

## Human Resources Policies and Procedures

### Whistleblowing Policy

**Aim:** All workers, whether paid or voluntary, within the Fylde Coast Academy Trust (FCAT) are encouraged to raise genuine concerns about wrongdoing within our Academies or the Trust and to be supported in doing so. This policy details how workers can share any information at the earliest opportunity and in an appropriate way with confidence and assurance that concerns will be considered and addressed seriously and carefully.

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## **1. Introduction**

- 1.1 The Public Interest Disclosure Act (1998) was enacted to encourage an open, transparent and safe working environment where concerns about any past, present or likely future wrongdoing within the workplace can be identified and addressed quickly and thoroughly.
- 1.2 FCAT is committed to high openness, integrity and accountability at all times by all workers at every level.
- 1.3 When a worker shares any information regarding a wrongdoing within an organisation this is called “whistleblowing”, “blowing the whistle” or “making a disclosure”.
- 1.4 FCAT recognises that workers are often the first people to witness any wrongdoing within an organisation due to their closeness to day to day operations. However sometimes individuals can feel reluctant to share their concerns because they are worried that they are being disloyal, afraid that they may be victimised if they speak up or that no action will be taken to address their concern.
- 1.5 Conversely, it is vital to FCAT that the information workers may discover about any past, present or likely future concern is shared to prevent any wrongdoing, which could cause harm to our students, workers, parents/carers, Academies or Trust.
- 1.6 In line with the legislation FCAT is committed to protect workers with genuine concerns about any wrongdoing in sharing these confidentially and without fear of victimisation.
- 1.7 This policy details how workers can share any information at the earliest opportunity and in an appropriate way with confidence and assurance that concerns will be considered and addressed seriously and carefully.
- 1.8 If you are unsure as to whether you wish to use this policy we would encourage you to seek advice from your Trade Union Association or at any time you may contact the independent charity Protect (formerly Public Concern at Work) on 020 3117 2520. Alternatively, you may contact the Advisory, Conciliation and Arbitration Service (ACAS) on 0300 123 1100. Both organisations have advisors who can give you free confidential advice on how to raise a concern about wrongdoing at work.

## **2. Scope of the Policy**

- 2.1 This policy is applicable to all workers, both paid and voluntary within FCAT (including directly employed staff, those employed through an agency/third party, volunteers, Academy Council members, self-employed with a contract for service with FCAT).

## **3. General Principles of the Policy**

- 3.1 This policy provides a clear and supportive approach for workers to share any concerns regarding any wrongdoing in our academies and Trust.
- 3.2 FCAT will protect any worker from suffering any detriment (e.g. victimisation) as a result of sharing a genuine concern.

- 3.3 It also provides a robust procedure which outlines how any concerns will be consistently and fairly investigated and resolved by FCAT. This is to seek to ensure that every shared concern is seriously, thoroughly, quickly and appropriately managed and addressed and roles and responsibilities in conducting this are distinct.
- 3.4 FCAT is committed to protect the confidentiality of workers who share any concerns. This is unless it is required by law to cease that confidentiality or through the course of any investigation process the source of any information must be disclosed. Where this may arise, it would be discussed with the individual in the first instance and protection and support for the individual planned, agreed and put in place.
- 3.5 Any concerns regarding the fair implementation of this policy should be raised with FCAT Human Resources in the first instance. Human Resources will provide training, support and advice in relation to this policy.

#### **4. Records and Monitoring**

- 4.1 FCAT is required to maintain and monitor records of the number and nature of all concerns shared and the outcome of the investigation into these concerns and how they were addressed. Records will be stored securely within FCAT Human Resources and access will be restricted to those only responsible for managing and recording disclosures in line with the General Data Protection Regulation.

#### **5. Review**

- 5.1 The content and operation of this policy will be reviewed every two years by Human Resources and FCAT Executive and then negotiated and agreed with Trade Union Associations.

#### **6. Equality Act 2010**

- 6.1 FCAT will observe the requirements of the Equality Act 2010 in the application of this policy which protects employees from unfavourable treatment related to a protected characteristic including; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.

#### **7. What concerns can I share through Whistleblowing?**

- 7.1 Often individuals can be unsure as to when or for what reason they may blow the whistle. This is common; as often people have a concern about wrongdoing in the workplace; but are not sure as to how serious this may be and whether or not to say something.
- 7.2 We have policies and procedures (e.g. grievance) which exist to enable workers to raise concerns relating to their own employment with FCAT. This whistleblowing policy is *not* intended for individuals to make complaints relating to their personal circumstances, bullying, harassment or discrimination; but is for workers to raise genuine concerns about wrongdoings including:
- a criminal offence, e.g. fraud;

- if FCAT is breaking the law;
- someone's health and safety is in danger;
- risk or actual damage to the environment;
- you believe someone is covering up one of the above listed wrongdoings.

7.2 To be protected by the whistleblowing legislation:

- your concern must relate to one of the above listed wrongdoings, whether this be a past, present or likely future wrongdoing;
- you must believe that in sharing the concern you are acting in the public interest. This means that you believe that any wrongdoing may affect others, as well as or instead of yourself, so not a personal grievance.

7.3 In relation to safeguarding and child protection concerns, we do have specific procedures within each Academy for reporting concerns regarding the safety and welfare of children and workers **must** continue to utilise these procedures. However, any concerns which you feel may fall outside of standard safeguarding reporting procedures or any wrongdoing in safeguarding within our Academies or Trust should be shared through this whistleblowing policy and procedure.

7.4 As previously mentioned; if you are unsure as to whether you wish to use this policy we would encourage you to seek advice from your Trade Union Association or at any time you may contact the independent charity Protect (formerly Public Concern at Work) on 020 3117 2520. Alternatively, you may contact the Advisory, Conciliation and Arbitration Service (ACAS) on 0300 123 1100. Both organisations have advisors who can give you free confidential advice on how to raise a concern about wrongdoing at work.

## 8. How can I share a concern?

8.1 We encourage all workers to share any concern they may have about any wrongdoing, no matter how minor or major this may seem to be. It is absolutely vital to protect people and the Trust to investigate and address any level of wrongdoing. The earlier you are able to share any concern, the sooner we will be able to take action in response and to resolve this.

8.2 In the first instance for academy based workers we recommend that your concern is shared in person verbally or in writing to the Headteacher or a member of the Senior Leadership Team (SLT). For FCAT Central Service workers we recommend your Line Manager, or a member of FCAT SLT.

8.3 If you have any worries about sharing your concern with the individuals mentioned in section 8.2 above, then alternatively the trust has an online whistleblowing - share your concern page on the Team FCAT intranet. You may also wish to talk to a colleague and to share a concern collectively or alternatively through your trade union representative for support on your behalf.

8.3 To ensure the confidentiality of any information shared, it is suggested that your concern is written and placed in a sealed envelope, marked confidential and addressed

to the Headteacher or a member of SLT for academy based workers or your Line Manager, or a member of FCAT SLT for FCAT Central Service workers.

- 8.4 You may not wish to sign or write your name on any written information shared, however we do encourage you to do so as anonymous concerns are often difficult to investigate and resolve with limited information and we won't be able to provide any support to you or feedback as to how your concern has been addressed.
- 8.5 FCAT will exercise discretion in deciding whether or not to investigate anonymous concerns and in taking this decision will consider:
- the seriousness of the matters shared;
  - the credibility of the concern;
  - the likelihood of being able to investigate the concern on the basis of the information anonymously received and other sources.
- 8.6 You are encouraged to share as much information as you feel comfortable to do so relating to your concern such as:
- the nature of your concern and the reason for your concern;
  - any background or history relating to your concern including relevant dates.

Please be assured that whilst helpful at this stage, evidence isn't required in order for your concern to be investigated further; all that is required is a genuine belief or suspicion of wrongdoing.

- 8.7 We recognise that you may want to have some choice in who you feel comfortable in raising a concern regarding any wrongdoing to. Therefore please find below a list of all senior leaders to whom you may raise your concern:
- Member of SLT;
  - Headteacher
  - Local Governing Body Chair;
  - FCAT Chief Operating Officer;
  - FCAT Head of HR
  - FCAT Director of Primary Education
  - FCAT Director of Secondary Education
  - FCAT Chief Executive Officer;
  - Chair of FCAT Board of Trustees.

A contact list for each Academy and the Fylde Coast Academy Trust can be found on the Whistleblowing – share my concern page on the Team FCAT Intranet. If you are unsure who to contact please contact FCAT HR for advice.

- 8.8 We encourage and hope that workers are able to share any concerns regarding wrongdoing in the workplace within our academies or trust through the identified series of contacts listed above. However, if you feel that it is right for you to share your concern outside of your academy or the trust; then the following are possible and recommended contact points:

- Ofsted (whistleblowing hotline)
- Director of Children’s Services (Local Authority)
- The Health and Safety Executive
- The Financial Conduct Authority
- Her Majesty’s Revenue and Customs (HMRC)
- The Police
- The District Auditor
- The Ombudsman
- The Environment Agency

8.9 If a worker chooses to share their concerns with the media, in most cases they will not be protected by the whistleblowing legislation. It is only in exceptional circumstances where this protection will not be lost when: an individual reasonably believes that the information they disclose is substantially true and that their employer will subject them to detriment or conceal or destroy evidence if they were to share with them and when not acting for personal gain.

## 9. How will FCAT respond to the concern and how will I be protected?

9.1 When a worker shares a concern with a senior leader the senior leader will contact FCAT’s Head of Human Resources and a decision will be made by FCAT as to which senior leader will explore the concern further. This is important to ensure that the Trust is aware of concerns raised to ensure that they are resolved appropriately. The table below outlines which senior leader will normally explore concerns raised at different levels within the Trust. This may however be subject to change depending on the individual circumstances of the concern raised to ensure fair and impartial investigation.

Who does the concern relate to?	Who will normally explore the concern?
Employee (Academy based staff)	Headteacher
Employee (FCAT Central Services)	Chief Operating Officer
Headteacher	Director of Primary/Secondary Education
Local Governing Body Chair/Member	Governance Lead
Member of FCAT SLT	CEO
CEO	Trustee
Trustee	Governance Lead

9.2 Within 5 working days following a concern being shared by an individual; a letter to confirm acknowledgment of receipt will be sent and the individual will be invited to join an information gathering meeting with the senior leader at which they may be accompanied by a trade union representative or workplace colleague as a source of support.

9.3 This meeting will be to enable the individual to share any further details with the manager regarding their concern and for the senior leader to clarify any information

which may assist in determining whether any further investigation is required or whether the concern can be addressed at that point. To make this meeting as useful as possible; you are advised to note down as many details regarding your concern that you are able to recall and to bring any relevant information that might be helpful to discussing the matter.

- 9.4 If it is possible to determine whether a concern is founded and if so how this has been addressed following the information gathering meeting; this will be confirmed in writing by the manager to the individual that shared the concern. This will be within 5 working days of the information gathering meeting. If the concern relates to an academy, a copy of this letter will be shared with the Headteacher, Director of Primary and/or Secondary Education and Chair of the Local Governing Body (unless the concern relates to one of those parties) If the concern relates to the Central Trust, a copy of this letter will be shared with the CEO, FCAT Senior Leadership Team and Chair of Trustees (unless the concern relates to one of those parties). In all cases a copy of the letter will be shared with FCAT's Head of Human Resources for Trust recording purposes (unless the concern relates to this party).
- 9.5 Where however a concern requires further investigation, the individual will be informed of this by the senior leader at the end of the information gathering meeting and will be given a timescale for the completion of the investigation which will depend on the complexity of the concern. Every effort will be made to ensure that concerns are investigated as quickly, but thoroughly as possible and that individuals are kept up to date of the progress of the investigation.
- 9.6 Following the conclusion of the investigation; feedback as to the outcome of the investigation and any action taken to address any established concerns will be confirmed in writing by the senior leader to the individual that raised the concern. This will be within 5 working days of the completion of the investigation. If the concern relates to an academy, a copy of this letter will be shared with the Headteacher, Director of Primary and/or Secondary Education and Chair of the Local Governing Body (unless the concern relates to one of those parties) If the concern relates to the Central Trust, a copy of this letter will be shared with the CEO, FCAT Senior Leadership Team and Chair of Trustees (unless the concern relates to one of those parties). In all cases a copy of the letter will be shared with FCAT's Head of Human Resources for Trust recording purposes (unless the concern relates to this party). In all cases a copy of the letter will be shared with FCAT's Head of Human Resources for Trust recording purposes (unless the concern relates to this party).
- 9.7 After a concern has been shared, an individual will be provided with any support that they may require at that time (e.g. access to free and confidential counselling services, mediation or dispute resolution services). Individuals are encouraged to share with FCAT anything which they may find to be helpful or supportive to them during this time so that efforts to facilitate this can be made.
- 9.8 FCAT is committed to protect the confidentiality of workers who share any concerns. This is unless it is required by law to cease that confidentiality or through the course of any investigation process the source of any information must be disclosed. Where this



may arise, it would be discussed with the individual in the first instance and protection and support for the individual planned, agreed and put in place.

- 9.9 Whilst FCAT will work to prevent any detriment to any individual that shares a concern through this whistleblowing policy; in the unlikely event; individuals must report to the manager investigating the concern or FCAT Human Resources any act of accusation or victimisation they may experience in relation to sharing a concern or if anyone tries to stop them from raising a concern; as this will be addressed seriously and may result in disciplinary action being taken.
- 9.10 Where any concern is not established following the information gathering meeting or a full investigation; the reason for this will be provided in the feedback letter to the individual that shared the concern initially.

## **10. What happens if I am not satisfied with the feedback from the concern shared or if I believe the wrongdoing is continuing?**

- 10.1 If following the outcome of an information gathering meeting or full investigation an individual is not satisfied with the feedback they have received in terms of whether the concern has been identified by FCAT and/or the actions taken by FCAT to address any concern or if they believe the wrongdoing is continuing; workers are encouraged to escalate their concern to the next level of management as will be confirmed in the outcome letter. If an individual is unsure who to escalate their concern to, they are encouraged to contact FCAT's Head of Human Resources.
- 10.2 Whilst we encourage and hope that workers are able to share any concerns regarding wrongdoing in the workplace within our academies or trust; if you feel that it is right for you to share your concern outside of your academy or the trust with the recommended contact points outlined in section 8.8 of this policy.

## **11. What happens if I believe I have been unfairly treated in sharing a concern?**

- 11.1 If any worker feels that they have been unfairly treated because they have blown the whistle they must in the first instance raise this with the identified manager who investigated the concern or FCAT Human Resources. Alternatively they may choose to raise a grievance in line with FCAT's grievance policy and procedure.

## **12. How will false or malicious concerns be addressed?**

- 12.1 It is sometimes the case that following an information gathering meeting or full investigation, concerns shared by an individual are not confirmed. Where a concern has been shared in good faith and is not founded; individuals will be protected from any detriment.
- 12.2 In the unlikely occurrence that it is alleged that an individual has shared a false or malicious concern; this will be investigated in accordance with FCAT's disciplinary policy and procedure and may result in disciplinary action being taken.

- 12.3 In circumstances where an individual may blow the whistle regarding a possible act of misconduct or gross misconduct; in which after investigation they were found to be complicit, the sharing of information will be considered in mitigation, but will not exempt the individual from any resulting disciplinary action being taken.
- 12.4 Any individual who contacts the media regarding any concerns about wrongdoing in the workplace, without first sharing this information in line with section 8 of this policy may result in disciplinary action being taken against them.