\_\_\_

**Please give a brief outline of your concern.** (including any relevant names, dates, & locations)

**Were there any other witnesses? If so, please give their full contact details.**

**Did you take any action at the time? – if so, please outline what action you took?**

**If you did not take action at the time, please give details as to why you took no action.**

Signed: .....

Date.....

## Appendix 2 - Whistleblowing Contact Details



<b>Future Generation Trust Central Team</b>	Nominated Trustee	Peter Farrow <a href="mailto:peter.farrow@futuregenerationtrust.co.uk">peter.farrow@futuregenerationtrust.co.uk</a>
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<b>Etching Hill CE Primary Academy</b>	Headteacher	Marie Smith
	Chair of Governors	Sarah Cotton-Diederich

<b>Gentleshaw Primary Academy</b>	Headteacher	Genevieve Saunders
	Chair of Governors	Jan Macey

<b>Moat Hall Primary Academy</b>	Headteacher	Jane King
	Chair of Governors	Steve Woods

<b>St John's Primary Academy</b>	Headteacher	Jamie McMullan
	Chair of Governors	Rob Grinsted

<b>St Peter's CE Primary Academy</b>	Headteacher	Will Stevens
	Chair of Governors	Hannah Brindley