



Whistleblowing Policy

Approved by: THE TRUST BOARD OF GREENSAND MULTI-ACADEMY TRUST **Date:** 30TH SEPTEMBER 2019

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Next review due by: JULY 2023

Introduction

Greensand Multi-Academy Trust (the Trust) is committed to the highest possible standards of honesty, openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all Trust activities are open and effectively managed, and that the Trust's integrity and principles of public interest disclosure are sustained.

In line with that commitment, we encourage employees, those working on behalf of the Trust and others that we deal with, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns as follows:

- a) with their immediate manager and/or more senior managers. Where any member of staff decides to report a serious incident, whether anonymous or not, this will be treated as a 'protected, internal disclosure' i.e. there will be no adverse repercussions for the member of staff.
- b) if for any reason someone feels unable to report a situation to a manager, they may wish to use Public Concern at Work.

Purpose of the Policy

Staff are often the first to realise that there may be something seriously wrong within a school. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. Each person working for the Trust needs to realise that they not only have the right, but also a duty to report any improper actions or omissions. The Trust also recognises and appreciates that staff who raise concerns regarding malpractice or wrongdoing are an asset to the Trust, and not a threat. This Policy makes it clear that they can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the Trust.

This Policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues to raise those concerns and receive feedback on any action taken;
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

Who is covered by the Policy?

The Policy applies to all Greensand Multi-Academy Trust employees, whether full-time or part time, permanent or temporary; members of each school within the Trust and those carrying out work for the schools on each school premises, for example, agency workers, contractors, consultants. However, to facilitate the reading of this Policy, the terms 'staff' or 'members of staff' have been used, with the intention to cover all individuals mentioned above.

Scope of the Policy

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This Whistleblowing Policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998.

These include:

- Conduct which is an offence or a breach of law;
- Failure to comply with a legal obligation;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees/staff;
- Damage to the environment;
- Information relating to the above issues that has been or is likely to be deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds;
- Possible fraud and corruption;
- Sexual, physical or psychological abuse of service users;
- Harassment & bullying of staff;
- Breaches of codes of conduct.

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of Greensand Multi-Academy Trust staff or members of each school, others acting on behalf of the school, service users or residents, can be reported under the Whistleblowing Policy where the member of staff has a reasonable belief in those concerns and they relate to one of the specified areas set out above.

Links with other policies

In investigating financial irregularities, this Policy should be read in conjunction with the 'Strategy against Fraud & Corruption' which sets out how the financial irregularities should be investigated.

This Policy does not replace each member school's complaints procedures. Other forms of concern or complaint are dealt with under separate school procedures, such as Bullying and Harassment Staff Policy (including discrimination and victimisation); Grievance Procedure; Disciplinary and Capability Procedure (inappropriate conduct or behaviour/performance related issues) and Child Protection and Safeguarding Policy.

As this Policy is in addition to each member school's complaints procedures, and other statutory reporting procedures applying to some services, managers are responsible for making service users aware of the existence of these procedures.

Safeguarding against harassment or victimisation

The Trust is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear

because they will be doing their duty to their employer and/or those for whom they are providing a service.

The Trust will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures). Each school will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and considering action under the appropriate procedure (for example Disciplinary) against the person or persons responsible for the reported acts, provided the member of staff:

- Discloses the information in good faith;
- Believes the concern to be true;
- Does not act maliciously or make false allegations;
- Does not seek any personal gain

and provided the allegations relate to one of the categories covered by the scope of the Policy and referred to above.

There are national guidelines to help you as a whistle-blower. Here is a link to further information on the protection of complainants disclosing information to the Information Commissioner's Office (ICO) <https://ico.org.uk/>.

Unsubstantiated allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

Confidentiality

All concerns will be treated in confidence but at the appropriate time, the whistle-blower may be asked to come forward as a witness, and this will be discussed with them.

Anonymous allegations

This Policy encourages staff to put their name to their allegation whenever possible. This enables feedback to be given.

The Trust/school will take all concerns raised seriously. However, concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust/school. In exercising this discretion, the factors to be taken into account would include:

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

How to raise concerns

(NB: Headteacher, and school referring to the academy establishment within which the incident/situation potentially exists)

There are two ways in which to raise a concern: (i.e. making it more balanced between reporting internally or externally).

1. Staff may raise concerns with their immediate manager or another manager or, if it is believed that such managers are involved, the school's Designated Safeguarding Lead, the Headteacher, or the Trust's Chief Executive Officer (CEO).

If staff wish to raise a concern about the CEO, then this should be done via the Chair of the Trust who will notify the Trust Board of the concern.

Any concern regarding the conduct of members of the school should always be referred to the Headteacher, who is the school's Monitoring Officer, for consideration as to whether the matter should be referred further for advice.

2. While concerns will usually be raised internally, the Trust recognises that staff may feel unable to do this, and that they may wish to contact an independent, external organisation to report the concern to be reviewed internally. In this eventuality, it is suggested that Public Concern at Work can be contacted for advice and support. The Public Concern at Work helpline is: 020 7404 6609. They provide independent and confidential advice to workers who are unsure whether or how to raise a public interest concern.

Concerns may be raised verbally or 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 earlier the concern is expressed, the easier it is to take action. In order to assist with the investigation, staff should provide as much detail and supporting evidence as possible regarding their concern. Although staff are not expected to prove beyond doubt the truth of an allegation, it will need to be demonstrated to the person contacted that there are sufficient grounds for concern for the person who raises them to have a reasonable belief that they exist.

The whistle-blower may invite a recognised Trade Union representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

How the school/Trust will respond

The school, or in certain circumstances the Trust, will investigate and respond to all concerns raised by staff or service users through any channel.

While it is not essential that the concerns be provided in writing, the person receiving the concern will, however, ensure that a written account of it is made. This will help with the subsequent investigation by making sure that everyone involved is clear about what is being raised.

When a concern is raised, managers, or in certain circumstances Trustees, should undertake the following actions:

- Take the concern seriously;
- Consider the concerns fully and objectively;
- Recognise that raising a concern can be a difficult experience for employees;
- Ensure confidentiality;

- Refer to the Headteacher, or to the Trust Board (in the case of a concern raised about the CEO) to agree the level at which the concern will be investigated and identify the manager with overall responsibility for co-ordinating the matter.

The specific action the school/the Trust takes will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the police;
- Be referred to the external auditor;
- Be referred to the Department for Education;
- Form the subject of an independent enquiry;
- Or any combination of the above.

Initial Enquiry

In order to protect the 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 school/Trust will have in mind, is that of the public interest. If urgent action is required, this will be taken before any investigation is conducted.

The purpose of the initial enquiry is to ascertain if the conduct or behaviour involves a member of the school, a senior manager or a member of staff, so that further enquiries and investigation can be progressed accordingly.

Preliminary Enquiry

Preliminary enquiry establishes need to carry out an investigation. Further to the results of the initial and preliminary enquiries, and at the discretion of the Headteacher/Trust Board, the following steps will then need to be considered:

- Concerns or allegations, which fall within the scope of specific procedures, e.g. child protection or discrimination issues, will normally be referred for consideration under those procedures;
- Where there is any financial impropriety, the concern should be referred to the Trust's Finance and Operations Director, before taking any other action;
- Inform the Headteacher, who is the School's Monitoring Officer, or the Trust Board if the concerns indicate unlawful activity;
- Ensure that matters of a criminal nature are reported to the Police, after consultation with the Headteacher, who will communicate with the Trust's CEO, or after consultation with the Trust Board, as appropriate;
- Whether the disciplinary or other relevant management policies, procedures and processes of the school need to be applied;
- Appointment of an officer to carry out the investigation under these procedures.

Investigation

Depending on the nature of concerns, investigation may be carried out under the Bullying & Harassment Staff Policy, Disciplinary and Capability Policy, Child Protection and Safeguarding Policy or the Strategy against Fraud & Corruption.

Investigation Timescales

Within ten working days of a concern being raised, the person who is assigned to deal with that concern, the Independent Investigation Officer (IO), will respond in writing either to the employee directly, or to Public Concern at Work, where this was the reporting route:

- Acknowledging that the concern has been received;
- Indicating how the school/Trust propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Advising whether any initial enquiries have been made;
- Supplying information on staff support mechanisms; and
- Advising whether further investigations or action is required and, if not, why not.

Where Public Concern at Work was the reporting route, the IO dealing with the concern will provide an additional update to Public Concern at Work at 28 calendar days after the report was received, advising of additional progress made and the estimated date a final response will be available.

Investigation process

The IO appointed to undertake the investigation would establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

It is essential that written records of all interviews be kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action which will be passed to the manager responsible for deciding whether formal action shall be taken.

Where any meeting is arranged involving an individual member of staff, which can be offsite, a recognised Trade Union representative or a work colleague may also attend. The school/Trust will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive appropriate procedural and/or legal advice. The member of staff raising the concern with a manager will be, subject to legal constraints, advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may include changes to working practices to ensure that a similar situation does not occur again.

The Headteacher (or the IO who carried out the investigation) will then report to the school's Chair of Governors/School Committee who will take the necessary action, including reporting the matter to the Trust Board and any appropriate department or regulatory agency. If disciplinary action is required, this will be taken forward by the Headteacher/Chair of Governors/School Committee in consultation with the Trust's HR Advisors. On conclusion of any investigation, the employee will be told the outcome of the investigation and what the next steps will be (subject to issues of confidentiality). If no action is to be taken, the reason for this will be explained.

If the employee is concerned that their Headteacher is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the Trust's CEO.

If the employee is concerned that the CEO is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the Trustees, via the Chair of the Trust.

The aim of this Policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the Trust's member schools. In most cases, employees should not find it necessary to alert anyone externally and employees are strongly advised to seek advice before reporting a concern in this way. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education & Skills Funding Agency
- The Department for Education & Teaching Regulation Agency

Monitoring arrangements

The CEO of the Trust, in consultation with the School Monitoring Officers, has overall responsibility for the maintenance and operation of this Policy. Individual schools should maintain a record of concerns raised and the outcomes (but in a form which does not compromise confidentiality). The CEO maintains a record of concerns raised within the whole Trust in the same manner.

The whistleblowing procedures will be defined upon each review of this Policy. It will be documented, widely circulated and reviewed if required, in consultation with the CEO. The Headteacher in each school will take responsibility for ensuring that all staff in their school have access to the Whistleblowing Policy, together with the Trust's Anti-Fraud Policy.

The practical aspects of monitoring are to assess whether:

- The Policy is being used appropriately;
- Concerns are being handled and investigated properly;
- There are any discernible patterns of concern across the School;
- The Policy has been effective in identifying and deterring malpractice; and
- If more needs to be done to raise awareness of the Policy.

Data Protection

When an individual makes a disclosure, the School and/or Trust will process any personal data collected in accordance with the Trust's Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

Status of Policy and Review

The content and operation of this policy is reviewed as and when deemed necessary by the Trust. The policy is discretionary and does not confer any contractual rights.

Appendix A: Whistleblowing Flowchart

