

# FURNESS EDUCATION TRUST



## Whistleblowing Policy General Arrangements and Responsibilities

Approved by the Trust Board			
Committee	Name	Signature	Date
Audit & Risk Assurance Committee			
Chair of the Trust Board			Sept 20
Chief Executive Officer			

Implementation date: Spring 2020

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Responsible for policy/document	The Trust Board
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# **WHISTLEBLOWING: PROCEDURE AND GUIDANCE**

## **1. Introduction**

1.1 Furness Education Trust (the "Trust") expects the highest standards from all employees and is keen to embed a culture where issues that may surface under whistleblowing will be treated seriously

1.2 The Public Interest Disclosure Act 1998 is in force and affords statutory protection to 'whistleblowers' in certain circumstances. Under the Public Interest Disclosure Act, a worker has the right not to suffer detriment or be unfairly dismissed as a result of speaking out about malpractice. If an employee is dismissed solely in these circumstances s/he is likely to be treated by an Employment tribunal as unfairly dismissed.

1.3 Employees are often the first to realise that there may be something seriously wrong within the Trust. Their concerns might relate to matters that could affect the School, the Trust/and or the Trust's employees or the wider public. However, employees may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.4 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This procedure makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the Trust rather than overlooking a problem.

1.5 This procedure has been discussed with the Recognised Trade Unions and has their support. It explains how the Trust meets its obligations under the Public Interest Disclosure Act 1998.

1.6 This procedure can be used by any person who works or who has worked for the Trust regardless of whether:

- a. the work was full or part time; or
- b. the work was temporary or permanent; or
- c. an employment agency was involved; or
- d. the person involved was a trainee or on work experience; or
- e. the person involved was working for a contractor.

1.7 Anonymous whistleblowers will not ordinarily be able to receive feedback and any action taken to look into a disclosure could be limited. Issues raised by anonymous whistleblowers may not be taken further if the whistleblower has not provided all the information needed.

## **2. What is the Purpose of the Procedure?**

2.1 This procedure is designed to enable all employees (identified in paragraph 1.6 above) to notify senior colleagues/Trustees/the Trust Board of any reasonable suspicion of illegal or improper conduct. 'Improper conduct' includes neglect of duty and maladministration. The Procedure requires all employees to act responsibly to uphold the reputation of the Trust and to help maintain public confidence.

2.2 The Procedure aims to:

- a. encourage employees to feel confident in raising serious concerns and to question and act upon concerns of malpractice;

- b. provide avenues to raise those concerns and receive feedback on any action taken;
- c. ensure that employees receive a response to their concerns and are aware of how to pursue them if they are not satisfied; and
- d. reassure employees that they will be protected from possible reprisals or victimisation if the disclosure was made in good faith.

### **3. When should it be used?**

3.1 The Whistle-Blowing policy is not a substitute for other policies and procedures on such matters as personal grievances, bullying and harassment or health and safety. It should also not be used to raise matters relating to an employee's own terms and conditions of service. This Whistleblowing Procedure is intended to cover concerns that fall outside the scope of these other procedures. These could include any concerns that employees have about any aspect of service provision or the conduct of employees, Trustees of the Board, or others acting on behalf of the Trust. These can be reported under the Whistleblowing Procedure which should only be used as a last resort after all other procedures have been ruled out. This Procedure should be used in matters which may include:

- a. conduct which is an offence or a breach of the law;
- b. disclosures related to actual or potential miscarriages of justice;
- c. failure to observe Health & Safety Regulations or action which involves risks to the public as well as other employees;
- d. damage to the environment;
- e. employees claiming benefits to which they are not entitled
- f. something that is against the Trust Procedures, Rules and Policies
- g. something that falls below established standards
- h. something that amounts to improper conduct
- i. the unauthorised use of public funds
- j. fraud and corruption
- k. homophobic, racial, religious, sexual or physical abuse of clients, staff, Trustees
- l. other unethical conduct.
- m. concealment of any of the above

3.2 Employees must act in good faith and must have a reasonable belief that the information they disclose and any allegation contained in it are accurate. When it is apparent from the investigation that the person making the disclosure has acted frivolously, maliciously or for personal gain, the School may decide to take action against the employee in accordance with the Disciplinary or Capability procedures. If the disclosure itself amounts to a criminal offence, this Procedure will not protect the employee from the consequences of that criminal offence. No employee who uses this Procedure in good faith will be penalised for doing so.

3.3 An employee who is not sure whether the conduct s/he is concerned about does constitute illegal or improper conduct, or is unsure how to proceed, can contact the following for advice:

- a. A member of the Trust Board
- b. Chief Executive Officer
- c. Headteacher
- d. Professional Associations/Trade Unions

The HR department can provide contact details for all of the above.

3.4 Financial Regulations require employees who suspect fraud, corruption or other financial irregularity, to ensure this is reported to the Chair of the Finance and General Planning Committee. Normally, the employee must first report any suspicion of such irregularity to the Chief Executive Officer/ Chair of the Trust Board, who will in turn report it to the Chair of the Finance and General Planning Committee. In most cases this will be done through the line management structure. Exceptionally, if employees believe the matter cannot be resolved in this way, they should report it direct to the Chair of the Finance and General Planning Committee.

#### **4. Mechanism for raising concerns**

4.1 If employees have a concern they will need to exercise a judgment regarding the person who should be approached with the issue. If the matter is minor, then it will be sufficient just to bring it to the attention of the employee who appears to be at fault. The alternative would be raising the concerns directly through academy line management channels. The employee must advise the person they are reporting to that they are making a disclosure under the Trust's Whistleblowing policy.

4.2 If the matter is obviously more significant, or where a previous informal approach as above has apparently not proved effective or been disregarded, then the matter should be raised with the Chief Executive Officer or Trust Board.

4.3 Exceptionally, if the employee feels unable to pursue any of these routes, s/he should consider approaching an appropriate body outside the Trust. Such bodies include:

- a. Public Concern at Work which offers confidential advice (020 7404 6609) to employees and others with serious concerns about public dangers and malpractice;
- b. The employee's Trade Union.

If the employee does take the matter outside the Trust s/he needs to ensure that confidential information is not disclosed or that disclosure would be privileged. It is suggested the employee checks this with the contact person at the outside body.

4.4 Depending on the nature of the concern, the employee may be asked to explain, and where possible, justify and support the claim. An employee will not be expected to prove the truth/accuracy of an allegation but will need to demonstrate to the person contacted that there are sufficient grounds for concern. Normally the employee will be asked to do this in writing, or agree to a written summary prepared by the person notified. It would therefore be helpful for the employee, if possible, to note down any facts and dates as they happen.

4.5 Employees who want to use the Procedure, but feel uneasy about it, may wish to consult their Trade Union initially, and bring a colleague or Trade Union representative along to any discussions, so long as that colleague or Trade Union representative is independent of the issue.

4.6 Where anonymity is requested, every effort will be made to meet the request, but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.

4.7 Normally, each case will be investigated thoroughly by the appropriate person, with the aim of informing the employee in writing of the outcome of any investigation as quickly as possible, normally within 21 days. If a more lengthy process is involved, regular feedback in writing on progress will be given to the employee who made the disclosure. Some concerns may be resolved by agreed action without the need for investigation, although in such cases a record of the disclosure and the action taken will be made by the Trust and a copy of such written report provided to the employee who made the disclosure.

4.8 The Trust accepts that an employee who has acted as a whistleblower will need to be assured that the matter has been properly addressed. Subject to legal constraints, such employees will receive information in writing about the outcomes of any investigations

#### **5. What to do if an issue is raised with you as line manager**

5.1 You must exercise judgment, depending on the nature and seriousness of the concern. While it is essential for problems to be tackled effectively with the aim of rectifying the issue, this may well be best achieved in less serious cases by discussion with the relevant section or employee and

securing a commitment as to future standards and corrective action. In taking any corrective action, you must, as far as practicable, respect an employee's (as a whistleblower) request for confidentiality, and avoid the threat of recrimination or reprisals. You should notify your own line manager in writing of the action you have taken.

5.2 In other more serious cases, you should pass the matter up to the Chief Executive Officer or Chair of Trustees.

5.3 If you have any doubts about the right way to deal with the concern, you should contact one of the persons named in paragraph 3.3 above for advice.

5.4 All employees acting in good faith should be reassured that their concerns will be treated seriously and sensitively, and that the Trust will not tolerate harassment and/or victimisation of any employee raising concerns.