



FALCON

EDUCATION TRUST

MAT007 Whistleblowing Policy V1.0 01/05/2021

Document Control Table

Document title:	MAT007 Whistleblowing Policy V1.0 01/05/2021
Author (name & job title):	Kathryn Bushby
Version number:	V1.0
Document Owner:	CEO – Anne-Marie Holdsworth
Approved by:	Trust Board / Academy Council
Date of Review:	01/04/2021
Review Frequency:	3 Years
Policy Type:	HR
School or Trust:	Trust
Date of next review:	01/04/2024

Document History

Version	Date	Author	Note of revisions
V0.1	01/04/2021	Kathryn Bushby	Merge of existing Royds policy with Delta temp
V1.0	05/05/2021	Kathryn Bushby	Policy approved, now OPERATIONAL LIVE

Falcon Education Academies Trust

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1. Introduction

The aim of this policy is to provide employees/workers with an avenue to raise concerns internally and receive feedback on any action taken.

1.1.

The Trust Board and its Academy Councils are committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2.

This policy has been formally adopted by the Trust Board and its Academy Councils.

1.3.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Scope and Purpose

2.1.

The aims of this policy are:

2.1.1.

To encourage staff in the Trust and its academies to feel confident in raising serious concerns and to question and act upon those concerns in the knowledge that they will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;

2.1.2.

Establish a fair and impartial investigative procedure;

2.1.3.

To provide staff in the Trust and its Academies with guidance on how to raise concerns and ensure response and feedback is provided on any action taken as a result, along with the appropriate steps to take if they are not satisfied with any action;

2.1.4.

To reassure staff in the trust and its Academies that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation, even if they turn out to be mistaken.

2.2.

This policy applies to all employees of the Trust and its academies, trustees, governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

2.3.

It is not intended to be used where other more appropriate procedures are available for example:

- Grievances – see Grievance Policy and Procedure
- Harassment or Discrimination – see Harassment and Bullying Policy and Procedure
- Child Safeguarding – see Child Protection and Safeguarding Policy
- Parental Complaints – see Complaints Policy and Procedure

If a member of staff is unsure of which procedure to use, advice can be sought from their Line Manager/HR or the worker/employee's trade union representative.

3. What is Whistleblowing?

3.1

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are wrongdoing or dangers at work. This may include:

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- A miscarriage of justice has been/is likely to occur;
- The health or safety of any individual has been/is likely to be endangered;
- The environment has been/is likely to be damaged;
- Public funds are being used in an unauthorised manner (fraud or mismanagement);
- The Academy/Trust's governance arrangements, internal policies and procedures including our Code of Conduct, have or are not being observed or are being breached by members, Trustees, AAB members, students or staff;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Sexual or physical abuse of any employee or student is taking place (subject to the Child Safeguarding Procedure in the case of children);
- Discrimination is occurring to any member of staff or student as defined within the Equalities Act 2010 (where it has not been successfully addressed through the Harassment and Bullying Policy);
- conduct likely to damage our reputation or financial wellbeing;
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

3.2

This policy does not remove a worker/employee's rights to raise their concerns directly with the Police, or other external body, if they become aware, or suspect, illegal activity is taking place within the Trust, including the abuse of a child or children. Nor does this policy negate the statutory rights of a worker/employee. However workers/employees would be encouraged to also raise this with someone at an appropriate level within the Trust so that the Trust is able to offer full co-operation with the Police. In the case of child safeguarding this matter should be referred to the Academy's

Designated Safeguarding Lead (the Academy's Child Protection and Safeguarding Policy can be found on the Academy/Trust website).

3.3

The Trust has prepared this policy and procedure so as to enable workers/employees to raise their concerns about such malpractice(s) at an early stage and in the right way. The Trust would rather that workers/employees raised the matter when it is just a concern rather than wait for concrete proof. This policy is intended to cover concerns which fall outside the scope of other policies which deal with standards of behaviour at work, including disciplinary, grievance, bullying and harassment policies.

3.4

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

3.5

If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the Academy/Trust's leadership team.

3.6

If your concern is in relation to safeguarding and the welfare of students at the academy, you should consider whether the matter is better raised under the academy's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in this policy may still apply.

4. Raising a whistleblowing concern

4.1

If staff are unsure whether to use this Whistleblowing Procedure or they would like independent advice at any stage, the Staff member is advised to contact:

- The independent charity 'Protect' (formerly Public Concern at Work) on 020 3117 2520. Their lawyers can give the worker/employee confidential advice at any stage about how to raise a concern about serious malpractice at work.

This policy is intended to cover major concerns that fall outside the scope of other procedures. The types of concerns are outlined in **Appendix 1**.

We hope that in most circumstances you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

4.2

Concerns should be raised as early as possible, as this will make it easier to take action and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can be viably dealt with after a long period of time will depend on the circumstances.

4.3

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

4.4

We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

4.5

Any Manager who is approached by an employee with a concern must always take concerns seriously, without judgment or condemnation. The Manager must consider the concern fully and sympathetically and recognise that raising a concern can be difficult for some people. Managers can seek advice from their own Manager and/or support specialists where appropriate.

4.6

On receipt of a concern at work raised by an employee, the manager is required to acknowledge receipt and seek guidance from the appropriate member of the Executive Leadership Team.

4.7

However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with:

4.7.1

PA to the Trust. This is the member of the staff who is responsible for managing whistleblowing complaints.

4.7.2

The CEO

4.7.3

The Chair of the Board of Trustees.

4.8

Contact details are set out at the end of this policy.

4.9

If your concerns are about allegations of abuse by the Principal, you may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them.

5. Confidentiality and data protection

5.1.

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

5.2.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can

seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are given at the end of this policy.

5.3.

Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:

5.3.1.

the seriousness of the issue raised

5.3.2.

the credibility of the concern; and

5.3.3.

the likelihood of confirming the allegation from other sources

5.4.

As part of the application of this policy, the Academy/Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Workforce Privacy Notice, our Records Management Policy and in line with the requirements of Data Protection Legislation.

6. External disclosures

6.1.

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

6.2.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy¹.

6.3.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will protect you if you raise a concern with the third party directly where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.7 for guidance.

¹ <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
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7. Investigation and outcome

7.1.

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

7.2.

In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. We may in some circumstances, appoint an external person or body to investigate the concern.

They will aim to interview the member of staff within 10 working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury or illegal activity that need immediate Police involvement and will:

- Obtain as much information as possible from the worker/employee about the grounds for the belief of malpractice;
- Consult with the worker/employee about further steps which could be taken;
- Inform the employer of appropriate routes if the matter does not fall within the Whistleblowing Procedure;
- Report all matters under this procedure to the Executive Leadership Team or member of the Trust Board.

At this meeting the member of staff may be accompanied by a trade union representative or a work colleague. There may also be a note taker present at the meeting.

Within 10 working days of the above meeting The investigator(s) will collate findings on the matter and may make one or more of the following recommendations for change to enable us to minimise the risk of future wrongdoing:

- The matter should be investigated within the Trust's internal procedures;
- The matter should be investigated by the external auditors appointed by the Trust;
- The matter should be reported to an external agency e.g. DfE, EFA, exam board;
- The matter should be reported to the Police;
- The matter should be reported to the Local Authority Designated Officer;
- No further action is required.

However, please note that this list is not exhaustive.

This will be sent to the Principal and/or Academy Council/Trust Board for actioning.

7.3.

The grounds on which no further action is taken may include:

- The investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The investigator is satisfied that the concern has not been raised 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 DfE or other public authority.

7.4.

Usually, within 10 working days of a concern being raised, the person investigating will write to the person raising the concern:

- Confirming that the concern has been investigated (or a timescale for this if complex);
- Confirming (where appropriate) what action the Trust intends to take;
- Supplying information on support available to you.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

7.5.

If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

8. If you are not satisfied

8.1

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

8.2

Worker/employees of the Trust and its academies who are not satisfied, at any stage of the process, with the action taken by the Trust and feel that it is right to question the matter further, may consider the following possible contact points:

- The employee's trade union;
- The Citizen's Advice Bureau and/or law centre/firm;
- Relevant professional bodies or regulatory organisations (e.g. exam boards);
- The Information Commissioner;
- A relevant voluntary organisation;
- The Police;
- The Health and Safety Executive;
- The Local Authority Designated Officer or Safeguarding Children's Board;
- Ofsted;
- The Education Funding Agency;
- The Department for Education;
- Her Majesty's Revenues and Customs (HMRC).

Please note that this is not an exhaustive list.

9. Protection and support for whistleblowers

9.1

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

9.2

If a worker/employee requests that their identity is protected, the Trust will not disclose it unless required to do so in law. If the situation arises where the Trust is unable to resolve the concern

without revealing the worker/employees' identity (for instance because the worker/employee's evidence is needed in court), the Trust will discuss with the worker/employee how the matter should proceed. However, it must be stated that if a worker/employee chooses not to disclose their identity it will be much more difficult for us to look into the matter or to protect your position or to give the worker/employee feedback.

9.3

Workers/employees have the right to disclose a concern/issue if the Trust does not deal with a matter they have raised. However, the duty of fidelity is implied by the law in every contract of employment and prohibits workers/employees from 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.

9.4

No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation. However, this policy does not provide protection to workers/employees who disclose information to the media or the press under the guise of 'whistleblowing'. It is important that if the worker/employee has a genuine concern, you follow the stages of this policy to ensure its resolution.

9.5

Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee/worker.

9.6

If a worker/employee makes a disclosure, either internally or externally, on one or more of the matters listed in this policy and they have a reasonable belief that the concern is real and they are acting in good faith, the worker/employee will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers/employees who raise a concern in good faith. Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

9.7

Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.7 immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

9.8

Support will be provided to the worker/employee in order to minimise any difficulties, which the employee/worker may experience. This may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with the worker/employee and the worker/employee has the right to be represented, if the worker/employee so wishes. A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

10. Whistleblowing and Child Protection/Safeguarding

10.1

All staff and volunteers in our academies must comply with 'Keeping Children Safe in Education' (2021), which includes taking action to protect a child who may be at risk of harm or in need of services, and to make appropriate referrals to children's social care. Any member of staff should press for re-consideration if they believe a child is not being safeguarded. Safeguarding issues raised by a whistleblower will be handled in line with the relevant LSCB child protection procedures.

10.2

- This section should be read in conjunction with:
- The Academy's Child Protection and Safeguarding Policy & Procedures
- Falcon Trust 'Dealing with Allegations against Staff' Policy
- The relevant LSCB procedures
- Keeping children safe in education (DfE 2020)
- What to do if you're worried a child is being abused (DfE 2015).

Concerns about a child

10.3

In the first instance, the person with the concern should discuss this with the Designated Safeguarding Lead – action may already have been taken and/or the designated staff may have sought confidential advice from partner agencies such as children's social care or the police. If the individual is not satisfied with the outcome of this discussion, they should report their concerns to the Principal of the Academy or the nominated safeguarding AAB member.

10.4

If the individual still has concerns about the safety or welfare of the child, they should follow the process described in the Safeguarding Policy (which can be found on the Academy website)

- Staff can also ring the appropriate Local Authority Social Care team. For Royds Academy this would be 0113 376 0336 (Option 2)
- If the child is in danger or immediate risk of harm, a call should be made to 999. If a referral is made to the Local Authority Social Care team or 999, the Designated Safeguarding Lead should be informed as soon as possible.
- Any professional with concerns about Child Protection or Safeguarding can also contact the NSPCC Whistleblowing Helpline on 0800 028 0285.

10.5

Other referral processes could involve contacting:

- Falcon Trust HR Consultant
- The person with responsibility for safeguarding at Board level
- The relevant Local Authority Designated Officer (LADO)
- If the incident or concern is so serious as to warrant a police investigation, or a child has been placed at immediate risk of harm, the Police.

10.6

Any professional with concerns about child protection or safeguarding can also contact the NSPCC whistleblowing helpline on 0800 028 0285.

10.7

If the child is in danger or at immediate risk of harm, anyone can make a referral to children's social care Leeds Safeguarding Children Partnership on 0113 378 6018. The Designated Safeguarding Lead should be informed as soon as possible that a referral has been made.

Concerns about a colleague/adult in school

10.8

This relates to concerns that a member of staff, volunteer or other adult in school may have harmed a child/children or behaved in a way that suggests they may be unsuitable to work with children. In line with the Trust 'Dealing with Allegations Against Staff' policy, anyone who has concerns about the behaviour of another adult in school should report this to the Designated Safeguarding Lead and Principal/Head of Academy in the first instance, unless the concern relates to one of those individuals.

10.9

Anyone who has any concerns about the behaviour of another member of staff, volunteer or other adult in the Academy should report this to the Designated Safeguarding Lead and Principal of the Academy in the first instance, unless concerns relate to one of these individuals.

Concerns about the Designated Safeguarding Lead should be reported to the Principal of the Academy. If the allegation or concern relates to the Principal of the Academy - or there is reason to believe that the Principal of the Academy is not taking the appropriate action/the individual does not believe their concerns are being taken seriously - they should email the Trust at safeguarding@falcontrust.co.uk Other referral processes could include contacting the Local Authority Designated Officer. If the incident or concern is so serious as to warrant a Police investigation, or a child is in danger or at risk of immediate harm, the Police may also be contacted.

11. Review of policy

This policy is reviewed every 3 years by Academy/Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

12. Contacts

Whistleblowing Officer (PA to the CEO)	Name: Clair Westbury-Knowles TELEPHONE: 0113 543 2673 Email: c.westbury-knowles@falcontrust.co.uk
CEO	Name: Anne-Marie Holdsworth TELEPHONE: 0113 543 2673 Email: a.holdsworth@falcontrust.co.uk
Chair of Trust Board	Name: Nikki King TELEPHONE: 0113 543 2673 Email: n.king@falcontrust.co.uk

Education Support Partnership:	Website: https://www.educationsupportpartnership.org.uk/helping-you/telephone-support-counselling TELEPHONE: 08000 562 561 E-mail: support@edsupport.org.uk
Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 E-mail: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk

Appendix 1

Examples of the types of malpractice that could be raised by an employee

These examples are neither exhaustive nor exclusive.

- Conduct that is an offence or a breach of the law.
- Disclosures related to miscarriage of justice.
- Decision making for personal gain.
- Health and safety risks, including risks to the public as well as other employees.
- Damage to the environment of the academy, to property belonging to the academy, or to a member of the academy community.
- The unauthorised use of public funds or assets.
- Possible fraud and corruption, such as manipulation of accounting records and finances.
- Other unethical conduct, including the circulation of inappropriate emails.
- Suppressing information about anything listed above.
- Child protection issues, including sexual, emotional or physical abuse of students, or others.