

1 INTRODUCTION

Great Academies Education Trust is committed to achieving the highest standards of quality, probity, openness and accountability. Part of this commitment involves encouraging those with serious concerns regarding the running of the Trust to report any concerns in confidence and with confidence.

As employees are often the first to realise that there may be something wrong within their Organisation, it is important that they feel able to express their concerns without fear of harassment or victimisation as otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

This Policy outlines the Trust's procedure for raising concerns at work and the action that will be taken should concerns be raised. The Trust is committed to the effective implementation of this policy.

This policy is based on:

- The Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- Enterprise and Regulatory Reform Act 2013(ERRA).
- The whistleblowing charity Public Concern at Work (PCaW)
- The Great Academies Education Trust (GAET) Vision and Values.
- Keeping Children Safe in Education (Sept 2019)
- Working Together to Safeguard Children (July 2018)
- Data Protection Act 2018

2 PURPOSE AND OBJECTIVES

Purpose

The purpose of the policy is to ensure that an appropriate procedure exists to outline ways in which all Trust employees can express concerns about malpractice/wrongdoing. It is in place to reassure staff that it is safe and acceptable to speak up and to encourage employees and others who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns at an early stage without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns, rather than overlooking a problem or alerting an individual external to the Organisation.

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Objectives

The aim of this policy is to ensure that robust procedures are in place to provide a framework which supports the resolution of matters raised, in response to any disclosure of wrongdoing or irregularity in a way which is fair, expedient and discreet.

This policy will:

- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing where they have a genuine concern;
- allow employees to take the matter further if they are dissatisfied with the Governing Body's response

3 GUIDING PRINCIPLES

This procedure is guided by legislative duties, national guidance and GAET Vision and Values.

Key legislative duties and national guidance

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to make a claim to an Employment Tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

GAET Vision and Values

Vision

“Great Academies Education Trust will be a truly outstanding, outward facing multi-academy trust supporting its academies, from their starting points, to become outstanding.

All pupils will make exceptional academic progress in all subjects and regardless of age or stage will be work and college ready.”

Our academies will be places where pupils are valued as individuals, where they will have opportunities to achieve highly, lead strongly and develop into confident, responsible and successful young adults.”

Values

“All individuals will embody our values

Genuine - mutually trusting, open, honest and reflective.

Respect(ful) to all.

Excellent at what they do, striving for excellence and intolerant of mediocrity.

Achievement focussed-understanding that academic excellence is the goal and high aspirations key to each child achieving their academic potential .

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Together-believing that we can make the biggest difference when we work as a strong team.”

This procedure supports the achievement of the Vision and the Values by ensuring employees are aware of the support available to them and the opportunity to raise concerns confidently.

4 EQUALITY

Great Academies Education Trust ensures that all employees are given the support and opportunities to feel comfortable raising concerns at the earliest opportunity. We recognise the protected characteristics under the Equality Act 2010. We do not discriminate against anyone on the grounds of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. This is line with the Equality Act 2010 and covers both direct and indirect discrimination.

5 IMPLEMENTATION GUIDANCE

5.1 What is Whistleblowing

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. In this policy, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have experienced at work.

To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

The second thing that an employee must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing. Malpractice covers a wide range of concerns and includes (but is not limited to):

- A criminal offence;
- Failure to comply with any legal obligation;
- A miscarriage of justice;
- Endangering the health and safety of any individual;
- Causing environmental damage;
- The deliberate concealment of information which would constitute evidence of any of the above.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). The aim of the Public Interest Disclosure Act 1998 is to protect workers (this includes full & part-time employees, contractors, agency workers and work experience people) from detrimental treatment such as

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dismissal and victimisation by their employer if, in the public interest, they raise concerns about malpractice in the workplace.

To be covered by the Public Interest Disclosure Act workers must make a ‘protected disclosure’ in accordance with the Act. A ‘protected disclosure’ **means a qualifying disclosure (as defined by section 43B) which is made by a worker in good faith to relevant persons as set out in sections 43C to 43H.** The Trust’s procedure for making such disclosures is detailed in this policy.

5.2 Procedure

The Trust recognises that raising a concern of suspected malpractice is likely to be a difficult experience and will aim to resolve the situation in a sensitive manner as quickly as possible.

This procedure is not to be used for raising Grievances or Harassment claims and it is not intended to provide another mechanism for workers to raise matters relating to their own employment.

5.3 Reporting a Concern

Employees who have concerns about malpractice in the workplace should raise this with their line manager if appropriate or a senior employee within Trust. This depends on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's leader is involved, s/he should approach the Headteacher/Principal or Chair of Governors. An employee (including the Headteacher/Principal and members of the leadership team) can by-pass the direct management line and the Governing Body if s/he feels the overall management and Governing Body of a school is engaged in an improper course of action and may contact a senior employee within the MAT Central Team.

Concerns should generally be raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet an appropriate person. It is important that the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure. The earlier an employee expresses the concern, the easier it will be to resolve.

Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate that there are sufficient grounds for the concern.

In some circumstances, it may be appropriate for an employee to ask a trade union representative to raise the matter on their behalf.

At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

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Only when the Internal Procedures have been exhausted should concerns be raised externally.

Reporting a genuine concern will not in any way affect an employee's career prospects or the way they are treated by the Organisation.

5.4 Receipt of a Concern

The Senior Manager may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person, in writing, by telephone or email.

On receipt of a concern, the manager or senior member of staff should respond by arranging to meet with the employee to discuss the concern(s) as soon as possible.

Stage One:

At the initial meeting the Senior Manager should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistleblowing Policy.

The Senior Manager should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unable to do this the senior manager will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The Senior Manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Senior Manager should follow the policy and in particular explain to the employee:

- who he/she will need to speak to in order to determine the next steps (e.g. Headteacher/Principal);
- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the

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Organisation giving the employee specific details of any necessary investigation or any disciplinary action taken as a result;

- that the employee will generally receive a written response within ten working days;
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Body/Trust will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken
- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken
- the investigation may confirm their allegations to be unfounded in which case the Governing Body/Trust will deem the matter to be concluded unless new evidence becomes available.

Stage Two:

Following the initial meeting with the employee, the Senior Manager should consult with the Headteacher/Principal/Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decision and/or agreed actions.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to an external auditor;
- form the subject of an independent inquiry

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

Senior Managers should have a working knowledge and understanding of other policies and procedures, e.g. grievance, disciplinary, harassment, safeguarding procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure.

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Stage Three:

Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved

5.5 Raising Concerns Outside the Trust

The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will rarely be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone externally. If an employee is not satisfied with the Governing Body/Trust response, the manager should ensure that s/he is made aware with whom s/he may raise the matter externally:

- Public Concern at Work: www.pcaw.co.uk
 Telephone: 020 3117 2520 (* option 1)
 Email: whistle@protect-advice.org.uk
- Recognised Trade Union;
- Relevant professional bodies or regulatory organisations;
- Solicitor.

The manager should stress to the employee that if s/he chooses to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed.

**Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

5.6 Record Keeping and Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trust will make every effort to protect an employee's identity if confidentiality is requested.

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It is important that, for audit purposes, accurate records are kept throughout the process. Records should be held in a secure and confidential manner. The issues raised maybe particularly sensitive and it is therefore essential that the circulation of information is minimised to that which is necessary to ensure a fair and thorough investigation.

5.7 Untrue Allegations

If an employee makes an allegation where s/he has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, it is concluded that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

5.8 Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

6 ROLES AND RESPONSIBILITIES

Trust Board

To approve the Policy

Principal

To ensure management of any matters raised under the Procedure

Governing Body

To monitor any matters raised under the Policy

7 LINKS TO OTHER PROCEDURES/POLICIES

This policy should be read in conjunction with national and local guidance and the following GAET/Academy procedures/policies:

- Grievance Procedure
- Prevention of Harassment Policy
- Equality and Diversity Policy

8 SOURCES CONSULTED

- The Public Interest Disclosure Act 1998
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