



**FAIRCHILDES  
ACADEMY  
COMMUNITY  
TRUST**

## **Fairchildes Academy Community Trust (FACT)**

**FACT Schools are Fairchildes Primary, Rowdown Primary  
and Monks Orchard Primary School**

### **Whistleblowing Policy**

**September 2022**

## Introduction

Fairchildes Academy Community Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

Trustees of Fairchildes Academy Community Trust (FACT) has agreed this policy and such, it applies to all employees working in schools within the trust including agency workers, self-employed contractors and volunteers.

'Whistleblowing' is defined as 'raising concerns about misconduct within an organisation or within an independent structure associated with it' (Nolan Committee on Standards in Public Life). In the legislation it is called a protected disclosure. The Public Interest Disclosure Act 1998 (PIDA 1988) protects employees from suffering a detriment in their employment or being dismissed by their employer if they make disclosures in accordance with the legislation.

Members of staff are often the first to realise that there may be something seriously wrong within the school. However, they may feel that expressing their concerns would be disloyal to their colleagues. They may also fear harassment or victimisation. It may be easier to ignore these concerns than report what may just be a suspicion of malpractice.

The Trust therefore, will continue to encourage employees and others with serious concerns of misconduct or malpractice to come forward and voice those concerns. This Policy makes it clear that members of staff can do so without fear of reprisals or victimisation. The trust will not tolerate the harassment or victimisation of any worker raising a genuine concern, this may include disciplinary action. If a worker request that their identity is protected, the trust will not disclose it unless required to do so in law.

**Whistleblowing arrangements also recognise, however, that it is possible that allegations of wrong doing may be false or malicious and the arrangements make clear that false allegations will be treated as a serious disciplinary offence.**

As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed (fraud, corruption, malpractice)
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (breach of health and safety law, any other illegal or unethical act or breaches)
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

**A concern (whistleblowing) may also relate to something which:**

- is a breach of the Trust or one of its school's policies; or
- falls below established standards or practice; or
- misuse of public money
- corruption or unethical conduct
- abuse of pupil or other users, including undermining of fundamental British values or promoting radical and extremist views
- deliberate concealment of any of these matters
- breach of the teachers standards
- any other substantial and relevant concern

Particular concerns that may fall within the terms of this policy include, for example, breach of as code of conduct, wilful maladministration and corruption, misuse of funds, theft or fraud.

Employees who wish to raise a concern or grievance about their own personal circumstances in the workplace should refer to the Trust's grievance procedure.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Employees of contractors working for the school, for example, agency staff, builders and drivers
- Employees of suppliers
- Voluntary workers working with the school
- A trainee, such as a student teacher
- Pupils
- The wider community
- Trustees & academy committee members.

## **How to Raise a Concern ('Whistleblowing')**

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect your identity if you so wish. Nevertheless, this 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 or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first.

Where concerns are expressed anonymously the Executive Headteacher in consultation with the Chair of the Trust Board will decide how to proceed. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented.

### **Stage 1**

If you wish to raise a concern you should normally raise it with your line manager. This can be in person or in writing.

The Trust recognises that sometimes it may be inappropriate for you to approach your line manager with your concern. In these circumstances, a number of alternatives are available depending on the nature of your concern. You can contact any of the following:

- Executive Headteacher

- Head of School
- Chair of the Trust Board
- Chair of the Academy Committee
- Finance Director
- Trade union

Although you are not expected to prove beyond reasonable doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.

You may wish to obtain advice from a trade union representative or a colleague. You may choose to be represented by a trade union representative or colleague at any meetings that are required.

If you would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed via ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)), or they can be contacted on 020 31172520.

In certain instances, it may be appropriate for you to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA (DFE), they should use the [online contact form](#).

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

## **Stage 2**

The person with whom you have raised your concern will interview within 10 days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury and will obtain to let you know how your concern will be dealt with.

The information you can then 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
- identity will be kept confidential from the alleged wrongdoer.

## **Stage 3**

Initial enquiries will be made to decide whether an investigation is appropriate. It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

#### **Stage 4**

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.

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 Department for Education
- relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Health & Safety Executive
- The Trust External Auditors

You have a duty to the Trust 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.

#### **Unfair treatment**

- An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

- Any claims of unfair dismissal needs be made within three months of the investigation ending.

#### **Malicious Accusations**

Deliberately false or malicious accusations made will be dealt with under the Trust's disciplinary procedure.

Review Date: September 2024