

GMLT

Whistleblowing Policy

**For Trust Academies
Effective from 6th December 2017**

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Approval History

Approved by	Date of Approval	Version Approved	Comments
GMLT Risk & Audit	6/12/17	V1	Trust Policy

Revision History

Revision Date	Version	Summary of Changes	Changes Marked	Owner/Editor
3/2016	1	Policy reviewed by LGB	Y	AS
6/12/17	2	Change from local to Trust policy	Y	EP

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1. PURPOSE AND SCOPE OF THIS DOCUMENT

- 1.1 This policy outlines the Governing Body's approach to employee disclosures on "whistleblowing". The Governing Body is committed to providing a working environment to protect the health, safety and welfare of all its employees. The Governing Body is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrong doing. It is therefore committed to a policy which seeks to protect individuals who make disclosures with regard to any instance of malpractice or wrong doing in the public interest.

2. WHAT IS WHISTLEBLOWING

- 2.1 "Whistleblowing" is the term which has been adopted to describe arrangements which allow persons, usually employees, to express concerns about any types of malpractice which may be occurring in the work place. Officially this is called 'making a disclosure in the public interest.' The overriding concern should be that the employee has a reasonable belief that it would be in the public interest for the malpractice to be corrected and, if appropriate, for sanctions to be applied. Examples of concerns covered by this policy are:-

- ✓ Unlawful or a criminal offence
- ✓ Disclosures related to miscarriage of justice
- ✓ A breach of a legal obligation
- ✓ Disregard of health and safety legislation, including risks to the public or other employees
- ✓ Against financial regulations
- ✓ Improper conduct
- ✓ Inappropriate or unauthorised use of academy's funds
- ✓ Something that is unlawful, including financial or fraudulent malpractice such as embezzlement, bribery, corruption or dishonesty. Sexual or physical abuse of pupils or staff
- ✓ A deliberate attempt cover up of information tending to show any of the above.

Whistleblowing arrangements are in place to enable a culture which encourages employees to express their concerns without fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and in confidence, and will be fully investigated.

- 2.2 Members of staff are often the first to realise that there may be something seriously wrong within the academy. However they may feel that expressing their concerns would be disloyal to their colleagues. It may be easier to ignore these concerns than report what may just be a suspicion of malpractice. They may also fear harassment or victimisation.

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3. The aims of the policy are to:

- Provide a channel and process for individual members of staff to raise genuine and legitimate concerns about incidents of misconduct or malpractice.
- Give a commitment that misconduct and malpractice will be taken extremely seriously.
- Ensure confidentiality, to provide reassurance that employees who raise concerns in good faith can do so without fear of reprisals or victimisation.
- To provide guidance setting out arrangements and procedures for applying the policy.
- Allow the Principal to give guidance where appropriate or to appoint other appropriate professionals to conduct an investigation into those concerns on behalf of the Principal/Governing Body and to take appropriate action to resolve the situation.

4. Confidentiality

- 4.1 The Principal and Governors will do everything possible to protect an employee's identity when a concern is raised and where the individual does not want their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings.

5. False and malicious allegations

- 5.1 While encouraging staff to bring forward matters of concern, the Principal and Governors will guard against claims made to deliberately damage the reputation of other staff at the academy or the academy itself.
- 5.2 Wherever possible the academy will do its best to protect those who do not want their name disclosed, however it is important to note that it is easier to follow up and verify complaints, if complainants are prepared to give their names. Additionally in certain circumstances complete confidentiality may be difficult to maintain, such as if the matter leads to a legal procedure and evidence is required in court, or if another academy procedure (such as a disciplinary procedure) is invoked requiring the whistleblower to provide a signed statement as part of the evidence, thus revealing their identity.

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- 5.3 If an individual makes an allegation in good faith, but it is not upheld by the investigation, no action will be considered or taken. However, if an individual makes false, malicious or vexatious allegations this will be treated as a disciplinary offence and action may be taken under relevant procedures.

6. Responsibilities

6.1 Staff Responsibilities

It is the responsibility of all members of staff to ensure that their own behaviour is appropriate and does not contribute to an environment in which malpractice or wrong doing is either ignored, condoned or encouraged. All staff should challenge such behaviour if it occurs, or bring it to the attention of a relevant person.

6.2 Principals' Responsibilities

Principals are responsible for:

- communicating the policy to all staff to promote its understanding and accessibility;
- managing staff in a professional and sensitive manner;
- ensuring that the academy environment operates a culture where malpractice and or wrong doing is unacceptable;
- ensuring that the policy is implemented throughout the academy;
- taking all concerns raised seriously, ensuring the necessary action is taken to address the matter promptly, sensitively and as confidentially as possible;
- ensuring that appropriate support is available to complainants during the investigation of their complaint;
- making it clear that malicious and vexatious allegations are serious matters and will not be tolerated;

6.3 Governing Body Responsibilities

The Governing Body will:

- have an up-to-date and comprehensive Whistleblowing policy;
- receive reports from the Principal on the application of the procedure;

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- agree that the Chair of Governors be the contact for complaints made against the Principal;
- Agree that in the event of a complaint against the Chair, the Vice Chair and Executive Principal will be the contact.

6. Procedure

- 6.1 The most appropriate person to contact about a concern will depend on the seriousness or sensitivity of the issues involved and who is thought to be involved in the malpractice. As a first step, an employee should generally raise the issue with their line manager or if this is felt inappropriate, then the relevant member of the Senior Leadership Team. If, however, the concern involved the Principal, the Chair of Governors would be the most appropriate person to contact. In the case of concerns being raised verbally with individual governors, governors should make the individual aware of the policy and procedure and ensure the individual follows this, and encourage the member of staff to disclose any concerns in writing. Where, for any reason, the individual does not feel confident in putting their concerns in writing, the governor should write an account of the individual's concerns, the complainant signing the account, and pass it to the appropriate person for investigation, in line with the procedure.
- 6.2 Although concerns may be raised orally, they are better put in writing. Employees who wish to make a written report should use the following format:
- The background and history of the concern (giving relevant dates, names and places where possible)
 - The reason why they are particularly concerned about the situation
- 6.3 Managers notified of a concern have a responsibility to ensure that concerns raised are taken seriously. The action then taken by the Academy will depend on the nature of the concern. Generally initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including whether this should be done internally or referred to another agency. Concerns or allegations, which fall within the scope of specific procedures (for example child protection or capability issues), will normally be referred for consideration under these procedures. Alternatively some concerns may be resolved by agreed action without the need for investigation.
- 6.4 Usually within 5 working days of a concern being raised under this procedure the manager considering the issues will write to the complainant:
- Acknowledging that the concern has been received;

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- Indicating how it is proposed to deal with the matter;
- Giving an estimate (so far as is reasonably practicable) of how long it will take to provide a final response;
- Advising whether any initial enquiries have been made; and
- Advising whether further investigations will take place and if not, why not.

6.5 Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

7. How the Matter can be Taken Further

It is intended that the whistle-blowing Policy and these procedures will enable the governing body to satisfactorily deal with concerns raised by employees. If an employee is not satisfied, and feels it appropriate to take the issue further, the employee may make a protected disclosure to a third party, in accordance with the provisions of the Public Interest Disclosure Act 1998. There is an independent charity "Public Concern at Work" (telephone 020 3117 2520) which provides free advice to employees wishing to express concerns about fraud or other serious malpractices. www.pcaw.co.uk

Employees who are not satisfied with the action taken by the Academy and feels it right to question the matter further, may consider the following possible contact points:

- The Academy's independent auditors
- The employee's Trade Union
- The Citizen's Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Information Commissioner
- A relevant voluntary organisation
- The Police and/or Health and Safety Executive

8. Related documents

Other policies available are:

- Disciplinary Policy
- Capability Policy
- Grievance Procedure
- Child Protection/Safeguarding Policy

Whistleblowing Record Sheet

Please print out this document and fill it in

Date concern/allegation received.

Name of employee making complaint/allegation (unless anonymous).

Nature of concern/allegation raised.

Date acknowledgement provided to employee (within 5 working days).

Academy nominated person responsible for undertaking investigation.

People to be interviewed, inc. dates of any interviews	
Outcome of investigation.	