



Whistleblowing Policy

1. Contents

1.	Contents	2
2.	Version Control.....	3
3.	Introduction.....	4
4.	Legal Framework.....	4
5.	Definitions.....	5
6.	Roles and responsibilities	6
7.	Scope	6
8.	Harassment and victimisation of staff.....	7
9.	Non-employees	7
10.	Good practice principles	8
11.	How to raise a concern	8
12.	Procedure.....	9
13.	What the Trust asks of you	10
14.	Appeal process.....	10
15.	Unfair treatment.....	11
16.	Monitoring and review.....	11

Appendix 1 Whistleblowing Report Form

Appendix 2 Whistleblowing Contact Details

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

3. Introduction

Future Generation Trust 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**.

Good practice dictates that Future Generation Trust will support those staff who do make a disclosure and ensure that those who do so are not discriminated against. Relevant training will be periodically provided for all staff. It will aim to re-assure them that the academy will be transparent, accountable and subject to external review.

This policy is intended to encourage and enable our staff to raise their concerns and to do so without fear of victimisation or discrimination.

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 should 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. Section 9 includes further details on how whistleblowing affects non-employees.

The Trust will respect confidentiality and the identity of the whistleblower will be kept confidential if requested, unless disclosure is required by law. However, the Trust cannot guarantee that others may not try to deduce (correctly or otherwise) the whistleblowers identity. If anyone is wrongly identified as having raised a concern, the protection offered to whistleblowers within the policy, will also apply to them.

4. Legal Framework

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

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

This policy has been created with regard to the following guidance documents:

- ESFA (2020) 'Academies financial handbook 2020'
- GOV.UK (2015) 'Whistleblowing for employees'
- DfE (2014) 'Whistleblowing procedure for maintained schools'
- 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. Definitions

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

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

- A criminal offence, for example fraud
- Someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law, for example does not have the right insurance
- You believe someone is covering up wrongdoing

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.

6. 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 members of the school 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** will be responsible for:

- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the governing board include a record of the Trust's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.

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 school community.
- Being the first point of contact regarding whistleblowing.

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

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

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

7. Scope

This policy will:

- Give confidence to members of the school community 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 the Trust's standards and policies.

- Provide members of the school community with avenues to raise concerns.
- Ensure that members of the school community 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.

This policy will not be confused with the procedure on dealing with harassment at work or the Trust's **Grievance and Disciplinary Procedures**.

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

- Employees of the Trust
- Employees of contractors working for the Trust, e.g. agency staff, builders and drivers
- Employees of suppliers
- Voluntary workers working with the Trust
- A trainee, such as a student Teacher
- Pupils
- Governors
- The wider community

8. Harassment and victimisation of staff

Future Generation Trust 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. How to raise a concern

Whistleblowing concerns may initially be shared verbally with the Headteacher. ¹ However, individuals will be required to confirm them in writing to the academy 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. ² Where this is the case, the Chair of Governors will take on the Headteacher's duties outlined in Section 12.

¹ The names of the respective Headteacher for each academy are contained in Appendix 2.

² The names of the respective Chair of Governors for each academy are contained in Appendix 2.

If an individual is raising a concern about a member of the Future Generation Trust Executive Management 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

Whilst anonymous allegations will be assessed and action taken where appropriate, it is much more difficult to properly investigate matters raised anonymously. The whistleblowing policy is designed to protect anyone raising concerns and individuals utilising the provisions of the policy are encouraged to identify themselves. Obviously, feedback relating to any investigation which has been undertaken can only be provided where contact details are known

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), or they can be contacted on 020 3117 2520.

Once an individual has raised a concern, the 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](#).

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. Procedure

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 Local Governing Body 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 you

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, 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 [Protect](#), 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 annually and updated where appropriate, taking into account any new legislation and government guidance.

Policy adopted on: 10 December 2020

Review Date: December 2021 (to include Annual Report)

Signed: Fliss Dale **Designation:** Chair of Trust Board



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.....



Whistleblowing Contact Details

Future Generation Trust Executive Management Team	Nominated Trustee	Peter Farrow peter.farrow@futuregenerationtrust.co.uk
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Etching Hill CE Primary Academy	Headteacher	Marie Smith
	Chair of Governors	Sue Whitehouse

Gentleshaw Primary Academy	Headteacher	Genevieve Parsons
	Chair of Governors	Jan Macey

St John's Primary Academy	Headteacher	Samantha Price
	Chair of Governors	Rob Grinsted

St Peter's CE Primary Academy	Headteacher	Will Stevens
	Chair of Governors	Hannah Brindley