



# Whistleblowing Policy

## Fairfax Multi-Academy Trust

<b>Document Owner:</b>	Danielle Billington, HR Director
<b>Ratified By:</b>	Board of Directors
<b>Date Ratified:</b>	March 2019
<b>Review Date:</b>	September 2022



## Contents

Page 3	Introduction
Page 3	Scope and Purpose
Page 3	What is whistleblowing?
Page 4	Raising a whistleblowing concern
Page 5	Confidentiality
Page 6	External disclosures
Page 6	Investigation and outcome
Page 7	If whistleblowers are not satisfied
Page 7	Protection and support for whistleblowers
Page 7	Review of Policy
Page 8	Contacts



## 1. Introduction

- 1.1 Fairfax Multi-Academy Trust (FMAT) is committed to the highest possible standards of honesty and integrity, and FMAT expects all staff to maintain these standards in accordance with the Staff 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 does not form part of any employee's contract of employment, and it may be amended at any time following consultation.

## 2. Scope and purpose

- 2.1 The aims of this policy are:
- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.
  - (b) To provide staff with guidance on how to raise concerns.
  - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 2.2 This policy applies to all FMAT employees, the Trust Board, Academy Associates, consultants, contractors, casual and agency staff as well as volunteers (collectively referred to as staff in this policy).

## 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 employees who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that there are wrongdoing or dangers at work. This may include:
- (a) Criminal activity;
  - (b) Miscarriages of justice;
  - (c) Danger to health and safety;
  - (d) Damage to the environment;



- (e) Failure to comply with any legal or professional obligation or regulatory requirements;
- (f) Bribery;
- (g) Financial fraud or mismanagement;
- (h) Negligence;
- (i) Breach of internal policies and procedures;
- (j) Conduct likely to damage FMAT's reputation;
- (k) Unauthorised disclosure of confidential information;
- (l) Other unethical behaviour;
- (m) The deliberate concealment of any of the above matters.

3.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern), they should report it under this policy.

3.3 This policy should not be used for complaints relating to an employee's own personal circumstances. In those cases, they should use the Grievance procedure.

3.4 If an employee is uncertain whether something is within the scope of this policy, they should seek advice from a member of FMAT's Leadership team (refer to paragraph 4.2).

3.5 If the concern is in relation to safeguarding and the welfare of pupils at FMAT, the employee should consider whether the matter is better raised under the Safeguarding and Child Protection policy and in accordance with the arrangements for reporting such concerns, although the principles set out in this policy may still apply.

#### **4. Raising a whistleblowing concern**

4.1 The Trust hopes that employees will be able to raise any concerns with their line manager, either in person or on writing. They may be able to agree a way of resolving the concern quickly and effectively.

4.2 However, where the matter is more serious, or the employee feels that their line manager has not addressed their concern, or they prefer not to raise it with them for



any reason, or the line manager is the subject of the complaint, the employee can raise the matter with:

- (a) Relevant Deputy Head. This is the member of the senior team who is responsible managing whistleblowing complaints;
- (b) The Head of Academy; (c) The Chief Executive Officer;
- (d) The Chair of the Trust Board.

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

4.4 FMAT will arrange a meeting with the employee as soon as possible to discuss their concern. Employees are entitled to bring a FMAT work colleague or trade union representative to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

4.5 A written summary of the concern will be taken, and a copy will be provided to the employee after the meeting. FMAT will also aim to give the employee an indication of how they propose to deal with the matter.

## **5. Confidentiality**

5.1 It is hoped that staff will feel able to voice whistleblowing concerns openly under this policy. However, if they want to raise a concern confidentially, every effort will be made to keep the whistleblower's identity confidential. If it is necessary for anyone investigating the concern to know their identity, it will be discussed with the whistleblower first.

5.2 FMAT does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible, if further information cannot be obtained. 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; appropriate measures can then be taken to preserve confidentiality. If whistleblowers are in any doubt, they can seek advice from Public Concern at Work, the independent whistleblowing charity, which offers a confidential helpline. Their contact details are given at the end of this policy.

5.3 Where FMAT receives anonymous complaints, it will make a determination about whether to investigate based on:

- (a) The seriousness of the issue raised;



- (b) The credibility of the concern; and
- (c) The likelihood of confirming the allegation from other sources.

5.4 As part of the application of this policy, FMAT may collect, process and store personal data in accordance with FMAT's Data Protection Policy and Privacy Notice and in line with the requirements of current 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, employees should not find it necessary to alert anyone externally.

6.2 The law recognises that in some circumstances it may be appropriate to report the concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Whistleblowers are strongly encouraged to seek advice before reporting a concern to anyone external. Public Concern at Work 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 Strategy (<https://www.gov.uk/government/publications/blowing-the-whistle-list-ofprescribed-people-and-bodies--2>).

6.3 Whistleblowing concerns usually relate to the conduct of FMAT staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows employees to raise a concern with a third party, where they reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, employees are encouraged to report such concerns internally first. They should contact their line manager or one of the other individuals set out in paragraph 4.2 for guidance.

## **7. Investigation and outcome**

7.1 Once employees have raised a concern, an initial assessment to determine the scope of any investigation will be carried out. FMAT will inform the employee of the outcome of the assessment. Employees may be required to attend additional meetings in order to provide further information.

7.2 In some cases, FMAT may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) will collate findings on the matter and may make recommendations for change to enable FMAT to minimise the risk of future wrongdoing. This will be sent to the Chief Executive Officer and/or the Trust Board to act upon.



7.3 FMAT will aim to keep the employee informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent the employee receiving specific details of the investigation or any disciplinary action taken as a result. Any information about the investigation must be treated confidentially.

7.4 If it is concluded that a whistleblower has made false allegations maliciously, or with a view to personal gain, the whistleblower may be subject to disciplinary proceedings in line with the Disciplinary procedure.

## **8. If whistleblowers are not satisfied**

8.1 Whilst FMAT cannot always guarantee the outcome sought, they will try to deal with any concern fairly and in an appropriate way. By using this policy, whistleblowers can help to achieve this.

8.2 If whistleblowers are not happy with the way in which the concern has been handled, they can raise it with one of the other key contacts in paragraph 4.2. Alternatively, they may contact FMAT's external auditors. Contact details are set out at the end of this policy.

## **9. Protection and support for whistleblowers**

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

9.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action (refer to paragraph 7.4), threats or other unfavourable treatment connected with raising a concern. If whistleblowers believe that they have suffered any such treatment, they should inform one of the individuals in paragraph 4.2 immediately. If the matter is not remedied, they should raise it formally using FMAT's Grievance procedure.

9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary proceedings in line with the Disciplinary procedure.

9.4 A confidential employee counselling helpline, which offers 24-hour advice and support is, available to all staff; the telephone number is 0808 169 1675.

## **10. Review of policy**

10.1 This policy is reviewed at least every three years by the Trust. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.



## 11. Contacts

Whistleblowing Officer  (Relevant Deputy Head in each Academy)	Elena Kkama  0121 788 4100  e.kkama@smithswood.fmat.co.uk
Head of Academy	Richard Cornell  0121 788 4100  r.cornell@smithswood.fmat.co.uk
Chair of the Trust Board	Andrew Best  0121 378 1288, ext. 3653 via s.gannon@fmat.co.uk
Chief Executive Officer (CEO)	Simon Jones  0121 378 1288, ext. 3653  s.jones@fmat.co.uk
Academy/Trust's External Auditors	Crowe Clark Whitehill LLP  0121 543 1900
Public Concern at Work  (Independent whistleblowing charity)	Helpline: (020) 7404 6609  E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a>  Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

