

# 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 when they wish to draw attention to issues of serious concern. Those concerns may relate to bad practice or other matters which seem to be against the interests of the students, the Federation, our staff, and which may amount to fraud and/or corruption.
- 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 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This advisory note is intended to encourage and enable employees to raise serious concerns within the Federation, rather than overlooking a problem or 'blowing the whistle' outside.
- 1.6 This policy does not form part of any employee's contract of employment and may be amended at any time.

## 2. AIMS AND SCOPE OF THIS POLICY

- 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 Trust know how to raise concerns about potential wrongdoing in or by the trust
  - Set clear procedures for how the Trust 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 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment, as detailed within the Federation Staff Grievance Policy.

2.3 This Whistle-Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures. Blowing the whistle is more formally known as 'making a disclosure in the public interest'. Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future. These include:

- Conduct which is an offence or a breach of the law.
- Disclosures related to miscarriages of justice.
- Health and safety risks, including risks to the public, students, and other employees.
- Damage to the environment.
- The unauthorised use of public funds.
- Possible fraud and corruption.
- Sexual or physical abuse of clients.
- Failure to comply with legal obligation or statutory requirement.
- Deliberate attempt to conceal any of the above.
- Other unethical conduct.

Thus, any serious concerns which staff have about any aspect of service provision, or the conduct of officers, or members of the Federation, or others acting on behalf of us, can be reported under this policy. This may be about something that:

- Makes members of staff feel uncomfortable in terms of known standards, their experience or the standards they believe we subscribe to; or
- Is against our standing orders and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

2.4 This policy applies to all employees and those contractors working for us at all premises, for example, agency staff, builders, drivers, etc. Anyone else who wishes to raise an issue or complaint should instead refer to the Federation Stakeholder Complaints Policy for further guidance.

### 3. SAFEGUARDS

3.1 We are committed to good practice and high standards, and want to be supportive of our employees.

3.2 We recognise that the decision to report a concern can be a difficult one to make. If what a member of staff is saying is true, they should have nothing to fear because they will be doing their duty to their employer.

3.3 We will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect members of staff.

## 4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal staff members' identity if they so wish. At the appropriate time, however, they may need to come forward as a witness.

## 5. ANONYMOUS ALLEGATIONS

5.1 This policy encourages staff members to put their name to their allegation whenever possible.

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

5.3 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.

## 6. PUBLIC INTEREST DISCLOSURE ACT 1998

6.1 If a member of staff raises an issue under this procedure in good faith, believing it to be true, the Public Interest Disclosure Act 1998 protects them from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain.

## 7. HOW TO RAISE ISSUES WHICH CAUSE YOU SERIOUS CONCERN

7.1 If a staff member becomes aware that any of the specified actions are happening (or have happened, or are likely to happen), they should immediately 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.

7.2 Concerns may be raised verbally or in writing using the following format:

- The background and history of the concern (giving relevant dates).
- The reason why you are particularly concerned about the situation.

7.3 The earlier you express concern the easier it is to take action.

- 7.4 Although you are not expected to prove beyond doubt the truth of your allegation, you will be expected to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Obtaining advice/guidance on how to pursue matters of concern may come from:
- Executive Principal.
  - Vice Principals.
  - Chief Finance Officer.
  - Audit Commission, 1, Vincent Square, London SW1P 2PN. 020 7630 1019.
  - Protect, The Green House, 244-254 Cambridge Heath Road, London E2 9DA. 020 3117 2520.
- 7.6 Please note that if you take the matter outside the Federation, you need to ensure that you do not disclose confidential information.
- 7.7 If you wish to raise an issue regarding an ICT or Cyber related concern you may do so to the Executive Principal, or you may take the concern direct to the ICO (Information Commissioner's Office).

## 8. INVESTIGATING THE CONCERN

- 8.1 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which we will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination matters) will normally be referred for consideration under those procedures.
- 8.2 We will respond to your concerns appropriately, consistently, fairly and professionally. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.3 When a concern is received by the Executive Principal (or by the Chair of Trustees in concerns relating to the Executive Principal), the Executive Principal (or Chair of Trustees) will:
- 8.3.1 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.
  - 8.3.2 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 Executive Principal (or Chair of Trustees) should handle the concern in line with the appropriate policy/procedure.
  - 8.3.3 Reiterate, at this meeting, that the member of staff is 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.

8.3.4 Establish whether there is sufficient cause for concern to warrant further investigation. If there is:

- 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.
- 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 is complete (whether this was just the initial investigation of the concern, or whether further investigation was needed), 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, it is proven through the investigation process that an allegation of wrongdoing has been made maliciously, then the employee who made the allegations may face disciplinary action.

## 11. THE RESPONSIBLE OFFICER

- 11.1 The Chief Finance Officer has overall responsibility for the maintenance and operation of this policy. The Chief Finance Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Federation.

## 12. HOW THE MATTER CAN BE TAKEN FURTHER

12.1 This policy is intended to provide you with an avenue within the Federation to raise concerns. We hope you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Federation, the following are possible contact points:

- Protect, the independent whistle-blowing charity, Protect, The Green House, 244-254 Cambridge Heath Road, London E2 9DA. 020 3117 2520.
- The external auditor.
- Your trade union.
- Your local Citizens' Advice Bureau.
- Her Majesty's Chief Inspector of Education, Children's Services and Skills.
- Office of Qualifications and Examinations Regulation (Ofqual).
- Secretary of State for Education.
- The police.