

The Futures Trust

Whistleblowing Policy

Date of last review: September 2022 (To reflect Keeping Children Safe in Education 2022 no other changes)
Lead reviewer: V Hastie, Operations Director
Approval: Finance, Resources, Audit and Risk Committee
Date of next review: September 2023 or earlier in response to statutory changes

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1. Policy statement

The Trustees of the Futures Trust and the Governing Body are committed to the highest possible standards of transparency, probity and accountability. They will listen to concerns raised and will take action to address any improper practice.

In line with this commitment workers with genuine concerns regarding any aspect of the Trust's or School's work are encouraged to come forward and voice those concerns, and can be confident that they can do so without fear of reprisal or victimisation.

This Policy provides a framework to be used by workers to raise concerns, and to be used by the School in seeking to address and resolve them. It aims to ensure that any concerns are managed in a fair, consistent, prompt and supportive manner and provides channels for workers to pursue their concerns further if they are dissatisfied with the response of the Governing Body or Trust.

This Policy has been developed with due regard to the Department for Business Innovation and Skills Whistleblowing Code of Practice, and in accordance with The provisions of the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013.

This Policy does not form part of any employee's contract of employment and may be amended at any time.

The Governing Body will ensure that staff receive training in respect of this Policy, that it is communicated to workers and is readily accessible. The Trust and Governing Body will have regard to the Equality Act 2010 and the Equality Duty when communicating and implementing this Policy.

2. Safeguarding concerns

Safeguarding is the responsibility of everyone

Allegations of abuse or any low level concerns arising in relation to people working in School must immediately be reported and managed in accordance with the school's Statement of Procedures for Dealing with Allegations made against / Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors, which is underpinned by the statutory guidance Keeping Children Safe in Education September 2022.

The Statement of Procedures can be obtained from the School HR Office or the Operations Director.

Should circumstances arise where workers have concerns in relation to poor or unsafe practice, or potential failures within the School's safeguarding regime, which are such that immediate referral to the School's Designated Safeguarding Lead, Deputy Designated Safeguarding Lead, Headteacher, Local Authority Designated Officer or the Police is not required to safeguard children or young people, this Policy provides both internal and external channels for them to raise their concerns.

3. Scope

Workers include employees, officers, consultants, contractors, volunteers, casual workers and agency workers, and the responsibility for raising concerns regarding unacceptable practice rests with all.

This Policy may also be used by Governors, Trustees and Members.

To be covered by whistleblowing law a worker who makes a protected disclosure must reasonably believe two things:

1. That they are acting in the public interest.

This means that personal grievances and complaints are not usually covered by whistleblowing law. Employees who are aggrieved have recourse to the School's Grievance Procedure that can be obtained from the School HR Office, and to other Policies and Procedures that deal with specific matters, such as the School's Pay Policy and Anti Bullying and Dignity at Work Policy. Other workers who wish to raise concerns of a personal nature have recourse to the School's Complaints Procedure which is available on the School's website <https://www.barrshill.coventry.sch.uk/>

2. That the disclosure shows past, present or likely future wrongdoing falling into one or more of the following categories:

- (a) criminal activity / offences (this may include types of financial impropriety such as fraud, bribery or improper use of public funds)
- (b) failure to comply with an obligation set out in law (a statutory duty) or regulatory requirements (for example those set by an examination board)
- (c) miscarriages of justice
- (d) endangering of someone's health and safety
- (e) damage to the environment
- (f) breach of the Trust's or School's Policies and Procedures, including conduct likely to damage our reputation
- (g) the deliberate concealment of any of the above

The wrongdoing may result from a failure to act, as well as action.

Where a complaint made under this Policy falls outside its scope, the School will advise the worker of this in writing and will consult with them regarding an alternative avenue to seek to resolve their concerns.

4. Principles

4.1 Protection for whistleblowers

The Trust and Governing Body recognise that a decision to report a concern can be a difficult one to make, as there may be fear of reprisal, not least from those who may be responsible for any alleged wrongdoing.

Steps will be taken to seek to protect any worker raising a genuine concern, and any form of reprisal including harassment or victimisation will not be tolerated. Any concerns raised in respect of reprisal will be taken seriously and managed appropriately.

Where an employee who is a whistleblower is the subject of Procedures, such as the School's Disciplinary or Redundancy Procedures, this does not mean that action under those Procedures would cease as a result of them raising a concern under this Policy.

4.2 Confidentiality

We hope that workers will feel able to voice whistleblowing concerns openly under this policy. Where a whistleblower requests that their identity is protected, all reasonable steps will be taken to maintain their confidentiality. However, should an investigation into the concern require the worker to be named as the source of the information, this will be discussed with the worker before their name is disclosed.

4.3 Anonymous allegations

Workers are encouraged to put their name to any allegations. Proper investigation may be more difficult or impossible if we cannot obtain further information, and it may be more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming allegations from attributable sources.

Anonymous whistleblowers will not ordinarily be able to receive feedback.

4.4 Unfounded allegations

In making a disclosure an individual should exercise due care to ensure the accuracy of the information they provide. If a worker makes an allegation where they have a genuine concern but it is not confirmed by the investigation, no action will be taken against that person. Where allegations are confirmed as unfounded this outcome will be notified to the worker who raised the concern, who will be informed that the Governing Body or the Trust deems the matter to be concluded, and that it should not be raised again unless new evidence becomes available.

4.5 Malicious allegations

If it is concluded that a worker has made malicious or vexatious allegations, or with a view to personal gain, action may be taken against that worker. For employees this may include disciplinary action.

4.6 Support for whistleblowers

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to any worker raising a concern and any worker subject to investigation. Where a worker is a member of a trade union or professional association they may wish to seek their advice and support.

Workers may be accompanied at any meeting to discuss or investigate a protected disclosure by a trade union representative or work colleague employed by the Trust. Any companion must respect the confidentiality of the disclosure and any subsequent investigation.

5. How to raise a concern

5.1 Who to report a concern to

This Policy seeks to encourage and assist individuals to disclose information through an appropriate channel. In the first instance a worker should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved.

For example, if an employee believes that their immediate manager or their manager's superior is involved, they should approach the Headteacher, or the Chair of the Governing Body where the manager is the Headteacher.

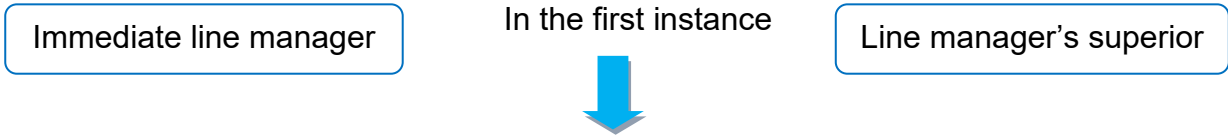
A worker can by-pass the direct management line and the Governing Body if they feel the overall management and Governing Body of the School is engaged in an improper course of action.

Concerns can be raised with the Chair of the Futures Trust, or where there are concerns in respect of the Trust, the nature of which mean that it is considered they cannot be raised with any person internal to the organisation, please refer to Section 7 below.

Where a worker is unsure as to who to raise their concerns with, advice can be sought from the School's HR Manager or the Operations Director for the Trust. Advice can also be sought from the organisations detailed in section 7 below.

Contact details are provided overleaf for people at various levels within the organisation to whom workers may voice concerns. The list is not exhaustive, and depending on the seriousness of concerns a decision may be taken to escalate or de-escalate them to be managed at a higher or lower level within the organisation.

School Level



Where either party are involved or the nature of the concern is such that it should be referred to a higher level of management, the concern can be referred to:



Where the above parties are involved or the nature of the concern is such that it should be referred to a higher level of management, the concern can be referred to:



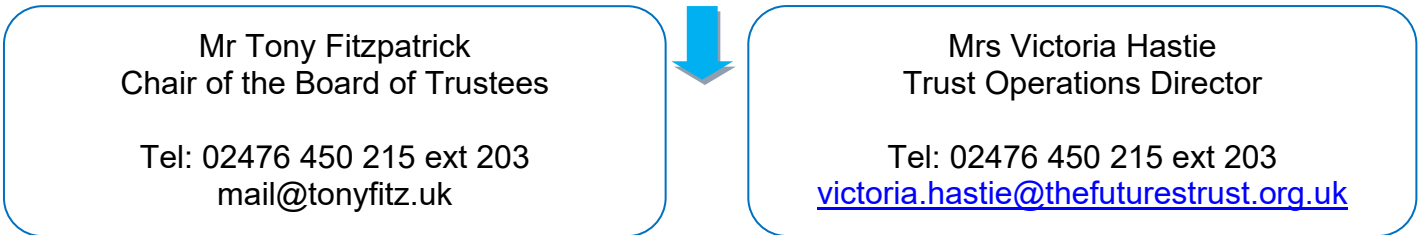
Where either party are involved or the nature of the concern is such that it should be referred to a higher level of management, the concern can be referred to:

Governing Body Level



Where the Governing Body is involved the concern can be referred to:

Trust Level



Correspondence to individuals at all levels can be addressed care of:
Barr's Hill School, Radford Road, Coventry, CV1 4BU

External level

Where there are concerns in respect of the Trust, the nature of which mean that it is considered they cannot be raised with any person internal to the organisation, please refer to Section 7 below.

5.2 Concerns are better raised early and in writing

The earlier a worker expresses a concern, the easier it will be to take action. The worker should set out in writing the background and history of their concerns, giving details including names, dates and places where possible, and the reasons why they are particularly concerned about the situation.

Workers do not need to provide evidence for the School or Trust to look into a concern, but need to demonstrate that there are honest and reasonable grounds for the concern, and that it is in the public interest. Any evidence that the worker may have and which would assist the School or Trust should be provided and not withheld.

If a worker is not able to put their concerns in writing, they should telephone or meet the appropriate person. Regardless of how the concern is raised, it is important that the worker makes it clear that they are raising the issue via the Whistleblowing Policy. In order to receive a response the worker should provide contact details for use by the School or Trust.

In some instances it may be appropriate for an employee to ask their trade union or professional association to raise a matter on their behalf.

6. How the School or Trust will respond

6.1 Stage 1:

Acknowledgement and where required arranging to meet / discuss

Where contact details have been provided, any concerns raised under the Whistleblowing Policy, either verbally or in writing, will be acknowledged in writing within 3 working days. The acknowledgement will summarise the School's or Trust's understanding of the concerns, and identify who will manage the next steps in the process.

Where further detail is required to determine what action to take at Stage 2, the worker will be invited to attend a meeting to discuss the concerns, and to put them in writing if they have not already done so. This may be via notes being taken at the meeting. The worker will be asked to sign and date the written account of their concerns.

The person chairing the meeting will confirm the worker's understanding of the Whistleblowing Policy with them.

Meetings may take place at a mutually agreed venue or via telephone conference in circumstances where the worker is not able to attend a meeting.

Anonymous allegations will be managed in accordance with Section 4.3 of this Policy.

6.2 Stage 2:

Action to be taken

The action to be taken will depend on the nature of the concerns. Some concerns may be resolved by agreed action without the further need for investigation. Following the initial meeting the person responsible for chairing may seek professional advice, from an appropriate person in the organisation who is not in any way implicated in the concerns, as to how to proceed. For example at school level the responsible person may consult the HR Manager or Headteacher, or where the Headteacher is the responsible person they may consult the Chair of the Governing Body or the Trust.

Where it is determined that an investigation is to take place, the terms of reference for the investigation will be documented. It may be necessary for the concerns to:

- be investigated internally;
- be referred to the Police;
- be referred to an external auditor;
- be referred to a relevant external body;
- form the subject of an independent inquiry.

Within 10 working days of the acknowledgement of the worker's concerns, or where relevant, the date of the meeting held to discuss the concerns, the worker will be sent written confirmation of how the School or Trust intends to address the concerns raised. They will also receive a summary of any action taken to date, and will be provided with a timescale for receipt of further information if the situation is not yet resolved. The worker will be provided with details of whom to contact should they be dissatisfied with this response.

6.3 Stage 3:

Right to request that the concerns are escalated to a higher level in the organisation for review

When Stage 2 of the Policy has been exhausted and the School or Trust has confirmed its response, or the outcome of any investigation to the extent that it is able to in accordance with the rights of those involved and the Data Protection Act 2018, if the worker is dissatisfied with the response, this Policy gives them the right to request that the matter is referred to a higher level in the organisation for review.

If the concerns have already been dealt with at the highest level of the organisation, recourse to internal procedures will have been exhausted at Stage 2 and Section 7 of this Policy will apply.

Where a worker wishes to request a review they must do so in writing within 10 working days of their receipt of the written confirmation of the response or outcome, clearly stating the grounds on which they wish to request a review takes place.

The School or Trust will acknowledge receipt of the request within 3 working days, and where appropriate will aim to carry out a review and respond to the worker in writing within 15 working days. Where further time is required the worker will be informed in writing of the reasons for this

When the School or Trust has confirmed its response, or the outcome of any review to the extent that it is able to in accordance with the rights of those involved and the Data Protection Act 2018, this will conclude the internal procedure.

7. Raising concerns external to the School or Trust

This Policy is intended to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the School or Trust. In most cases the worker should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for the worker to report their concerns to an external body such as a regulator. It would very rarely, if ever, be appropriate to alert the media, and in most cases a worker can expect to lose their legal rights in respect of whistleblowing should they do so. Workers are strongly encouraged to seek advice before reporting a concern to anyone external, and to ensure that they do not disclose confidential information to a third party.

The following external agencies are signposted for information and advice in respect of whistleblowing:

Protect (formerly Public concern at work)

Protect is a registered charity that workers can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

0207 3117 2520 <https://protect-advice.org.uk/contact-protect-advice-line/>

The NSPCC Whistleblowing Advice Line

<https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>

If you're a professional with concerns over how child protection issues are being handled in your own or another organisation, you can talk to the NSPCC anonymously.

0800 028 0285 [**help@nspcc.org.uk**](mailto:help@nspcc.org.uk)

Blowing the whistle to a prescribed person: List of prescribed persons and bodies: August 2022

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

The Health and Safety Executive

www.hse.gov.uk

Recognised trade unions and professional associations

Details can be obtained from the School HR Office

ACAS

The Advisory, Conciliation and Arbitration Service provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.

www.acas.org.uk

Gov.uk

Whistleblowing for employees

<https://www.gov.uk/whistleblowing/what-is-a-whistleblower>

8. Register of Concerns

The Headteacher or Chair of the Governing Body will immediately notify the Trust Operations Director of any concerns that are raised under the Whistleblowing Policy, unless the concerns are such that the Operations Director is implicated.

In this event the School must notify the Trust's Chief Executive Officer, (CEO) or where implicated, the Chair of the Board of Trustees or a Trust Member as appropriate. (see contact details on page 7)

Upon receipt of notification the Operations Director will inform the CEO (where not implicated). The Operations Director will keep a Register of Concerns, and will report closed cases to the Trustees on a termly basis and to Members on an annual basis; concerns may be reported sooner at the discretion of the CEO where reporting will not prejudice any investigation. The Register will include:

- The date the concern was raised
- A summary of the concern including the individuals involved
- Where applicable the date the investigation commenced
- The Investigating Officer appointed
- The response or outcome of the investigation and summary of actions taken.
- The date the individual who raised the concern was notified of the response or outcome
- The date on which any Stage 3 request was received, the basis for the request, the response or outcome, and the date on which the individual who made the request was notified
- The Register will be maintained in accordance with the Data Protection Act 2018 and the General Data Protection Regulations.