



GEP Whistle Blowing Policy

Responsible Committee: GEP Audit Committee (Chair)

Responsible Officer: Chief Operating Officer

Reviewed: November 2017

Board Approval Date: 23 November 2017

Policy Type: Non-Statutory

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Adopted by all member academies
(Local Academy Committee approval/ratification not required)

Publication: Internal

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Next Review Date: Autumn 2020

Related Documents: GEP Grievance Procedure
GEP Ending Bullying and Harassment Policy
GEP Child Protection and Safeguarding Policy

1. Introduction and Purpose of Policy

- 1.1. Whistle blowing is the reporting, by those working for or on behalf of the Trust, of suspected wrongdoing on the part of employees, management or the governing body. Such wrongdoing might include fraud, malpractice, breach of health and safety law or some other illegal act.
- 1.2. The Trust is committed to the highest possible standards of honesty, openness, probity and accountability and relies on its employees to help maintain these standards. In pursuit of these aims, the Trust encourages all individuals to raise concerns which they may have about the conduct or practices of others. This policy sets out how such concerns will be dealt with.
- 1.3. In line with that commitment, all members of staff and those working on behalf of the Trust who have serious concerns about any aspect of the Trust's work are encouraged to come forward and voice those concerns. Staff not only have the right but also a duty to report any improper actions or omissions, particularly where the welfare of young people may be at risk. Where any member of staff decides to report a serious incident within the scope of this policy, whether anonymously or otherwise, this will be treated as a 'protected' disclosure. Staff members should feel reassured that they can raise concerns in accordance with this policy without fear of victimisation, subsequent discrimination or disadvantage. Other individuals performing work on behalf the Trust or any of its academies, such as agency workers and contractors are also encouraged to use this policy.
- 1.4. This policy aims to:
 - i. encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
 - ii. provide avenues to raise those concerns and receive feedback on any action taken
 - iii. ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
 - iv. reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith
- 1.5. The Trust is mindful of its obligations under the Equality Act 2010 and this policy will be applied fairly and consistently to all staff employed as well as those carrying out work for the Trust, for example, governors, volunteers, agency workers, contractors or consultants. The term 'member(s) of staff' is used in this document for simplicity but is intended to include this broader range of individuals covered by this policy.

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2. Scope of the Policy

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment as documented in the GEP Grievance Procedure and GEP Ending Bullying and Harassment Policy. The whistle blowing policy is intended to cover serious concerns that may fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- i. conduct which is an offence or a breach of law
- ii. failure to comply with a legal obligation
- iii. disclosures related to miscarriages of justice
- iv. health and safety risks, including risks to the public or pupils as well as other staff
- v. damage to the environment
- vi. 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:

- i. the unauthorised use or misuse of public funds
- ii. possible fraud and corruption
- iii. sexual, physical or psychological abuse of pupils at the academy
- iv. harassment and bullying of staff
- v. breaches of codes of conduct
- vi. malpractice in examinations and assessments

Therefore any serious concerns that a member of staff has about any aspect of the Trust's service provision or the conduct of staff or others connected with the Trust can be reported under this Whistle Blowing Policy where that member of staff has a reasonable belief in the validity of those concerns and they relate to one of the specified areas set out above.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

3. Key Points About Raising Concerns

3.1 Safeguarding Against Harassment or Victimisation

It is recognised that the decision to report a concern can be a difficult one to make. The Trust will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures), resulting from a member of staff raising a concern in good faith, and will handle any such allegations in accordance with the GEP Ending Bullying and Harassment Policy and/or GEP Grievance Procedure.

A member of staff making an allegation within the scope of this policy will be supported by the Trust when raising a concern, providing that he/she:

- i. believes the concern to be true
- ii. is not acting maliciously or making false allegations
- iii. is not seeking any personal gain

3.2 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 is likely to be taken.

3.3 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 him/her.

3.4 Anonymous Allegations

This policy encourages staff to put their name to their allegation wherever possible.

The Trust will take all concerns raised seriously. Where relevant to the nature of the complaint, allegations will also be referred to the Executive Team of the Trust and/or the GEP Audit Committee for further investigation. Concerns expressed anonymously are much less powerful but will still be given consideration at the discretion of the GEP Local Academy Committee (GLAC, formerly referred to as the Local Governing Body), or in the case of centrally deployed staff at the discretion of the GEP Trust Board. In exercising this discretion, the GEP Local Academy Committee and/or Trust Board would consider the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from sources which can be attributed.

4. How to Raise a Concern

- 4.1 As a first step, a member of staff should normally raise concerns with his/her immediate line manager, the relevant academy's Designated Safeguarding Lead (DSL) or Headteacher where this is appropriate to the nature of the concern. If the member of staff is centrally deployed, the member of staff should raise concerns with his/her immediate line manager or the Chief Executive Officer (CEO) of the Trust. If the concerns relate to allegations that a member of staff or volunteer may have harmed a child or behaved in a way that indicates he/she poses a risk of harm to children, the allegation should be raised with the Headteacher in the first instance, in accordance with the GEP Child Protection and Safeguarding Policy. Where the allegations involve the Headteacher, the member of staff should raise the matter with the Chair of the GEP Local Academy Committee. Where the allegations involve the CEO, the member of staff should raise the matter with the Chair of the Trust.
- 4.2 Concerns may be raised verbally or in writing, but the earlier the concern is expressed the easier it is to take any required action. Members of staff who wish to make a written report are encouraged to include the following information:
 - i. the background and history of the concern, giving relevant dates and providing as much supporting evidence as possible
 - ii. the reason(s) why they are particularly concerned about the situation
- 4.2 Where a concern is raised verbally, the person hearing it must ensure that a written account of it is made to assist with any subsequent investigation. Management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation. Advice and guidance will be obtained as necessary from the GEP HR Manager.

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

5. How We Will Respond

5.1 Initial Enquiry

In order to protect the individuals involved, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take and who should be appointed to conduct it. The overriding principle is that of the public interest. If urgent action is required, for example if the welfare of pupils may be at risk, this action will be taken before any investigation is conducted. Further to the results of this enquiry, the following steps will be considered:

- i. concerns or allegations which fall within the scope of specific procedures, e.g. child protection, bullying or harassment or disciplinary, will normally be referred for investigation and consideration under those procedures. See GEP Child Protection and Safeguarding Policy
- i. suspected incidents of malpractice relating to examinations will be reported to the appropriate awarding body at the earliest opportunity
- ii. concerns indicating unlawful activity should be reported to the GEP Chief Operating Officer

- iii. where there are any concerns about financial impropriety or criminal activity, the concern will be referred to the Chair of the GEP Audit Committee before taking any other action, which may include reporting to the police
- iv. in other cases, an impartial investigator may be appointed and the academy will seek advice from the GEP HR Manager
- v. if any member of staff is unsure which avenue to report their concerns to, they should consult with the GEP HR Manager in the first instance

5.2 Communication

Within ten working days of a concern being raised, the person who is dealing with the concern will respond in writing to the employee directly. The response will:

- i. acknowledge receipt of the concern
- ii. indicate how the academy proposes to deal with the matter
- iii. give an estimate of how long it will take to provide a final response
- iv. advise whether any initial enquiries have been made
- v. supply information on any staff support mechanisms (e.g. EAP)
- vi. advise whether further investigation or action is required, and if not, why not

5.3 Investigation

Once preliminary enquiries have established the need for an investigation, an appropriate person will be appointed to conduct the investigation (section 5.1). The person appointed to undertake the investigation is responsible for establishing the facts of the matter, as far as it is reasonably possible to do so, and assessing whether the concern has foundation and can be resolved internally.

If the concerns are raised by a centrally deployed member of staff, the allegation should be raised with the CEO of the Trust in the first instance.

Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

Written records of all interviews will be kept throughout the investigation together with details of any action taken. The investigation will result in a written report and recommendations for corrective action, which will be passed to:

- i. the Headteacher and/or the Chair of the GEP Local Academy Committee
or
- ii. the CEO and/or the Chair of the Trust for centrally deployed staff

as appropriate to the concerns under consideration, to determine whether formal action shall be taken.

The member of staff raising the concern will, subject to legal constraints, be advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may, for example, include changes to working practices to ensure that a similar situation does not occur again.

6.0 Taking the Matter Further

The Trust encourages all staff to make use of the internal procedure before considering referring concerns outside the Trust/academy.

This policy is intended to provide members of staff with an avenue to raise concerns internally such that corrective action can be made swiftly.

If the member of staff subsequently feels that it is right to take the matter outside the Trust/academy, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work (www.pcaaw.co.uk).

7.0 Monitoring & Reporting

The Trust has overall responsibility for overseeing the operation of this policy and for ensuring that appropriate records are maintained of genuine concerns raised and the outcomes. The CEO of GEP Academies will report as necessary to the Board of Trustees and to other outside agencies. The GEP Local Academy Committee is responsible for overseeing the operation of this policy in respect of GEP academy's and for ensuring that appropriate records are maintained regarding concerns raised and the outcomes. It is also responsible for reporting concerns/investigations to the GEP HR Manager and for providing termly status updates on such investigations.