

WHISTLE-BLOWING POLICY

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1. INTRODUCTION

- 1.1 Within this policy 'we' and 'us' means the Federation.
- 1.2 This policy advises our staff regarding the procedures which should be followed if they have concerns about something that is happening at work which they think could be unlawful conduct, financial malpractice, a concern for the welfare or safeguarding of a child or be dangerous to the public or the environment.
- 1.3 Employees are often the first to realise that there may be something seriously wrong within the Federation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may be just a suspicion of malpractice.
- 1.4 We are committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others with whom we deal who have serious concerns about any aspect of our work to come forward and voice those concerns to enable us to remedy any malpractice.
- 1.5 The Federation will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern.

2. AIMS

- 2.1 This policy aims to:
 - Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
 - Let all staff in the Federation know how to raise concerns about potential wrongdoing in or by the Federation
 - Set clear procedures for how the Federation will respond to such concerns.
 - Let all staff know the protection available to them if they raise a whistle-blowing concern.
 - Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).
- 2.2 This policy does not form part of any employee's contract of employment and may be amended at any time.
- 2.3 The policy applies to all employees or other workers who provide services to the Federation in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers. Anyone else who wishes to raise an issue or complaint should instead refer to the Federation Stakeholder Complaints Policy for guidance.

3. LEGISLATION

- 3.1 The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#).
- 3.2 This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

4. DEFINITION OF WHISTLE-BLOWING

- 4.1 Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but are not limited to):
- Criminal offences, such as fraud or corruption.
 - Disclosures regarding miscarriages of justice.
 - Pupils’ or staff health and safety being put in danger.
 - Failure to comply with a legal obligation or statutory requirement.
 - Breaches of financial management procedures.
 - Damage to the environment.
 - Attempts to cover up the above, or any other wrongdoing in the public interest.
- 4.2 A whistle-blower is a person who raises a genuine concern relating to the above.
- 4.3 Not all concerns about the Federation, or individual schools in the Federation, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.
- 4.4 Under the Public Interest Disclosure Act 1998, staff members who raise an issue under this procedure in good faith, believing it to be true, they are protected from any repercussions on their present position or future career.
- 4.5 When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.
- 4.6 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](#).

5. WHEN TO RAISE A CONCERN

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

6. WHO TO REPORT CONCERNS TO

- 6.1 Staff should report their concern to the Executive Principal. If the concern is about the Executive Principal, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of Trustees.

7. HOW TO RAISE A CONCERN

7.1 Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

8. INVESTIGATING THE CONCERN

8.1 When a concern is received by the Executive Principal (or Chair of Trustees for concerns regarding the Executive Principal), – referred to from here as the ‘recipient’ – they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are 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 10 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:

8.2.1 The Executive Principal (or Chair of Trustees) should then arrange a further investigation into the matter, involving senior leaders 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.

8.2.1 The person 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.

9. OUTCOME OF THE INVESTIGATION

9.1 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.

9.2 They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

9.3 Beyond the immediate actions, the Executive Principal, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

9.4 Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

10. MALICIOUS OR VEXATIOUS ALLEGATIONS

10.1 Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

10.2 If, however, an allegation is shown to be deliberately invented or malicious, the Federation will consider whether any disciplinary action is appropriate against the person making the allegation.

11. ESCALATING CONCERNS BEYOND THE FEDERATION

11.1 We encourage staff to raise their concerns internally, in line with section 4 of this policy. However, we recognise that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included in Annexe A. The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

12. ANONYMOUS ALLEGATIONS

12.1 We encourage staff members to put their name to their allegation whenever possible.

12.2 Concerns expressed anonymously are much less powerful but will be considered at our discretion.

12.3 In exercising this 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 other attributable sources.

12.4 Furthermore, we may not be able to take the claim further if you have not provided all the information we need.

13. ANNEXE A: PRESCRIBED BODIES

13.1 Below is a list of the prescribed persons and bodies who you can make a disclosure to. There is also a brief description about the matters you can report to each prescribed person.

1. Office of Qualifications and Examinations Regulation (Ofqual) - contact them about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Whistleblowing and malpractice
Complaints investigation manager
Ofqual
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

Tel: 0300 303 3344
Email: whistleblowing@ofqual.gov.uk
Online form: complaints.ofqual.gov.uk/new-concern

2. Secretary of State for Education - contact them about matters relating to the following educational institutions in England:

- maintained schools
- maintained nursery schools
- independent schools (including academies and free schools)
- non-maintained special schools
- pupil referral units
- alternative provision academies
- 16 to 19 academies (and free schools)
- an institution within the further education sector
- special post-16 institutions

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0370 000 2288
Website: www.gov.uk/contact-dfe

3. In addition, you can also blow the whistle to your legal adviser or your MP.