



## **Whistleblowing Policy and Procedure**

**V1.7**

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## Introduction

1. Faringdon Learning Trust (FLT) are required to have an appropriate procedure in place for handling whistleblowing and for ensuring school staff know who they can contact if they wish to raise a concern.
2. From September 2019 the Trust is required to have a nominated Senior Staff member and nominated Trustee from the Board of FLT.
3. This document explains the types of concerns that can be raised under the procedure adopted by FLT, the legal protection for whistleblowers and how whistleblowing concerns will be handled.
4. This procedure should be followed for any whistleblowing matters raised by employees of FLT, supply staff or agency workers.
5. The term 'head teacher' has been used throughout this procedure, however depending on the size and structure of the school the executive head teacher or head teacher's role in the procedure may be delegated to other members of the senior leadership team, school business managers, or line managers as appropriate.
6. Where an executive head teacher, head teacher or member of the central trust staff is subject to these procedures, it will be managed by the CEO who will liaise with the Chair of the Local Governing Body where appropriate.
7. Where the Chief Executive Officer (CEO) is subject to these procedures, it will be managed by the Chair of FLT Board.

## Policy Statement

8. FLT is committed to the highest possible standards of:
  - openness and inclusiveness,
  - accountability and
  - integrity.

## Aim of Procedure

9. To encourage those working in the school to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously.
10. To provide guidance on how to raise concerns.

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11. To reassure staff that they are able to raise genuine concerns made in the public interest without fear of reprisals, even if they turn out to be mistaken.

### What is Whistleblowing?

12. Whistleblowing is when a worker reports certain types of wrongdoing or misconduct within an organisation.
13. The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. pupils, general public.
14. The wrongdoing must relate to or show one of the following:
  - a criminal offence
  - a failure to comply with a legal obligation
  - a possible miscarriage of justice
  - a Health & Safety risk
  - damaging the environment
  - misuse of public money
  - corruption or unethical conduct
  - abuse of pupils, students or other users
  - deliberate concealment of any of these matters
  - any other substantial and relevant concern
15. The concern could be about something that happened in the past, is currently happening or likely to happen in the future.
16. Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the school's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment.

### Legal protection for whistleblowers

17. Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.
18. Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.

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19. FLT through its Board and or Local Governing Bodies will provide all reasonable protection for those who raise concerns made in the public interest.
20. The Board and or the Local Governing body will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure.
21. Although an employee has certain legal obligations of confidentiality to FLT, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

## Procedure for raising a whistleblowing concern

### Whistleblowing anonymously or confidentially

22. Concerns can be raised anonymously, but the Academy or person receiving the allegation may not be able to take it further if they haven't been provided with all the information they need.
23. Whistleblowers can give their name but request confidentiality and in these circumstances, every effort will be made to protect their identity.
24. All disclosures made under this procedure will be treated sensitively, consistently and fairly.

### Step 1: Deciding who to report the concern to

25. Concerns can be raised verbally or in writing.
26. You can raise your concern with your line manager. Alternatively, you can raise the matter with the School's Headteacher, Chair of Governors, nominated Senior Staff member or nominated Trustee.
27. If you wish to report the matter to someone outside of FLT you should notify a relevant and appropriate body outside the School which may include any one of the external bodies/organisations listed in Annex 1.
28. Reporting concerns to the media, in most cases will lead to the loss of your whistleblowing law rights.

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29. Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.
30. You may wish to obtain advice from a trade union representative, the Citizen's Advice Bureau or Public Concern at Work on 020 7404 6609 and [www.pcaw.co.uk](http://www.pcaw.co.uk)
31. You can be accompanied by a trade union representative or colleague to any meetings that are required.

## Step 2

32. The person with whom you have raised your concern, will decide what action is needed. They may ask you to provide further information. They will write to you within **7** school days to let you know how your concern will be dealt with.

The information you can expect to receive is:

- an indication of how the concern will be dealt with
  - an estimate of how long it will take to provide a final response
  - whether any initial enquiries have been made
  - whether further investigations will take place, and if not why not
  - information about support available for you.
33. The person with whom you have raised your concern will at the same time notify FLT HR that a whistleblowing allegation has been made.
  34. Advice on dealing with concerns is available from FLT HR who can be contacted on [hr@faringdonlearningtrust.org](mailto:hr@faringdonlearningtrust.org)

## Step 3

35. Initial enquiries will be made to decide whether an investigation is appropriate.
36. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from you to protect the confidentiality of other people.

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37. Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.
38. Where an investigation is necessary, it may take the form of one or more of the following:
- an internal investigation by the CEO, Head teacher, Board Member or Local Governor, which may, for example, take the form of a disciplinary investigation
  - an investigation by the Independent Audit Committee
  - a referral to the Police
  - the setting up of an external independent inquiry.

#### Step 4

39. You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.
40. If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate:
- your trade union
  - the Citizens Advice Bureau
  - a relevant professional body or regulatory organisation
  - a relevant voluntary organisation
  - the Police
  - Equality and Human Rights Commission

(See Annex 1 for further details).

41. If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those mentioned in paragraph 26. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside

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of the recognised bodies listed in Annex 1 may not be protected disclosures under the Act.

42. You have a duty to the school not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Public Concern at Work on 020 7404 6609 and [www.pcaw.co.uk](http://www.pcaw.co.uk) in accordance with the provisions of the Public Interest Disclosure Act 1998.

## Review and Reporting of the Procedure

43. Faringdon Learning Trust have overall responsibility for this procedure.
44. This procedure has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the procedure is operated in a fair and consistent manner. In undertaking monitoring the school will not identify individuals.
45. This procedure will be regularly reviewed by the Faringdon Learning Trust Board to ensure that it continues to remain compliant and meets the needs of Trust and those working in its Schools.

In our schools we will view behaviour as the communication of a need, and staff will be supported to understand what is driving the need and how to meet that need, in order to address the root of the difficulty.

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## Annex 1 – Contact List

You can blow the whistle to an internal or external organisation.

There is a list of prescribed people or bodies that you can go to. Choose the correct one for your issue. A full list can be found online at [Gov.Uk](https://www.gov.uk)

Person, Post or Organisation	Contact Details
<b>Internal contacts</b>	
FLT HR team	<a href="mailto:hr@faringdonlearningtrust.org">hr@faringdonlearningtrust.org</a>
Nominated Senior Officer FLT Chief Operating Officer	Anne Lynn <a href="mailto:anlynn@faringdonlearningtrust.org">anlynn@faringdonlearningtrust.org</a>
Nominated FLT Trustee	Anthony Cook c/o <a href="mailto:academyqueries@faringdonlearningtrust.org">academyqueries@faringdonlearningtrust.org</a>

External contacts	Contact Details	For what
Local Authority Designated Officer for Safeguarding Children (OCC)	LADO Telephone: 01865 815956	Safeguarding issues
Director of Children's Services	Lucy Butler	
Director of Public Health - Oxfordshire	Jonathan McWilliam <a href="mailto:oxon.gpc@nhs.net">oxon.gpc@nhs.net</a>	Concerns about matters relating to the provision of public health services.
Ofsted	Piccadilly Gate, Store Street, Manchester, M1 2WD Telephone: 0300 123 3155	Concerns relating to regulation and inspection of establishments and agencies for children.
Office of Qualifications and Examinations Regulation	Casework Manager, Ofqual, Spring Place, Business Park, Herald Avenue, Coventry CV5 6UB Telephone: 0300 303 3346 <a href="mailto:Public.Enquiries@ofqual.gov.uk">Public.Enquiries@ofqual.gov.uk</a>	Concerns about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009

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External contacts	Contact Details	For what
National Society for the Prevention of Cruelty to Children (NSPCC)	<a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a> Telephone: 0808 800 5000	Concerns relating to child welfare and protection.
Data Protection and Freedom of Information	Information Commissioners Office helpline Telephone: 0303 123 1113	Concerns about compliance with the requirement of legislation relating to data protection and to freedom of information.
Equality Advisory Support Service	Address: FREEPOST Equality Advisory Support Service FPN4431 Web: <a href="http://www.equalityadvisoryservice.com/">http://www.equalityadvisoryservice.com/</a>	Discrimination concerns
Oxfordshire Racial Equality Council	Address: 1 Tidmarsh Lane, Oxford OX1 1PE Telephone: 01865 815239	Racial equality concerns
The Health and Safety Executive (Regional Office)	Address: Priestley House, Priestley Road, Basingstoke, Hampshire. RG24 9NW Web: <a href="http://www.hse.gov.uk">www.hse.gov.uk</a> Telephone: 0300 003164	Concerns about matters relating to those industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998 and which are about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.

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External contacts	Contact Details	For what
The Environment Agency (South East Regional Office)	Address: Kings Meadow House, Kings Meadow Road, Reading. RG1 8DQ Web: <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a> Telephone: 0370 8506506	Concerns about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.

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