

# Whistleblowing Policy

Designated Person:	Director of Human Resources (HR)
Reviewed by:	Policy Committee
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## **1. INTRODUCTION**

- 1.1. As an employee of The GORSE Academies Trust, you may be the first to realise that there may be something seriously wrong within the organisation or the conduct of other professionals within the Trust. However, you may not express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.
- 1.2. The Trust is committed to the highest standards of openness, honesty, probity and accountability. In line with that commitment, we encourage employees who have serious concerns about any aspect of the Trust or one of its establishments/services work, to come forward and voice those concerns, without judgement, reprisal or harassment.
- 1.3. It is recognised that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the Trust rather than overlooking a problem or discussing it externally.
- 1.4. In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns.

## **2. LEGISLATIVE AND NATIONAL GUIDANCE AND TRUST POLICIES**

- 2.1. This policy is written in conjunction with all legislation which address issues related to employment rights and whistleblowing and in which include:
  - Data Protection Act 1995 and General Data Protection Regulations (GDPR) 2018
  - Employment Relations Act 1999
  - Employment Rights Act 2002
  - Enterprise and Regulatory Reform Act 2013
  - Equality Act 2010
  - Freedom of Information Act 2000
  - Keeping Children Safe in Education, January 2021
  - Public Interest and Disclosure Act 2013
  - Working Together to Safeguard Children, 2018
- 2.2. The relevant Trust policies include:
  - Managing Allegations against Adults Policy
  - Grievance, Bullying and Harassment Staff Policy

- Child Protection Policy
- E- and Online Safety Policy
- Safer Recruitment Policy
- Single Equality Policy

### **3. AIMS AND SCOPE OF THE POLICY**

3.1. The aims of this policy are to:

- provide avenues for you to raise concerns and receive feedback on any action taken to respond to these concerns
- allow you to take the matter further if you are dissatisfied with the Trust's response and
- reassure you that you will be protected from reprisals, harassment or victimisation for whistleblowing in the public interest

3.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the Trust. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, although the Trust reserves the right to determine which procedure is appropriate.

3.3. Concerns to be reported under this policy may relate to something which involves an issue in the public interest and which you have reasonable belief to be true, for example where:

- a criminal offence has been committed, is being committed or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject
- actions go against Financial Regulations or other policies
- standards or practice fall below those already established
- improper conduct, including serious misuse or abuse of authority, has occurred
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of any individual had been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged
- mismanagement of funds has occurred, is occurring or is likely to occur, or
- the information tending to show any of the above is being or is likely to be concealed

## **4. SAFEGUARDS**

### **4.1. Protection from reprisal**

4.1.1. The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you have reasonable belief to be true and to be in the public interest. This will include disciplinary action against those that subject an individual to detriment as a result of the whistleblowing. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.

4.1.2. Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact your union, your Principal/relevant Director or the Chair of your Local Governing Body.

### **4.2. Confidentiality**

4.2.1. The Trust treats the details of all whistleblowers in confidence and will not intentionally divulge your identity without your consent. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and in some circumstances a statement by you may be required as part of the evidence.

4.2.2. If, due to the need for confidentiality, you would feel more comfortable approaching somebody from outside your direct leadership team then you can approach one of the following people to raise your concerns:

- David Morgan (TGAT Trustee): david.morgan@governor.tgat.org.uk
- Judith Shore (Chief Operating Officer): Judith.shore@tgat.org.uk
- Richard Amos (Strategic Lead Officer): richard.amos@tgat.org.uk

### **4.3. Anonymous Allegations**

4.3.1. Allegations can be made anonymously. However, this policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. An example may include the need to contact you to obtain further information or verify the details you have already provided.

4.3.2. Anonymous allegations will be considered wherever possible at the discretion of the Trust. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised
- whether the allegations pertain to other policies and therefore should be dealt with in accordance with alternative procedures, for example Managing Allegations Against Adults and Child Protection

- the credibility of the concern, and
- the likelihood of confirming the allegation from other, attributable sources

#### **4.4. Untrue Allegations**

4.4.1. If you make an allegation in the public interest and which you had a reason to believe was true, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations which you could not have reasonably believed were true, appropriate action may be taken against you including disciplinary action.

### **5. PROCEDURES**

#### **5.1. How to Raise a Concern**

- 5.1.1. It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the Trust with an opportunity to address the associated issues as early as possible.
- 5.1.2. The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.
- 5.1.3. As a first step, you should normally raise concerns with your immediate manager, Principal or Director of Service, unless the allegation pertains to a student at risk of harm or abuse (see Child Protection Policy). This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that a specific Senior Leader is involved, you should contact the Principal, the Deputy Executive Principal, the Executive Principal or the Chief Executive Officer as appropriate.
- 5.1.4. The Trust's Human Resources Team can give advice and guidance on how matters of concern can be pursued.
- 5.1.5. You may invite your trade union or professional association to raise a matter on your behalf.
- 5.1.6. All referrals made will be treated in the strictest of confidence. In addition to those set out in 5.1.3., concerns can be raised by the following methods:
- Chair of the Local Governing Body
  - TGAT Board
  - TGAT Human Resources Team
  - TGAT Strategic Lead Officer/TGAT Data Protection Officer (gdpr@tgat.org.uk)
- 5.1.7. Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, such as:
- The background and history to the case

- The reason why you are particularly concerned
- Any specific details available including names, dates, times and places
- Details of any particular conversations that support the concerns
- Details of any personal interest that you may have in the matter, and
- How you think that things may be put right, if possible

5.1.8. There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If you are at all unsure about the gathering of evidence, advice is available from the HR Team, Health and Safety Team, and/or the GDPR Lead. Concerns are best raised in writing. The sort of information required to investigate an allegation are details of the background and history to the case, names, dates, places and, where possible, the reason why you are particularly concerned.

## **5.2. How the Trust Will Respond**

5.2.1. The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- Be investigated internally, (this is the most likely option)
- Be referred to the Police
- Be referred to the local authority designated officer (LADO)
- Be referred to the external auditor
- Form the subject of an independent inquiry

or any combination of the above

5.2.2. In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

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

5.2.4. Within ten working days of a concern being received, where appropriate, you will receive a response in writing of:

- An acknowledgment that the concern has been received
- An indication of how it is proposed the matter will be dealt with (including potential timescales)
- Information as to whether any initial enquiries have been made, and
- Notification as to whether further investigations will take place and, if not, why not

- 5.2.5. The amount of contact between the person(s) considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 5.2.6. When any meeting is arranged, you have the right, if you wish, to be accompanied by a Trade Union representative or a colleague who is not involved in the area of work to which the concern relates.
- 5.2.7. Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, you will be advised about the procedure.
- 5.2.8. The Trust acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints and confidentiality, you will receive appropriate information about the extent and outcomes of any investigations.

### **5.3. How the Matter can be Taken Further**

5.3.1. This policy is intended to provide you with an avenue to raise concerns within the organisation. The Trust hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, the following are possible contact points:

- Relevant professional bodies or regulatory organisations
- Your trade union
- The Health and Safety Executive (HSE)
- The Information Commissioner
- Trust Auditors
- Leeds Local Authority
- Your solicitor
- The Police
- Protect (formerly Public Concern at Work) 020 3117 2520 <https://protect-advice.org.uk/advice-line> (whistleblowing charity that provides independent and confidential advice to workers who are unsure whether or how to raise a public interest concern).
- The Department for Business, Innovation and Skills ([www.gov.uk](http://www.gov.uk)).

5.3.2. If you do take the matter outside the Trust, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. If you have any queries as to what constitutes confidential information, please check with the GDPR Lead about this.

### **5.4. Support for Whistleblowers**

5.4.1. Everything possible will be done to manage employment relationships following a genuine and reasonable concern being raised.

## **6. ROLES AND RESPONSIBILITIES**

### **6.1. The Trust Board, the Trust Policy Committee and Academy Local Governing Bodies**

- Maintaining and operating the policy
- Approving amendments to the policy
- Promoting the policy periodically
- Reviewing the policy in accordance with legislation changes or every three years, or as appropriate
- Maintaining a record of concerns raised and the outcomes (but in a form that does not endanger confidentiality) and reporting as necessary

### **6.2. Trust Directors/Principals/Senior Leaders**

- To undertake investigations without undue delay
- To maintain confidentiality
- Promote equal opportunity and anti-discrimination
- To follow Trust procedures for investigations of allegations
- To ensure that no members of staff are subject to harassment, victimisation or reprisal

### **6.3. Employees**

- To raise concerns immediately
- To raise issues of concern responsibly
- To maintain confidentiality and discuss concerns with the appropriate member of Trust staff
- To ensure that no members of staff are subject to harassment, victimisation or reprisal

### **6.4. Others**

- 6.4.1. As an employee of a contractor of the Trust or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The Trust is committed to encouraging all individuals, including non-trust employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as Trust employees.

## **7. EQUALITY IMPACT ASSESSMENT**

- 7.1. This policy supports the opportunity to address equality and diversity issues and is wholly positive.



