

WHISTLEBLOWING POLICY

FORWORD

Freedom Foundation Alternative Provision is a site for KS1 & KS2 Alternative Provision. They are referred to as Freedom Foundation AP/AP for the benefit of students and this document

01 INTRODUCTION

- 01.1** Freedom Foundation expects employees, facilitators, mentors and others engaged by Freedom Foundation AP (for the purpose of this policy we will refer to anyone engaged by Freedom Foundation AP to deliver services as staff) that are dealt with who have serious concerns about any aspects of the AP's or Home Schools work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 01.2** Freedom Foundation AP acknowledges that staff are often the first to realise that there may be something seriously wrong within a home school or within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the home school or the AP. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 01.3** This policy is designed to encourage staff to report any concerns they may have by giving them confidence that their concern will be thoroughly investigated and that they will not suffer detriment unless an untrue disclosure is made (see point 5).
- 01.4** The aim of this policy is to:
- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected
 - Let all staff know how to raise concerns about potential wrongdoing in or by the AP
 - Set clear procedures for how the AP will respond to such concerns
 - Let all staff know the protection available to them if they raise a whistle-blowing concern
 - Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other staff who provide services to the AP in any capacity including self-employed facilitators or mentors, contractors and agency workers.

LEGAL FRAMEWORK

- 01.5** The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#). This policy has been written in line with the above document, as well [as government guidance on whistleblowing](#).

PUBLIC INTEREST DISCLOSURE ACT 1998

We also take into account the [Public Interest Disclosure Act 1998](#). This act protects staff who 'blow the whistle' about wrongdoing. It makes provision about the kinds of disclosures, which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the act protect most staff from being subjected to a detriment by their employer. Detriment may

take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered. Staff may make a claim for unfair dismissal if they are dismissed for making a protected disclosure

DEFINITION OF WHISTLE-BLOWING

01.6 Whistleblowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Students’ or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistleblower is a person who raises a genuine concern relating to the above. Not all concerns about the AP count as whistleblowing. For example, personal staff grievances such as bullying, or harassment do not usually count as whistleblowing. If something affects a worker as an individual, or relates to an individual employment or freelance contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

02 SAFEGUARDS AND SUPPORT

02.1 Freedom Foundation AP are committed to good practice and high standards of openness, probity and accountability. Freedom Foundation AP aims to promote a culture in which all staff feel they can raise genuine concerns without fear of subsequent victimisation, discrimination or disadvantage.

02.2 Freedom Foundation AP recognises the difficulty of deciding whether to report a concern. Staff should have nothing to fear if they genuinely believe that what they are saying is true because it is a duty to the employer and those for whom they are providing a service

02.3 Freedom Foundation AP will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when a concern has been raised in good faith.

- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee.
- Subject to any legal constraints, the person to whom the complaint was made, or their nominated representative, will keep the worker informed of the progress in relation to the complaint, the investigation etc.

03 CONFIDENTIALITY

03.1 All concerns will be treated in confidence and every effort will be made not to reveal the staffs’ identity if they do not so wish. However, staff should appreciate that the investigation process may reveal the source of information and a statement from the worker may be required as part of the evidence. At the appropriate time, staff may be required to come forward as a witness.

04 ANONYMOUS DISCLOSURE

- 04.1** This policy encourages staff to put their name to a disclosure, whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Head of Provision.

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources
- the level of detail given to allow the complaint to be investigated.

05 UNTRUE DISCLOSURES

- 05.1** If a disclosure is made in good faith but it is not confirmed by the investigation, no action will be taken against the individual making the allegation.
- If, however, a worker makes a disclosure frivolously, maliciously or for personal gain, disciplinary action may be taken.

06 HOW TO RAISE A CONCERN

- A worker may find it easier to raise the matter if there are two (or more) staff who have had the same experience or concerns. The earlier concerns are expressed the easier it is to take action. A worker may wish to speak to their trade union representative or colleague(s) before making a disclosure

- 06.1** Staff need to be aware that their colleagues are bound by the same obligations, as they are themselves, relating to confidential information. If a worker shares confidential information with union representatives, professional associations or others with a view to using this procedure they will need to ensure that the confidential information is not used inappropriately.

- 06.2** The Public Interest Disclosure Act provides protection where information is disclosed in the course of obtaining legal advice. Therefore, when seeking such advice, staff should ensure that in seeking the advice confidential information is not passed on to third parties

- 06.3** **The first stage** requires concerns to be raised with the Head of Provision,

Nottingham AP– Simon Green simon.green@freedomfoundationuk.org

Derby AP – Anna Malik anna.malik@freedomfoundationuk.org

If the concern is about a Head of Provision or it is believed they may be involved in the wrongdoing, the worker should report their concern to the Directors

- 06.4** Concerns may be raised verbally but best practice is for these to be raised in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation
- the fact that the worker is raising the concern under the whistleblowing complaints procedure.

Although a worker is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern. Where possible, notes should be kept of what the worker has seen/heard/felt. Notes should be dated, and copies of all relevant information kept.

A trade union or professional association representative, work colleague or a friend may be present during any meetings or interviews in connection with the concerns raised.

07 INVESTIGATION

Freedom Foundation AP will respond to concerns. Freedom Foundation AP will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative

- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 5 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation.

If there is:

- The recipient should then arrange a further investigation into the matter, involving Freedom Foundations SLT, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
- The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

07.1 Some concerns may be resolved by agreed action without the need for investigation.

On occasions, urgent action may be required to be taken before any investigation is conducted.

Within ten working days of a concern being raised, the responsible person (the head of provision, or Directors in the case of a concern relating to the head of provision) will write to the worker

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling the worker whether any initial enquiries have been made
- supplying the worker with information on support mechanisms
- tell the worker whether further investigations will take place and if not, why not.

08 OUTCOME OF THE INVESTIGATION

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified, and whether a referral is required to an external organisation, such as the local authority or police. They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality. Beyond the immediate actions, the Head of Provision, SLT and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing. Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

09 ESCALATING CONCERNS BEYOND FREEDOM FOUNDATION AP

Freedom Foundation AP encourages all staff to raise their concerns internally, in line with section 7 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#)

The Protect advice line, linked to in section 01.6 of this policy, can also help staff when deciding whether to raise the concern to an external party.

10 REVIEW

We keep this policy under regular review

Review of this Policy: April 2025

Next Review Date: April 2026

Reviewed By: Laura Grant

Position/Role: Director of Freedom Foundation