



# Whistleblowing Policy and Procedure

Approved by:	GFM Board	Date:	14 September 2022
Maintained by:	GFM HR	Next review:	September 2024



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## **Introduction**

### Scope of Policy

The Whistleblowing Policy provides a procedure for Employees, the GFM Board or those working on its premises, such as agency staff or contractors, to raise any concerns they may have about the Trust's work, such as malpractice or wrongdoing.

Malpractice and Wrongdoing are defined as anything which is:

- Unlawful;
- Against the Trust's policies;
- Not in accordance with established standards of practice;
- Improper conduct by an Employee.

The overriding principle should be that it would be in the public interest for the malpractice to be corrected, and if appropriate, sanctions to be applied.

The Whistleblowing policy does not replace the Trust's policies and procedures relating to disciplinaries, grievances, capability or complaints, but covers concerns that fall outside of the scope of these procedures and the appropriate policy or procedure should be used for each situation.

This policy is provided for guidance to all members of staff within the Trust and reflects the Trust's current practices and applies to all individuals working at all levels of the organisation including the CEO, Executive Leads, Heads of Department, members of the Senior Leadership Group, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "staff" in this policy) who are advised to familiarise themselves with its content.

### **What is Whistleblowing?**

Whistleblowing is the disclosure of information, which relates to suspected wrongdoing or dangers at work. This may include:

- Any unlawful act or admission, whether criminal or a breach of civil law;
- Maladministration as defined by the Local Government Ombudsman;
- Breach of any statutory code of practice;
- Child protection and/or safeguarding concerns;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Financial fraud or mismanagement;

- Negligence;
- Breach of the Trust's internal policies and procedures including the Code of Conduct;
- Conduct likely to damage the Trust's reputation, including failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the Trust or would otherwise seriously prejudice the Trust;
- Unfair discrimination in the Trust's employment or provision;
- Abuse of power, or the use of the Trust's authority for any unauthorised or ulterior motive;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters.

This list is not exhaustive.

If a member of staff is uncertain whether something is within the scope of this policy they should seek advice from their Line Manager, an Executive Lead or from the HR Office.

The Public Interest Disclosure Act 1998 protects staff who raise concerns from victimisation or harassment. In accordance with this Act, the Trust encourages its employees with serious concerns about any aspect of the Trust's work to come forward and voice those concerns, in confidence, within the Trust rather than overlooking a problem or blowing the whistle outside of the GFM.

The Public Interest Disclosure Act 1998 makes it unlawful for the Trust to dismiss anyone on the basis that they have made an appropriate lawful disclosure in accordance with the Act. Rarely, cases might arise where it is an employee who has participated in the action that raises the concern. In such a case, it is in the employee's interest to admit to the wrongdoing as soon as possible. The Trust cannot promise not to take action against such an employee, but the fact that they came forward may be taken into account.

The Trust is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures.

The Trust recognises that staff may be the first to recognise that there may be something wrong within the Trust. All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct.

A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur and therefore this policy allows staff to raise their concerns without feeling disloyal to their colleagues, or to the Trust, or fearing harassment or victimisation and in the



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knowledge that the matter will be taken seriously and treated confidentially where necessary.

With the exception of safeguarding concerns, the Trust encourages staff to raise concerns initially with their immediate Line Manager and/or an Executive Lead by putting the matter in writing.

Safeguarding concerns should **only** be raised with the Designated Safeguarding Lead for the School/Trust. Where a member of staff has concerns that a student may be at risk of any safeguarding issue, (as outlined in the Trust's Safeguarding and Child Protection Policy), they should speak to the Designated Safeguarding Lead immediately.

## **Principles**

This policy is based on the following fundamental principles:

**All** staff have the right to raise concerns about perceived unacceptable practice or behaviour. However, to be covered by whistleblowing legislation, a worker who makes a disclosure must reasonably believe that they are acting in the public interest. This means that personal grievances and complaints are not covered by whistleblowing law.

Although Whistleblowers are not expected to prove the truth of the allegation made, it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.

This policy should not be used for complaints relating to a member of staff's own personal circumstances, such as the way they have been treated at work. In those cases, the member of staff should use the Grievance Policy and Procedure or Anti-harassment and Bullying Policy, as appropriate.

The responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff, and under the Trust's Health and Safety Policy staff are expected to raise concerns about potential health and safety risks.

The Trust recognises that the decision to report a concern can be a difficult one to make, but if a member of staff reasonably believes what they are reporting is true then they will have nothing to fear because they will be doing their duty to their employer, their colleagues and the students / pupils.

The Trust will not tolerate harassment or victimisation and will act to protect staff when they raise a genuine whistleblowing concern that they believe is in the public interest and will view any mistreatment of that individual as a serious disciplinary offence.

The Trust will take all concerns seriously and they will be treated in confidence. The Trust will also do its best to protect a member of staff's identity when they raise a concern and do not want their name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, it may not be possible to take action as a result of the disclosure without the member of staff's help, so they may be asked to come forward as a witness or be asked to provide a signed statement as part of the evidence.

The policy encourages a staff member to put their name to an allegation whenever possible as it will be easier to follow up and verify concerns if a Whistleblower is prepared to give their name. It should be appreciated that any investigative process may reveal the source of the information and the statement from the Whistleblower may be required as part of the evidence.

Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Trust. In exercising this discretion, the factors considered might include:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to their Line Manager, an Executive Lead or alternatively, they may approach the HR Office or any member of the GFM Board and appropriate measures can then be taken to preserve confidentiality.

If it is necessary for anyone investigating the concern to know their identity, the Trust will discuss this with the member of staff first.

Staff who raise concerns will be kept informed of the progress and outcome of any investigation.

### **False or malicious allegations**

If a member of staff makes an allegation in good faith, but it is not confirmed by an investigation into the matter, the Trust will recognise the concern and there will be no repercussions.

However, the Trust will not tolerate malicious or vexatious allegations, or ones for personal gain, which may be considered as being a disciplinary issue resulting in appropriate action being taken in accordance with the Trust's disciplinary policy.



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### Unfounded Allegations

Following an investigation, if an allegation is confirmed as unfounded this will be notified to the member of staff 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.

### **When to raise a concern**

Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, a member of staff must act to prevent the problem getting worse, to reduce potential risks to the health and safety of others and to prevent themselves potentially being implicated.

The earlier a member of staff expresses a concern, the easier it is for the Trust to act.

Concerns about the welfare of pupils and young people should be raised as quickly as possible, as a failure to do so could result in a child or young person being placed at risk. Sometimes concerns in relation to safeguarding can be minimised, especially when the Whistleblower is not sure of what they may have observed.

It is not necessary to be completely sure about the concern - what is important is that concerns are raised that may need further investigation. It is important to remember that often it is the most vulnerable groups that are targeted by individuals who may seek to abuse those in their care. Therefore, these groups rely on responsible individuals to protect them and to safeguard their welfare.

### **To whom should a Whistleblowing concern be raised?**

With the exception of safeguarding concerns, the Trust encourages staff to raise concerns initially with their immediate Line Manager and/or an Executive Lead by putting the matter in writing. However, the most appropriate person to contact will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved. Team meetings and other opportunities can be used to ask questions and to seek clarification on issues that concern them.

However, if you believe that the person you would normally report to is involved you should contact an Executive Lead, the CEO or the Chair of the GFM Board, depending on the seniority of the colleague(s) involved and who the concerns need to be escalated to.



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If wrongdoing is suspected in the workplace:

- Do not approach or accuse the individuals directly.
- Do not try to investigate the matter.
- Do not convey such suspicions to anyone other than those with the proper authority.

Where the matter is more serious, or the Line Manager/Executive Lead has not addressed the concern, or the member of staff would prefer not to raise it with them for any reason, then they should contact the CEO.

Alternatively, staff who feel that they cannot approach any of the managers within their own area may approach the HR Office or any member of the GFM Board.

### **How should the concern be raised?**

Concerns should be raised in writing and include:

- reference to the fact that it is a whistleblowing disclosure;
- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the member of staff is particularly concerned about the situation.

Staff who feel unable to put the concern in writing can telephone or meet the appropriate person.

A member of staff is not expected to prove the truth of a suspicion, but they will need to demonstrate that they have a genuine concern relating to the malpractice with the Trust.

### **Responding to a concern**

The Trust will respond to your concerns as quickly as possible and action taken will depend on the nature of the concern.

The overriding principle will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to ascertain whether an investigation is appropriate.

The matters raised may:

- be investigated internally by a Manager at the appropriate level;
- be referred to the Police;
- be referred to the external Auditor; and/or



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- form the subject of an independent inquiry.

### Initial Enquiries

In order to protect individuals and the Trust, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Normally concerns or allegations that raise issues that fall within the scope of other policies/procedures, (e.g. safeguarding & child protection, health & safety or discrimination issues), will be addressed under those procedures.

Some concerns may be resolved at this initial stage simply by agreed action or an explanation regarding the concern, without the need for further investigation.

### Investigation

If it is apparent that the matter warrants a formal investigation, then within 10 working days of a concern being raised under this procedure the Investigating Officer considering the concern will write to the Whistleblower:

- To acknowledging that the concern has been received;
- Indicating how they propose to deal with the matter, advising whether further investigations will take place, and if not, why not;
- Giving an estimate (so far as is reasonably practicable) of how long it will take to provide a final response.

If necessary, further information will be sought. Where any meeting is arranged the Whistleblower will have the right to be accompanied by a Trade Union representative or a work colleague who is not involved in the area of work to which the concern relates.

The investigation may need to be carried out under terms of strict confidentiality by not informing the subject of the complaint until it becomes necessary to do so.

In some cases, the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

After investigation the Investigating Officer dealing with the concern will write to the Whistleblower outlining the process that has been followed.

The Trust will aim to keep the Whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the



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investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

The response will explain how the matter was investigated, conclusions drawn from the investigation, and explaining the outcome, subject to any legal constraints regarding disclosing information to the Whistleblower, and whom to contact should the Whistleblower be unhappy with the response and wish to raise the matter externally.

Investigating Officers should take care when communicating the outcome of an investigation to ensure that confidentiality is maintained where appropriate, e.g. if the investigation will subsequently lead to disciplinary action against another employee.

Whilst the Trust cannot guarantee the outcome a member of staff may be seeking, the Trust will try to deal with the concern fairly and in an appropriate way.

If a member of staff is not happy with the way in which their concern has been handled, they can raise it with the Headteacher/an Executive Lead or alternatively, they may approach the HR Office or any member of the GFM Board.

Copies of all correspondence should be sent to HR for record keeping and monitoring purposes.

### **Support and Protection**

'Blowing the whistle' can be difficult for the individual. The Trust will ensure that they do their best to protect the identity of the worker raising the concern and they are not subjected to harassment or victimisation from others. Staff will be given the contact details of people who can offer support and advice, e.g. HR and Trade Union representatives.

The Trust will do its best to protect a member of staff's identity when they raise a concern and do not want their name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the member of staff may be required to provide a signed statement as part of the evidence. Staff may be asked to give evidence where legal proceedings arise.

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other



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unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform an Executive Lead or the CEO immediately.

If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against Whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the HR Office in the first instance.

### **Records**

The Trust is required to monitor the number and types of whistleblowing cases, and the outcomes, including actions taken to resolve the issues raised.

### **External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases an individual should not find it necessary to alert anyone externally.

If an individual has raised a concern under this policy, but is not satisfied with how it has been dealt with, they may feel it necessary to take the matter outside the Trust. It will very rarely, if ever, be appropriate to alert the media. We encourage a member of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity 'Protect' (formerly known as Public Concern at Work) operates a confidential helpline that provides free advice for individuals who wish to express concerns about fraud or other serious malpractice. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstances the law will protect you if you raise the matter with the third party. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

### **How you can take your concern further**

This policy is intended to provide a member of staff with an avenue within the Trust to raise a concern and the Trust hopes the member of staff will be satisfied with any action that is taken, but if not and the member of staff feels it is right to take the matter outside the Trust, the following are the Trust's prescribed contacts:

- The Department for Education / Education and Skills Funding Agency
- Relevant professional bodies or regulatory organisations
- The Teaching Regulation Agency
- A recognised trade union
- GFM Human Resources
- The Police
- An independent legal adviser within the meaning of the Public Interest Disclosure Act 1998 or a regulatory body designated for the purpose of the Public Interest Disclosure Act 1998.
- Other relevant bodies prescribed by legislation – this information can be obtained from Protect.

If a member of staff raises concerns outside of the Trust, they should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take the member of staff outside of the protection of the Public Interest Disclosure Act and of this policy.

This policy does not prevent a member of staff from seeking their own legal advice.

### **Confidentiality**

If a member of staff is in any doubt they can seek advice from Protect (formerly known as Public Concern at Work), the independent whistleblowing charity, who offer a confidential helpline:

Their contact details are:

Protect  
(Independent whistleblowing charity)

Helpline: (020) 3117 2520 option 1  
E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)  
Website: <https://protect-advice.org.uk/advice-line/>

A list of prescribed people and bodies that a member of staff can report malpractice to externally can be obtained from:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>



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**Review of this policy**

This policy will be monitored and reviewed every two years.