

FINHAM PARK MULTI ACADEMY TRUST



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WHISTLEBLOWING POLICY



1. Introduction

- 1.1 The MAT takes malpractice seriously and encourages people to speak out if they are aware of any colleagues they believe are doing something wrong or illegal, or who are neglecting their duties within the Trust. We are committed to creating an open culture, where concerns can be raised without fear of reprisals.
- 1.2 Whistleblowing is when a worker reports suspected wrongdoing at work. Wrongdoing covered by The Public Interest Disclosure Act 1998 includes:
- Someone's health and safety is in danger;
 - Failure to comply with a statutory or legal duty;
 - Damage to the environment;
 - A criminal offence;
 - Miscarriage of justice;
 - Not obeying the law;
 - Misusing public funds;
 - Bribery;
 - Breach of internal process and Code of Conduct;
 - Public Examination Fraud;
 - Deliberate concealment of any of the above matters;
 - Where the welfare of children is being negatively affected (schools only).
- 1.3 Working Together to Safeguard Children (2018), Chapter 2 promotes the importance of safeguarding and promoting the welfare of children, including having clear whistleblowing procedures. Also, the Second Report of the Committee on Standards in Public Life: Local Public Spending bodies published by the Nolan committee refers to the importance of having clear guidelines for Whistleblowing.
- 1.4 This policy exists to help individuals raise concerns over any wrongdoing within the MAT, as listed on Section 1.2. It does not apply where employees are aggrieved about their own personal position, in such instances the MAT Grievance policy would apply.
- 1.5 All employees of the MAT may use this code, including permanent and temporary employees. It also covers agency workers and employees seconded to a third party.

2. Aims

- 2.1 The MAT is committed to the highest standard of openness, probity and accountability and will take action to address improper practices. The policy aims to:
- Ensure matters are dealt with quickly and appropriately;
 - Provide avenues for employees to raise concerns (outside the line management structure if appropriate) and receive feedback;
 - Ensure concerns are taken seriously and treated confidentially;
 - Follow the procedure so that complaints are managed fairly and consistently;



FINHAM PARK
MULTI ACADEMY TRUST

- Reassure employees that they will be protected from reprisals or victimisation where they have a genuine concern.

3. Safeguards

- 3.1 The MAT acknowledges that the decision to report a concern can be a hard one to make, not least because of the fear of reprisal from those responsible for the malpractice. The MAT will not tolerate harassment or victimisation and will take action to protect employees when they have a genuine concern.
- 3.2 The MAT recognises that raising a concern can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee raising the concern and any employees subject to investigation.
- 3.3 Employees are encouraged to put their name to an allegation as a proper investigation can be more difficult or impossible if further information cannot be obtained. It is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the MAT.
- 3.4 Staff should feel confident in raising a whistleblowing concern under this policy. The MAT will make every effort to protect an employee's identity if confidentiality is requested. Identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed.
- 3.5 If an employee makes an allegation with a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, it is concluded that a malicious or vexatious allegation has been made, or with a view to personal gain, disciplinary action may be taken against that employee.
- 3.6 Where an employee is the subject of other internal procedures such as disciplinary, redundancy or capability, those procedures will not be halted as a result of them raising a whistleblowing concern.
- 3.7 After an investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern. The matter will be deemed as concluded and a further concern can only be raised if new evidence becomes available.

4. How to Raise a Concern

- 4.1 A concern should normally be raised with the line manager in the first instance. If the employee feels this is not appropriate due to the seriousness and sensitivity of the issue, then other individuals that the concern could be raised with are the Deputy Headteacher, Headteacher, Chair of the Local Governing Body, Executive Headteacher, Business Director and Head of HR.



FINHAM PARK
MULTI ACADEMY TRUST

- 4.2 If the concern relates to the Headteacher then this should be reported to the Executive Headteacher. In the case of an allegation regarding the Executive Headteacher, the concern should be raised with the Chair of Trustees of the MAT.
- 4.3 Individuals can raise concerns verbally but it is better to put these in writing. The information needed is the background and history of the concern giving names, dates and places where possible, and the reason for the particular concern. Details of how the employee can be contacted should also be provided.
- 4.4 An employee is not expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for the concern.
- 4.5 Trade unions or colleagues can provide support to an employee raising a concern, throughout the process. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 4.6 Any concern raised will be acknowledged in writing within five working days. It will acknowledge the concern has been received, summarise the details of the concern, identify who will be dealing with the matter and invite them to meet to discuss their concerns.
- 4.7 The meeting will confirm:
 - What steps will be taken to address the concern;
 - Who will need to be spoken to;
 - How they will communicate with the employee during and at the end of this process. It should be noted that the need for confidentiality may prevent the MAT providing employee specific details of any investigation or disciplinary action which may be taken;
 - They will receive a written response within twenty working days;
 - Their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
 - The MAT will do all it can to protect the employee from discrimination and/or victimisation;
 - That the matter will be taken seriously and investigated immediately;
 - Identify any appropriate support that the employee may need;
 - The investigation may confirm their allegations to be unfounded in which case the MAT will deem the matter to be concluded unless new evidence becomes available.
- 4.8 The individual dealing with the matter will take notes of this discussion and provide a copy to the employee after the meeting.



FINHAM PARK
MULTI ACADEMY TRUST

- 4.9 The action taken will depend on the nature of the concern. The matter may be:
- Investigated internally;
 - Resolved by agreed action without the need for further investigation;
 - Referred to an appropriate external body e.g., Police, Health and Safety Executive.
- 4.10 In order to protect individuals and the MAT, initial enquiries will be made to decide whether an investigation is appropriate and what form it should take. Concerns that fall within the scope of specific procedures, e.g., safeguarding children, will normally be referred for consideration under these procedures.
- 4.11 If an allegation is received anonymously, it may restrict what the MAT is able to do. Factors that will be taken into account on how the allegation is managed could include the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources. It may be the MAT is unable to investigate anonymous allegations.

5. Raising Concerns Outside the MAT

- 5.1 This policy is intended to provide employees with an avenue to raise concerns **within** the MAT. If an employee instead takes the matter outside the MAT, they should ensure that they do not disclose confidential information. Employees should also check that they do not contravene the Public Interest Disclosure Act as this does not provide blanket protection and only allows individuals to disclose matters to their employer or specified bodies. Any breach of the Act could lead to disciplinary action.
- 5.2 If an employee wishes to raise a concern outside the MAT or feels that the MAT has not handled their concern appropriately, the following contact points may be relevant:
- Public Concern at Work, telephone 0207 404 6609, or <http://www.pcaw.org.uk/>
 - Recognised Trade Unions
 - Relevant professional bodies or Regulatory organisations;
 - Solicitor.

6. Review of Policy

- 6.1 This policy is reviewed every three years by the MAT in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively and if an earlier review is required the Executive Head has the authority to request an earlier review. Any legislative changes will be automatically updated.



FINHAM PARK
MULTI ACADEMY TRUST

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Written 6th June 2019

Revised by Laura Slaymaker

Next review date June 2022

Approved by Trustees:

Signed:

MARK BAILIE
Executive Headteacher

Date: 26.11.2019

Signed:

PETER BURNS MBE
Chair of Board of Trustees

Date: 26.11.2019