



# Fierté Multi Academy Trust Whistleblowing Policy

**(To be used in conjunction with the Whole Trust Pay Policy)**

## **Whistleblowing policy**

Fierté Multi-Academy Trust is committed to operating with honesty and integrity.

We expect all colleagues to operate on this basis and to adhere to the council's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated. The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Any colleague raising a concern under this policy will not be treated less favourably for raising concerns as outlined in this procedure. This means that any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so.

Any reference to 'the council' refers to Fierté Multi Academy Trust. This policy applies to employees of Fierté Multi Academy Trust and the Trust, referred to in this policy as colleagues including agency workers, trainees or anyone working on a casual basis.

The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

## **What is whistleblowing?**

Whistleblowing is when a worker reports suspected wrongdoing at work.

For example

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above

A colleague can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistle-blower and is protected under this policy.

The Council will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Council will also treat every disclosure in confidence, and only reveal the identity of the person making it is absolutely necessary (e.g. if required in connection with legal action).

### **Rights of the Whistle-blower**

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief. Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the named Monitoring Officer.

Victimisation of a whistle-blower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the council believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleagues own treatment at work that is arising from the whistleblowing matter they have raised previously.

### **Making a Whistleblowing Complaint**

To make a whistleblowing complaint the whistle-blower has to meet certain conditions.

- If the disclosure is made to the council, it must be in the public interest and the person making the complaint ("the whistle-blower") has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
- If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the council, the whistle-blower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.
- For example, a colleague will be eligible for protection if:
  - they honestly think what they're reporting is true
  - they think they're telling the right person
  - they believe that their disclosure is in the public interest
- If the disclosure is made to other external bodies then as well as satisfying the conditions required for to the council, in all circumstances of the case it must be reasonable for them to make the complaint. Further the whistle-blower must:
  - reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,

- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the council and/or relevant regulatory body and,
- reasonably believe that the information they provide and any allegations contained therein are substantially true.
- If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care or corruption then the whistle-blower will not be required to:
  - have raised the matter concerned internally first
  - Believe that they will be subject to a detriment for raising the disclosure internally
  - Believe that the evidence is likely to be concealed or destroyed.

A colleague who wants to raise a wrongdoing should in the first instance inform any one of the Contact Officers whose details are given in **Appendix A**.

The initial contact can be by telephone or in writing, and if the latter should be in a sealed envelope addressed to the officer concerned and marked: 'PIDA – Strictly Private and Confidential'. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.

The Contact Officer who has received a disclosure will:

- (a) acknowledge its receipt, in writing, within 5 working days;
- (b) seek further information if required, which may include a personal interview, at which the colleague (whistle-blower) can be accompanied by a representative of their trade union or professional association, or by a fellow employee;
- (c) when the precise nature of the alleged wrongdoing is established, refer the disclosure to the Monitoring Officer (Head of Law);
- (d) in liaison with the Monitoring Officer keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.

On receipt of a disclosure from a Contact Officer the Monitoring Officer will determine what further action, if any, is needed, which may comprise:

- internal investigation
- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

The Monitoring Officer will also ensure that the Contact Officer is advised of progress and outcome.

If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or our external auditors. The charity, Public Concern at Work, can advise the colleague about raising the concern externally. This will include advising who the appropriate prescribed regulator is.

The website for Public Concern at Work is

<http://www.pcaaw.co.uk/>

**External Auditor**

**PriceWaterhouseCoopers LLP**  
**Cornwall Court**  
**19 Cornwall Street**  
**Birmingham B3 2DT**  
**0121 265 5956**

**Levels of Authority**

Throughout this policy document, there are many references to Contact Officer. For the purposes of this policy 'Contact Officer' is the person delegated by the Director to perform the task. The Contact Officers are listed in [Appendix A](#).

## **Whistle Blowing Procedure Appendix A**

### **National NSPCC Hotline and Local NSPCC Hotline**

[www.nspcc.org.uk/Helpline](http://www.nspcc.org.uk/Helpline)

Text: [88858](tel:88858)

[0808 800 5000](tel:08088005000) for Immediate Danger

## **Helplines**

Help for adults concerned about a child  
Call us on 0808 800 5000

Help for children and young people  
Call Childline on 0800 1111

<b>Phone:</b>	<b>0800 131 3126 (free from a landline)</b> Monday-Thursday*: 8.30am-5pm Friday: 8.30am-4.30pm *Excludes Bank Holidays  Out of hours: <b>0345 604 2886</b> (for emergencies only)
<b>Fax:</b>	01785 854223
<b>Text:</b>	07773 792016
<b>Email:</b>	<a href="mailto:frist@staffordshire.gov.uk">frist@staffordshire.gov.uk</a>
<b>Minicom:</b>	01785 277309
<b>Post:</b>	First Response Team, Wedgwood Building, Tipping Street Stafford, ST16 2DH

#### Reporting abuse of a vulnerable adult

<b>Phone:</b>	<b>0845 604 2719</b>  Monday-Thursday*: 8.30am-5pm Friday: 8.30am-4.30pm *Excludes Bank Holidays  Out of hours: <b>0345 604 2886</b> (for emergencies only)
<b>Fax:</b>	01785 276026
<b>Email:</b>	<a href="mailto:vastaffordshire@staffordshire.gov.uk">vastaffordshire@staffordshire.gov.uk</a>

#### Other sources of advice

Staffordshire Police, non Emergency	0300 123 4455
Crimestoppers	0800 555 111
NSPCC Helpline	0808 800 5000
Action on Elder Abuse	0808 808 8141
Care Quality Commission (CQC)	03000 616 161

**Contact Officers** (updated 13 October 2014)

**DEMOCRACY, LAW AND TRANSFORMATION**

**Jean Evans (Acting Monitoring Officer)** 01785 276110

Phillip Jones 01785 278364

Ann-Marie Davidson 01785 276131

Tracy Thorley 01785 276337

**FINANCE AND RESOURCES**

Andy Burns 01785 276300

Lisa Cartwright 01785 276803

Jon Waller 01785 276380

**PEOPLE**

Anu Singh 01785 277110

Martin Samuels 01785 895760

Kathy Maitland 01785 277095

**PLACE**

Helen Riley 01785 277200

Janene Cox 01785 278368

Pam Rushton 01785 277210

**PUBLIC HEALTH**

Aliko Ahmed 01785 278700

Jackie Small 01785 276697

**STRATEGY AND CUSTOMER SERVICES**

Jacqui McKinlay 01785 276188

Dionne Lowndes 01785 854236

Kate Waterhouse 01785 277893