Whistleblowing Policy

Policy Area
Statutory

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Version
Updated draft

Adopted by the Full Governing Body
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Next Review
Dec 2021
Introduction

The staff and trustees of Folio Education Trust seek to run all aspects of the Trusts business and activities with full regard for high standards of conduct and integrity. In the event that members of staff, parents, governors or the community at large become aware of activities which give cause for concern, the Trust has established the following whistleblowing policy, or code of practice, which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

Throughout this policy, the term whistle-blower denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the Second Report of the Committee on Standards in Public Life: Local Spending Bodies published in May 1996.

The Trust is committed to tackling fraud and other forms of malpractice and treats these issues seriously. We recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the Trust environment but also has recourse to an external party outside the management structure of the trust.

This policy has been introduced in line with the Public Interest Disclosure Act 1998 and The Enterprise and Regulatory Reform Act 2013. The Trust is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of more general grievance which would be dealt with under the Trust’s grievance procedures.

When might the whistleblowing policy apply?

The type of activity or behaviour which the Trust considers should be dealt with under this policy includes:

- Child protection issues including sexual, emotional or physical abuse of students or others
- manipulation of accounting records and finances
- inappropriate use of Trust assets or funds
- gross mismanagement of funds
- damage to the environment of the Trust, to property belonging to the Trust or to a member of the Trust community
- decision-making for personal gain
- any criminal activity
- abuse of position
- serious misuse or abuse of authority
• fraud and deceit or corrupt practices
• serious breaches of Trust procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
• other unethical conduct, including the circulation of inappropriate emails
• suppressing information about anything listed above.

What action should the whistleblower take?

The Trust encourages the whistleblower to raise the matter internally in the first instance to allow those Trust staff and trustees in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

The Trust has designated a number of individuals to specifically deal with such matters and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

<table>
<thead>
<tr>
<th>Name &amp; Position</th>
<th>Contact details</th>
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<tr>
<td>Mr J Wilden - Executive Headteacher</td>
<td>c/o Folio Education Trust</td>
</tr>
<tr>
<td>Mr T Crayford - Chair of Trustees</td>
<td>c/o Folio Education Trust</td>
</tr>
<tr>
<td>Mr P Huitson – Vice Chair of Trustees</td>
<td>c/o Folio Education Trust</td>
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</tbody>
</table>

The whistleblower may prefer to raise the matter in person, in written form marked private and confidential and addressed to one of the above named individuals. Trustees’ post is collected in the school office and sent to home addresses. All matters will be treated in strict confidence and anonymity will be respected wherever possible.

In addition information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work
3rd Floor, Bank Chambers
6 – 10 Borough High Street
London, SE1 9QQ

Telephone: 020 7404 6609
Website: www.pcauw.co.uk

How Will the Matter Be Progressed?
The individual in receipt of the information or allegation (the Investigating Officer) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of the Trust staff, legal or personnel advisors, the police and the Department of Education (DfE).

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer, possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

The whistleblower will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body who will decide what other third parties should be informed, e.g., the police, DfE.

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the Trustees and/or directed to other appropriate bodies.

**Respecting Confidentiality**

Wherever possible the Trust seeks to respect the confidentiality and anonymity of the whistleblower, however, circumstances under which this may prove difficult are:

- if the matter leads to a legal procedure and evidence is required by the court;
- if the issue raised comes within the remit of another school procedure and the whistleblower is asked to provide a signed statement as part of the evidence, thus revealing their identity.

The Trust will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

Whistle-blowers are encouraged to put their name to an allegation and anonymous allegations will only be considered if the issues raised are:

- very serious;
- the credibility of the allegation is considered to be high;
- the likelihood of confirming the allegation is high.
Raising Unfounded Malicious Concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge that they will be taken seriously. If individuals raise malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some form of penalty appropriate to the circumstances.

Conclusion

Existing good practice within the Trust in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the Trust operates minimises the risk of suspected fraud or impropriety that can occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the management structure of the Trust. This document is a public commitment that concerns are taken seriously and will be actioned.