Free School Norwich Whistleblowing Policy

SECTION A: THE WHISTLEBLOWING POLICY

STATEMENT OF INTENT

As a person working for The Free School Norwich you may be the first to realise that there could be something seriously wrong within the school. However, you may feel that speaking up would be disloyal to your colleagues or to the school. You 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.

The Free School Norwich is committed to the highest possible standards of openness, integrity and accountability. We expect employees, and others that we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns.

In line with the school's commitment to openness, probity and accountability, all individuals working at the school will be encouraged to report concerns to the school, or appropriate prescribed body, if they see or suspect that something is wrong - this is known as "blowing the whistle".

The implementation of this policy will:

- Give confidence to members of staff when raising concerns about any suspected danger or wrongdoing which is inconsistent with school standards and policies.
- Provide members of school staff with appropriate pathways and avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken where appropriate.
- Offer assurance that members of staff should be able to raise genuine concerns without fear of reprisal even if they turn out to be mistaken.

THE TRUST'S PROMISE TO YOU

The Free School Norwich is committed to good practice and high standards and wants to be supportive of employees and others who work for the school. The school recognises that the decision to report a concern can be a difficult one to make. If you raise your concern based on reasonable belief and in good faith, you should have nothing to fear because you will be doing your duty to your employer and the public and The Public Interest Disclosure Act 1998 will protect you from dismissal or other detriment. If your concern is not confirmed by the investigation, no action will be taken against you.

If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

The Free School Norwich will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith, even if you are genuinely mistaken in your concerns. Any harassment or victimisation of a whistle blower may result in disciplinary action against the person responsible for the harassment or victimisation.

Any investigations into allegations arising from your whistleblowing will not influence or be influenced by any other HR procedures to which you may be subject.

CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If we are not able to resolve your concern without revealing your identity (e.g. because your evidence may be needed in Court), this will be discussed this with you.

ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but may be considered by the school taking into account:

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

LEGAL BACKGROUND AND DEFINITIONS

Whistleblowing law is located in the Employment Rights Act 1996 and 2025, as amended by the Public Interest Disclosure Act 1998 (PIDA).

Both Acts of Parliament aim to provide protection for workers reporting malpractices by their employers or third parties against any form of victimisation or dismissal.'

Whistleblowing is the term used to describe the disclosure of information by a worker which relates to suspected wrongdoing, malpractice or dangers at their place of work.

Whistleblower: a worker who reports certain types of wrongdoing in the public interest. Whistleblowers are protected by law.

Qualifying disclosure: to be covered by whistleblowing law, the disclosure must be a 'qualifying disclosure'. A qualifying disclosure is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged.
- That sexual harassment has occurred, is occurring or is likely to occur.

- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The qualifying disclosure must also be a protected disclosure. This means for a qualifying disclosure to be protected, it must be made by a worker using one of the following permitted methods of disclosure:

- Disclosure to the worker's employer or other person responsible for the failure.
- Legal advisers
- Government Ministers
- A person prescribed by an order made by the Secretary of State

Other disclosures may be protected where in the particular circumstances they are either reasonable, or special provision is made for disclosures relating to exceptionally serious problems.

A worker who blows the whistle, by making a disclosure in accordance with the relevant criteria set out is making a protected disclosure and has the right not to be unfairly dismissed or suffer a detriment, e.g. being dismissed or being denied a promotion, as a result of having made that disclosure.

Worker: defined by section 230(3) of the Employment Rights Act 1996 as: 'an individual who has entered into or works under (or, where the employment has ceased, worked under):

A contract of employment.

Any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.'

In relation to protected disclosures, section 43k of the Employment Rights Act 1996 provides an extension to the definition of a worker, this includes certain agency workers, homeworkers, NHS practitioners, nurses and midwives in training, trainees, police officers and crown employees.

Prescribed person - If an individual decides to blow the whistle to a prescribed person rather than the school, they must make sure that they choose the correct person or body for their issue. The Public Interest Disclosure (Prescribed Persons) Order 2014 sets out a list of over 60 organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with their sector, often as a regulatory body. An up-to-date list for the education sector can be found here; there is also a brief description about the matters that can be reported to each prescribed person.

In the public interest means that it must affect others, for example the general public/ people at large.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve an individual filing a complaint relating to their own personal circumstances, such as the way they have been treated at work. Workers who make a disclosure under this whistleblowing policy should believe that they are acting in the public interest - personal grievances and complaints do not usually count as whistleblowing.

LEGAL FRAMEWORK

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996 and 2025
- DfE 'Academy trust handbook 2025'
- DfE 'Keeping children safe in education'
- GOV.UK 'Whistleblowing for employees'
- DfE 'Whistleblowing: guidance for prescribed persons'
- DfE 'Blowing the whistle to the Department for Education'
- Department for Business, Energy & Industrial Strategy and Department for Business and Trade 'Whistleblowing: guidance and code of practice for employers'
- Sir Robert Francis 'Freedom to speak up report'

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Complaints Procedures Policy
- Data Protection Policy
- Grievance Policy

GOOD PRACTICE PRINCIPLES

The Free School Norwich will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the 'Procedure' section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report any suspected wrongdoing or dangers at work.
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

The school will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

The Board of Trustees will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.

- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the Principal, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where workers of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the Trust Board include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one Trustee and one member of staff to act as points of contact for staff members when reporting concerns.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the staff behaviour policy as part of a wider approach to having in place appropriate safeguarding policies and procedures.

The Chair of Trustees will be responsible for receiving any concerns raised about the Principal.

The Principal will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing unless the concern is about the Principal or it is believed that they are involved in the wrongdoing in some way.

All members of staff will be responsible for:

- Disclosing any suspected danger or wrongdoing. Raising any concerns that meet the definitions in the 'Definitions' section of this policy.
- Raising genuine concerns relating to the specified situations covered by the PIDA.
- Not raising false allegations maliciously.

SECTION B – THE WHISTLE BLOWING PROCEDURE

HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with your immediate manager or Principal or, if you wish, your Trade Union. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

Concerns may be raised orally or in writing on the Whistleblowing Form (Appendix A) attached to this Procedure and which you can obtain from the Principal. The Trust encourages you to identify yourself when raising your concern, but if you wish you may remain anonymous.

The Principal as the Officer responsible for this Policy, will be informed of all concerns raised under the Policy (unless, of course, they are against the Principal).

If you believe that senior management is involved, or if you are not happy with the Principal's response to your concerns, you should approach the:

- Chair of Trustees
- One of the Members

The earlier you express the concern the easier it is to take action. Although you are not expected to provide proof for your concern, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised. Any meetings that need to be arranged with you can be held off-site if you wish.

If you are not an employee of the Trust, we would prefer that you raise your concern in the first instance with the Principal.

HOW THE TRUST WILL RESPOND

Whoever you raise your concerns with (normally the Principal) will appoint a person to investigate your concern and you will be informed who this is. Confidentiality will be maintained in accordance with section 4 of the Whistleblowing Policy.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, and harassment or discrimination issues) will normally be referred for consideration under those procedures.
Following initial investigations, the Trust will respond to your concerns as appropriate. Your concern may:

- be investigated by management, internal audit, or through the disciplinary process;

- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

Some concerns may be resolved by action agreed with you without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within seven working days of a concern being raised, the person appointed to investigate your concern will contact you (in a way which does not arouse suspicions in your workplace):

- acknowledging that the concern has been received;
- indicating how we propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on staff support mechanisms;
- advising you of your entitlement to seek advice and representation from your trade union representative;
- telling you whether further investigations will take place and if not, why not, and
- to agree with you how to proceed if you have chosen to remain anonymous.

The Trust will do what it can to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for you to receive advice about the procedure and other appropriate support.

The Trust accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints and any confidentiality or other issues, we will inform you of the outcome of any investigation.

HOW YOUR CONCERNS CAN BE TAKEN FURTHER

This Procedure is intended to provide you with an avenue within the Trust to raise concerns. If you are unsure whether or how to raise a concern you can contact the independent voluntary organisation Public Concern at Work on 020 7404 6609, for guidance.

The Trust hopes you will be satisfied with any action taken as a result of raising a concern. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:

- The external auditor (Send your letter to: The Audit Commission, Springvale Court, Hadleigh Road, Sproughton, Ipswich, Suffolk, IP8 3AS Telephone 01473 203000 — Hotline No. 020 7630 1019)
- Your trade union;
- Your local Citizens Advice Bureau;
- The relevant professional bodies or regulatory organisations
- The police.

If you do take the matter outside the Trust, you should be careful not to disclose confidential information, and ensure that you comply with the requirements of the Public Interest Disclosure Act 1998 so that you do not lose the protection of the Act against dismissal or other detriment. Seek advice from the contact point about this.

MONITORING AND REVIEW

This policy will be reviewed and approved every two years by the Trust Board.

Approval Level: Trust Board

Approved: May 2026

Policy Review Date: May 2027

APPENDIX A: WHISTLE BLOWING FORM

For concerns regarding The Free School Norwich please complete this form and give it, or send it to: the Principal, The Free School Norwich NR1 3AX

Name:_____

Address / Contact details:

_____
_____
_____
_____
_____

Post code: _____

Telephone: _____

Best time to contact you: _____

Details of your concern (please continue on a separate sheet if necessary):

Signature _____ Date_____