



Whistleblowing Policy

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Introduction

The Trustees of Mulberry Schools Foundation and the staff which support them seek to run all aspects of Foundation business and activity with full regard for high standards of conduct and integrity. Mulberry Schools Foundation has established the following whistleblowing policy, in the event that members of staff supporting the Foundation or Trustees become aware of activities which give cause for concern. It acts as a framework for dealing with allegations of illegal and/or improper conduct, including financial irregularities. The policy allows concerns to be raised confidentially, protecting those making allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged. It provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion. This policy supports the Foundation's Complaints Policy, which may be used by persons external to the Foundation.

Throughout this policy, the term whistleblower denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and it 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.

This policy has been written in line with government guidance on whistleblowing. We also take into account the Public Interest Disclosure Act 1998 (<https://www.legislation.gov.uk/ukpga/1998/23/contents>).

Mulberry Schools Foundation is committed to tackling fraud and other forms of malpractice and treats these issues seriously. Mulberry Schools Foundation recognises that some concerns may be extremely sensitive and has therefore developed a system that allows for the confidential raising of concerns within Foundation contexts but also that allows for reporting to an external party outside the management of the school.

Mulberry Schools Foundation 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 resolved.

The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of more general grievance that would be dealt with under the Mulberry Schools Foundation Complaints Policy. The procedures laid out in that policy should be followed if an individual has a complaint about a person's conduct in a work environment or their working conditions.

When might the whistleblowing policy apply?

The type of activity or behaviour which Mulberry Schools Foundation considers should be dealt with under this policy includes but is not limited to:

- Manipulation of accounting records and finances
- Inappropriate use of Foundation assets or funds
- Decision making for personal gain
- Any criminal activity
- Abuse of position
- Fraud and corruption
- Danger to individuals health & safety

- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Serious breaches of Foundation procedures which may advantage a particular party (for example – tampering with tender documentation, failing to register a business interest)
- Any other unethical conduct

The procedure applies to all Foundation Trustees and staff, including Mulberry Schools Trust staff who support the Foundation.

What action should the whistleblower take?

Mulberry Schools Foundation encourages the whistleblower to raise the matter internally in the first instance to allow those Foundation staff and Trustees in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour of activity.

Mulberry Schools Foundation has designated three individuals to specifically deal with such matters and the whistleblower is invited to decide which of the individuals would be the most appropriate person to contact from the list below:

- Mary Groom (Chair of Mulberry Schools Foundation)
- Vanessa Ogden (Ex-officio Trustee, Chief Executive Officer of Mulberry Schools Trust)
- Shanaz Jameson (Company Administrator for Mulberry Schools Foundation, Director of Governance and Development for Mulberry Schools Trust)

An email can also be sent to whistleblowing@mulberryschoolsfoundation.org. This email will be routed directly to the Chair of Mulberry Schools Foundation.

The whistleblower may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible.

Whistleblowing to an external body without using the internal procedures is inadvisable without compelling reasons. However, if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the Foundation, the matter can be directed to the Charity Commission through whistleblowing@charitycommission.gsi.gov.uk. More information can be found at <https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>.

In addition, information and advice can be obtained from the charity 'Protect' <https://protect-advice.org.uk/> (formerly called 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.

Allegations

Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.

- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

How will the matter be progressed?

Individual(s) who receive allegations should make a record of any allegations and acknowledge them within five working days. If the allegation relates to fraud, potential fraud or other financial irregularity the Trustee with finance responsibility or the CFO of Mulberry Schools Trust will be informed within 5 working days of receipt of the allegation. They will determine whether the allegation should be investigated and the method of investigation. If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of Trustees and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately. If the issue is related to vulnerable adults, relevant legislation should be followed alongside the Safeguarding Policy.

The relevant individual(s) in receipt of the information or allegation (the investigating officer(s)) 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, e.g. involvement of other members of staff, legal or personnel advisors, the police or the Charity Commission. Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Trustees, 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. If there is a need to appoint an independent auditor as the investigating officer(s) this will also be considered.

The whistleblower will be informed of the results of the investigation and the action to be taken to address the matter. Depending on the nature of the concern and whether or not it has been substantiated, the matter will be reported to the trustees and any necessary external parties.

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 investigating officer(s), the Trustees and/or directed to the Charity Commission.

Respecting confidentiality

Wherever possible Mulberry Schools Foundation seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect them from reprisals. Mulberry Schools Foundation 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.

The Foundation will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the Chair of trustees.

A register will be kept with details of allegations and any associated investigations.

Raising unfounded malicious concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt 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. No action will be taken against whistleblowers who make allegations in the reasonable belief that it is in the public interest to do so.

Trustee reporting

The Chair of Trustees will report any whistleblowing allegations made at each Trustee meeting. They will not specifically identify the whistleblower.

Conclusion

Good practice within Mulberry Schools Foundation in terms of its systems of internal control (both financial and non-financial) and the external regulatory environment in which the trust operates ensures that cases of suspected fraud or impropriety rarely 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.