

Whistleblowing Policy



College	FAR Academy - Whitstable
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Policy owner:	Brent Lewis
Queries to be directed to:	Brent Lewis - Headteacher

This policy will be reviewed on an annual basis.

Date of last review:	September 2023
Date of next review:	September 2024

1. In this policy, the term 'whistleblowing' means the confidential raising of problems or concerns within an organisation by a member of staff. The proper name for whistleblowing is 'protected disclosure'. This is not 'leaking' information but refers to matters of impropriety, for example a breach of law, college procedures or ethics.
2. The Public Interest Disclosure Act 1998 provides the supporting legislation for such a policy and is, "An Act to protect individuals who make certain disclosures in the public interest to allow such individuals to bring action in respect of victimisation; and for connected purposes."
3. The College 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.
4. It is not appropriate for staff to blow the whistle about breaches of their own employment contract. Such matters would be dealt with under the College's Grievance Procedures.
5. The staff and trustees of The FAR Academy seek to run all aspects of college business and activity with full regard for high standards of conduct and integrity. In the event that members of college staff, parents, trustees or the college community at large become aware of activities which give

Whistleblowing Policy



cause for concern, the College has established the following whistleblowing policy. This 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 under the appropriate internal procedures, e.g. disciplinary procedure.

6. The College is committed to tackling fraud and other forms of malpractice and treat 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 college environment but also has recourse to an external party outside the management structure of the college.

7. This policy complies with the requirement in the ESFA's Academies Financial Handbook for all academies to have a Whistleblowing Policy in place.

8. This Policy should be read in conjunction with the Safeguarding Policy.

9. Individuals are encouraged to come forward with genuine concerns knowing they will be taken seriously. A whistle blower should ask themselves a few questions about their concern before taking action:

9.1 Do you believe it is in the public interest to take action?

9.2 Is it a criminal offence?

9.3 Is the environment damaged, or likely to be damaged?

9.4 Is it, or do you believe it to be, illegal?

9.5 Is it, or do you believe it to be, endangering of someone's health and safety?

9.6 Is it, or do you believe it to be, a miscarriage of justice?

9.7 Is it, or do you believe it to be, against codes of practice or policies issued by the college, the Local Authority, the Department for Education or a professional body?

9.8 Does it contradict what the employee has been taught, or should have been taught?

9.9 Is it about an individual's behaviour or is it about general working practices? 9.10 Has the whistle blower witnessed the incident?

9.11 Does it constitute the covering up of wrongdoing?

10. If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

11. Examples of the kinds of activity or behaviour that might be raised by a whistle blower include:

11.1 Manipulation of accounting records and finances

11.2 Inappropriate use of college assets or funds

11.3 Decision making for personal gain

11.4 Any criminal activity

11.5 Damage to the environment of the college, to property belonging to the college or a member of the college community

11.6 Dangerous practices

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Whistleblowing Policy



11.7 Child protection issues including sexual, emotional or physical abuse of students or others

11.8 Abuse of position

11.9 Breach of data protection

11.10 Fraud and deceit or corrupt practices

11.11 Serious breaches of college procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest)

11.12 Other unethical conduct, including the circulation of inappropriate e-mails

11.13 Suppressing information about anything listed above

12. Further guidance is available from Acas (www.acas.org.uk), Public Concern at Work (www.pcaw.org.uk) and trade unions.

13. Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the trustees will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

14. There are, however, circumstances under which complete confidentiality may be difficult for the trustees to maintain. For example:

14.1 If the matter leads to a legal procedure and evidence is required by the court.

14.2 If the issue raised comes within the remit of another college procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.

15. Anonymous allegations will only be considered if the issues raised are either:

15.1 Very serious, or

15.2 The credibility of the allegation is considered to be high, or

15.3 More than one allegation has been made about the same issue, or

15.4 The likelihood of confirming the allegation is high

16. If the whistleblower wishes to make an anonymous allegation, this should be directed to either the Headteacher or the Chair of the Trustees in the first instance. The same procedure for investigation will be followed.

17. Anonymous whistleblowers will not ordinarily be able to receive feedback and any action taken to look into a disclosure could be limited – where possible, this could be managed through telephone appointments or by using an anonymised email address.

18. Whistleblowers are protected by law from dismissal, harassment, bullying or other detriment by the college or other members of staff with whom they work. If this occurs, the whistleblower has the right to take their case to an employment tribunal. The College will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised.

19. If a whistleblower goes to the media with their concerns they can expect in most cases to lose their whistleblowing law rights except in exceptional circumstances where:

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Whistleblowing Policy



19.1 They must reasonably believe that the information they disclose and any allegation contained in it are substantially true; and

19.2 They cannot be acting for personal gain; and

19.3 Unless the wrongdoing is exceptionally serious, if they have not already gone to the college or a prescribed person with their concerns, the whistleblower must reasonably believe that the college will subject them to detrimental treatment or conceal or destroy evidence if they do so; and

19.4 Their choice to make the disclosure must be reasonable

Procedure STAGE 1

20. As the first step, you should raise the matter with the Headteacher. If you believe that the Headteacher is involved, you should approach the Chair of the Trustees via Charles@farskate.co.uk who will follow the procedure set out in Stage 1.

21. Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the whistle blowing policy.

22. You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern. This does not mean that you have to provide evidence.

23. If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.

24. If the allegation is made orally, you can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.

25. If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.

26. If you have raised the issue orally, you will be asked to put your concerns into writing; which you should date and sign.

27. Once the issue has been raised, you will be contacted within five working days by the Headteacher who will arrange to meet to discuss the matter. Again, a friend or trade union/professional association representative may accompany you for the purposes of giving support. Throughout this document a working day is defined as a college day within term time.

28. Notes will be taken of the details of the concern and you will be asked to sign a copy of these notes.

Whistleblowing Policy



29. Depending on the gravity of the allegation, the Headteacher will consult with the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example, for the college's disciplinary policy or even a matter for the police.

30. An initial response will be given within five working days. You will be informed of the progress of the investigation and if continued confidentiality is an issue.

31. When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.

32. The Headteacher or Chair of the Trustees will also notify the person who is the subject of the disclosure within five working days of the meeting. Upon receipt of the information, the individual will be able to appeal against any decisions by writing to the Trustees.

STAGE 2

33. If you are dissatisfied with the college's response, you can raise the matter within 10 working days of the date of the college's response by writing to the Chair of the Trustees. If the Chair of the Trustees has been involved at Stage 1, Stage 2 does not apply and you should refer to Stage 3 below.

34. The Chair of the Trustees will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend or representative of your trade union/professional association.

35. The Chair of the Trustees may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.

STAGE 3

36. If you are dissatisfied with the outcome of stage 2, you may opt to take the matter to stage 3, by raising the matter externally within 10 working days of the date of the decision letter at stage 2, with any of the following, as appropriate:

- The relevant professional bodies, regulatory organisations or a recognised trade union
- A solicitor
- The local government ombudsman
- The police
- Any of the prescribed people or bodies recommended in the Government Publication: 'Blowing the whistle to a prescribed person: a list of people and bodies' available from www.gov.uk

Whistleblowing Policy



37. In taking your concern outside the college, you should ensure that, as far as possible, the matter is raised without confidential information being divulged.

Safeguarding Concerns

38. If you feel unable to raise a concern about poor or unsafe safeguarding practice and potential failures in the college's safeguarding regime, or you feel that your genuine concern is not being addressed, other whistleblowing channels are open to you. General advice on whistleblowing can be found at <https://www.gov.uk/whistleblowing>. The NSPCC whistleblowing helpline is available as an alternative route for staff who do not feel able to raise concerns regarding safeguarding failures internally or have concerns about the way a concern is being handled by the college. You can call 0800 028 0285 – the helpline line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.

Monitoring and review

39. The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy.