



The Diocese of Gloucester Academies trust

Whistleblowing Policy

Status and review cycle;
Responsible group:
Implementation date:
Next Review Date:

Non-statutory and every 2 years
The Trust
July 2016
July 2020

Diocese of Gloucester Academies Trust

Whistleblowing Policy

Policy Statement

- 1 The Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust, and its associated academies, are central to witnessing to the value of the foundation.
- 2 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the work of the Trust or one of its academies to come forward and voice those concerns. It recognises 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 and is intended to encourage and enable staff to raise serious concerns within the Trust or an academy, rather than overlooking a problem or publicly disclosing the matter.
- 3 **Purpose & Scope:** This policy is intended to provide guidance to Local Governing Bodies and all individuals working for the Trust whether they are employees, contractors, casual staff or agency staff.
- 4 This policy has been introduced in line with the Public Interest Disclosure Act 1998 (PIDA) to enable staff to raise concerns in an appropriate manner (www.opsi.gov.uk/acts/acts1998).
- 5 The whistleblowing procedure must always be applied fairly and in accordance with employment law and Trusts' Equal Opportunities Policy.
- 6 Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure remain confidential.
- 7 Any member of the Trust community or general public is able to 'blow the whistle', however the PIDA only protects employees.

Definitions

- 8 Whistleblowing: Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.
- 9 Qualifying disclosures: As outlined by PIDA 1998, qualifying disclosures pertain to when any of the following take place:
 - A criminal offence has been committed, is likely to be committed or is being committed
 - A person has failed, is failing or is likely to fail to comply with legal obligation to which they are subject
 - A miscarriage of justice has occurred, is occurring or is likely to occur
 - The health or safety of any individuals has been, is being or is likely to be endangered
 - The environment has been, is being or is likely to be damaged

- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed
- 10 In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:
- The number of people in the group whose interests the disclosure served
 - The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
 - The nature of the wrongdoing disclosed
 - The identity of the alleged wrongdoer
- 11 Blacklisting refers to an individual who is being refused work as they are viewed as a whistleblower.
- 12 Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.
- 13 This policy will:
- Give confidence to members of the trust community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with Trust standards and policies
 - Provide members of the trust community with avenues to raise concerns
 - Ensure that members of the trust community receive a response to the concerns they have raised and feedback on any action taken
 - Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA
- 14 This policy will not be confused with the procedure on dealing with harassment at work or the trust's Grievance and Disciplinary Procedures.
- 15 Under this policy any of the following can raise a concern:
- Employees of the trust
 - Employees of contractors working for the Trust, for example agency staff, builders and drivers
 - Employees of suppliers
 - Voluntary workers working within the academies
 - A trainee such as a student teacher

- Pupils
- The wider community
- Governors and trustees

16 In reference to the above point, it is worth noting that the PIDA only protects the Trust's employees; however, the Trust will never harass or victimise a non-employee for raising concerns.

Harassment and victimisation of staff

- 17 The trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the trust as a whole; however, the Trust will not tolerate and such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.
- 18 Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.
- 19 Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's Disciplinary Policy and Procedure

Non-employees

- 20 The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned.
- 21 Irrespective of point 20, the trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.
- 22 Where an individual feels that they have been unfairly treated following blowing the whistle, they should use the Trust's Complaints Policy.
- 23 Governors and trustees are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.
- 24 Good practice principles
- 25 The Trust and its academies will implement the core whistleblowing principles, as outlined in the 'Freedom to Speak Up Review', to ensure that whistleblowing procedures are fair, clear and consistent.
- 26 The Trust and its academies will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:
- Of safety in the Trust and in its academies
 - Where people feel confident with raising concerns
 - Free from bullying
 - Of visible leadership

- Of valuing staff
 - Of reflective practice
- 27 By providing a clear procedure for mediating and resolving cases, as outlined in the procedure below, the school will ensure that all cases are efficiently handled. This procedure includes:
- How to raise and report concerns
 - How investigations will be conducted
 - How the Trust will mediate and resolve disputes
- 28 The Trust will implement measures to support good practice by ensuring we adhere to the following principles:
- Offering relevant training to staff
 - Providing the necessary support to staff
 - Providing support to staff who are seeking alternative employment
 - Being transparent
 - Being accountable
 - Conducting an external review of any concerns raised, where necessary
 - Undertaking regulatory action as required
- 29 We will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:
- Ensuring non-permanent staff have access to and training on the same principles as permanent staff
 - Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
 - Ensuring staff from the ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
 - Ensuring staff are empowered and protected, enabling them to raise concerns freely

Procedure

- 30 When raising concern, individuals will express them in writing to the headteacher.
- 31 If an individual is raising a concern about the headteacher, they should express their concerns in writing to the Chair of Governors. Where this is the case the Chair of Governors will notify the Trust and will take on the headteacher's duties in the 'next steps' section.

- 32 When individuals raise their concern, they will include the following information as far as possible:
- The background and history of the concern
 - Any relevant names, dates and places
 - The reasons for the concern
- 33 The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.
- 34 Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. Access the Protect website here, <https://protect-advice.org.uk/> or contact them on 020 3117 2520.
- 35 Once an individual has raised a concern, the trust or its academies will be responsible for investigating it.
- 36 In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally it may be appropriate for the individual to request that their trade union raise the matter.

Next steps

- 37 The headteacher will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.
- 38 If no such response is forthcoming the individual should inform the Chair of the Local Governing Body, in writing, of the disclosure. This letter should be copied into the registered address for the Trust and made for the attention of the Chief Executive Officer (Address: 3 College Green, Gloucester, GL1 2LR)
- 39 The individual can expect a response detailing any action taken or further steps within 10 working days from the Chair of the Local Governing Body becoming aware of the disclosure.
- 40 The initial stage will be an interview with the whistleblower, which will normally happen within ten working days, of the concern being raised or earlier if there is an immediate danger, and then an assessment of further action will be discussed. During this initial stage, the headteacher will establish if:
- There are grounds for a concern and that it is genuine
 - The concern was raised in accordance with this policy
- 41 During the initial interview, the headteacher will request the individual puts their concerns in writing, if they have not already done so. The headteacher will write a summary of the concern if the individual is unable to put it in writing.
- 42 The headteacher will explain the following to anybody raising a concern:
- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the academy giving the

complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern

- That the complainant's identity will be kept confidential from the alleged wrongdoer
- That the Local Governing Body and the Trust will do everything in their power to protect the complainant from discrimination
- That, if the concern is not confirmed, no disciplinary action will be taken against the complainant, if the concern is genuine
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them

43 If an investigation is carried out, the whistleblower will be informed of the final outcome.

44 A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the Trust's Records Management Policy.

45 It may be possible for the concern to be resolved simply, by agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an external audit or through the disciplinary process
- Be referred to the police or an external auditor
- Form the subject of an independent inquiry

46 If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

47 Within 10 working days of the meeting, the person investigating the issue will recommend to the Principal, or appropriate person, one or more of the following:

- The matter be investigated internally
- The matter be investigated by an external person to the academy appointed by the trust
- The matter be reported to an external body and / or immediately to the Trust
- No further action be taken

48 The grounds on which no further action is taken may include:

- The person investigating is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing has occurred, is occurring or is likely to occur
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies

- The matter concerned is already the subject of legal proceedings, or has already been referred on to appropriate agencies or public authority or is already under investigation
- 49 The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported (as appropriate) to the next meeting of the Local Governing Body and / or Trust.
- 50 The conclusion of any agreed investigation will be reported by the person investigating the concern in writing within twenty eight days and a copy passed to the Chief Operating Officer
- 51 A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, to monitor any patterns of concern across the academy and to assist in monitoring the procedure.
- 52 The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation
- 53 If a DGAT member of staff does not receive a response in line with this policy the member of staff shall be entitled to notify a relevant and appropriate body outside the academy which may include:
- The Academy Trust (the Chief Executive Officer or the Chief operating Officer at 3 College Green, Gloucester, GL1 2LR)
 - The Health and Safety Executive
 - The Environment Agency
 - The Information Commissioner
 - The Department for Education
 - The Department for Business, Enterprise and Regulatory Reform
 - The Police
 - The Charity Commission
 - The Office for Standards in Education, Children's Services and Skills (Ofsted).
- 54 Any correspondence to an outside body will also be copied into the registered address for the Trust and made for the attention of the Chief Executive Officer (Address: 3 College Green, Gloucester, GL1 2LR)
- 55 **The media:** Even where extreme circumstances are thought to exist, DGAT staff members should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If DGAT members of staff approach any such body and / or where their concern is disclosed for personal gain, the Trust may consider this to be gross misconduct and immediate disciplinary action may be taken against the member of staff.

- 56 If a DGAT member of staff has any queries about this procedure, they should contact the Principal.

Other Relevant Documents

Equal Opportunities Policies

Grievance Policy and Procedure

Disciplinary Policy and Procedure