



THE GREETLAND ACADEMY TRUST

Whistleblowing Policy March 2018

1. Introduction

The 1998 Public Interest Disclosure Act inserted provisions into the Employment Rights Act 1996 to give protection to 'whistleblowers' who raise concerns, by making a protected disclosure, about serious fraud or malpractice at their place of work against victimisation or dismissal, provided they have acted in a responsible way in dealing with their concerns.

For the disclosure to be protected by the law it must be made to the right person and in the right way. Staff must:

- make the disclosure in good faith (which means with honest intent and without malice)
- reasonably believe that the information is substantially true
- reasonably believe that they are making the disclosure to the right "prescribed person"

Staff making a qualifying disclosure in good faith to their employer, or through a process that the employer has agreed, are protected.

2. Purpose and scope

This policy may be used by all staff members within the Trust to raise concerns where the well being of others or the Trust itself is at risk. The policy is designed to sit alongside the Trust's Grievance Policy.

The term 'staff/staff member' in this policy broadly includes: employees, contractors, agency workers, trainees, and a person who is or was subject to a contract to undertake work or services for the Trust.

It encourages staff to feel confident in raising serious concerns and to question and act upon concerns about practices within the Trust. It aims to establish a fair and impartial investigative procedure and ensure that staff receive a response to concerns and are aware of how to pursue them if they are not satisfied.

It helps the Trust comply with the Public Interest Disclosure Act 1998 and the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2010. The Whistleblowing procedure is intended to cover major concerns that fall outside the scope of the Trust's other procedures (eg health and safety). These include (this list is not exhaustive):

- possible fraud and corruption
- unauthorised use of academy funds
- failure to comply with Trust financial regulatory and compliance matters
- failure to comply with Codes of Practice
- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks including risks to children, public and colleagues
- damage to the environment
- other unethical conduct

3. Employer responsibility

As the employer of staff in each academy the Academy Trust has overall legal responsibility for ensuring that the Trust has a whistleblowing policy. The MAT Board is responsible for the running of the Trust and through each academy's management will maintain a record of concerns raised and outcomes (in a format that will not compromise confidentiality).

4. How to raise a concern

Concerns are best raised in writing, setting out the background and history of the problem, giving names, dates and places where possible and the reason why there is particular concern about the situation with sufficient grounds. It is advised that the earlier a concern is raised the easier it is to take action.

Staff are encouraged to involve their trade union or professional association and may be accompanied by a recognised trade union representative or work colleague during any meetings, reasonable time off from work being permitted for this purpose.

A form for recording the concern is available for use at Appendix 1.

5. Harassment or victimisation

It is recognised that the decision to report a concern can be a difficult one not least because of fear of reprisals from those responsible for the failure or malpractice. The Trust does not tolerate harassment or victimisation and will take action to protect staff members when a concern is raised.

If the staff member is already subject to disciplinary, grievance or redundancy procedures, these procedures will not be halted as a result of the disclosure.

6. Untrue or malicious allegations

If an allegation is made in good faith but it is not confirmed by the investigation, no action will be taken against the staff member bringing the complaint. However, malicious or vexatious allegations could lead to disciplinary action including proceedings for gross misconduct.

7. Confidentiality

Anyone bringing a whistleblowing concern will be protected. The investigation process, may, however, reveal the source of the information and a statement may be required as part of the evidence. If however, the staff member does not wish to disclose their identity it could make it difficult to proceed with the matter.

Anonymous allegations are much less powerful and less likely to be effective although they may be considered by the Trust.

Following discussions staff may consider raising the matter if there are two or more who have had the same experience or have the same concerns; however, care and judgement must be exercised. You must still consider that there are reasonable grounds for your concern.

8. Raising a concern - internal procedure

Notification

The concern can be raised in writing or orally if preferred.

The staff member should raise their concern with the Principal or line manager (as appropriate) or if the complaint is about the Principal, the Executive Principal/CEO. If the complaint is about the governing body, it should be raised to the Chair of the Academy Trust.

The action taken by the Principal, Executive Principal/CEO or chair of the Academy Trust will depend on the nature of the concern. The matters may be subject to:

- internal investigation
- referral to the police
- referral to other external enforcement agencies
- consideration of the Trust's disciplinary procedure should it relates to an employee (or employees)

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 other specific procedures (ie child protection) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without any requirement for an investigation. Within 10 working days of a concern being received, the Principal, Executive Principal/CEO or chair of the Academy Trust will write to the staff member:

- acknowledging receipt of the concern
- indicating how it proposes to deal with the matter
- giving an estimate of length of time to provide a response
- indicating whether an initial enquiry has been made
- indicating whether further investigations will take place

The amount of contact between the person who considers the above issues and the staff member bringing the concern 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.

Outcome - Subject to legal and confidentiality constraints, the staff member will receive information about the outcomes of any investigations.

9. Raising a concern - external procedure

Whistleblowing to an external body without initially going through the internal procedure is a breach of the Trust's Code of Conduct unless there are compelling reasons. Compelling reasons could be the involvement of the Chair of the Academy Trust or serious health and safety issues.

The following are external bodies to contact if a staff member feels that it is right to take the matter outside of the Trust (the list is not exhaustive):

- OFSTED
- Internal Audit Investigations - Education Funding Agency
- Department for Education
- National Audit Office
- Local Councillor
- Health and Safety Executive
- Environment Agency
- Food Standards Agency
- General Social Care Council
- Information Commissioner
- Police
- Fire Brigade

Further information may be found at: www.legislation.gov.uk/ukxi/1999/1549/contents/made

If a member of staff does not feel able to raise concerns in the ways outlined above, they should consult the Public Disclosure Act for information about other routes by which a disclosure may be made.

Whistleblowing to the media is not appropriate or permitted in any circumstances.

March 2018

Appendix 1: Report Form to Be Used For Public Interest Disclosures

The Greetland Academy Trust:

Name (staff member making report - not compulsory but you are encouraged to insert your name)	
Persons reported	
Concerns reported (give full details of the background to the concern including names, dates and places; reasons why you are concerned – attach separate sheet if necessary)	
Date	
Signed (if name appears above)	