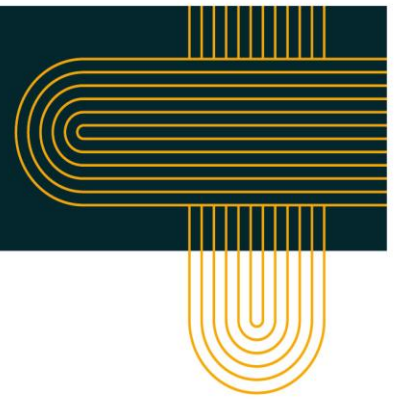




The GORSE Academies Trust

Whistleblowing Policy

Designated Person:	Director of Human Resources
Reviewed by:	Governors Policy Committee
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Summary of Key Changes

Section	Commentary
Introduction	Reworded to be more supportive and distinguish Whistleblowing from Grievance policy.
Definition	New section added to define what whistleblowing is.
Qualifying Disclosures	New section to explain what constitutes qualifying disclosures are.
Support for Whistleblowers	Expanded on the support for Whistleblowers section to include Employee Assistance Programme (EAP) and Legal/Union support.
Throughout	Changed the layout and format to the standardised trust policy template.

Whistleblowing Policy

Introduction

The trust is committed to maintaining a culture of openness, honesty, accountability and integrity. We seek to ensure that employees within the trust feel secure in raising concerns about any activity which may harm individuals or undermine the trust.

In line with this commitment, we encourage employees who have serious concerns about any aspect of the trust or one of its establishments, services or the work it undertakes, to come forward and voice those concerns, without fear of judgement, reprisal or harassment.

It is recognised that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisal. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the trust rather than overlooking a problem or discussing it externally.

In addition, the policy provides a means for individuals to raise a concern under the Public Interest Disclosure Act 1998, which provides a certain level of legal protection where there is a wish to raise legitimate concerns.

There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment with the trust. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, although the trust reserves the right to determine which procedure is appropriate.

Scope of Policy

This policy applies to all staff within The GORSE Academies Trust (the trust).

GORSE Values

The trust values defined by the acronym DIRK (Diligence, Integrity, Rectitude and Kindness) have become central to the identity and characteristics for which GORSE is becoming nationally renowned. When any whistleblowing disclosures are made, we commit to dealing with the matter(s) raised in line with our trust values.

Diligence – we expect all professionals, through the thoroughness of their work, to minimise the opportunity for errors at all levels of the organisation.

Integrity - we seek to ensure that all professionals operate to the highest level of integrity. Great organisations are built upon people who are honest and uphold strong moral principles.

Rectitude - the quality of rectitude links carefully to the importance of integrity and emphasises qualities around probity, decency and the trait of thinking and behaving in a correct and honest way. We expect all our colleagues to do the right thing, even when there would be no personal consequence of not doing so.

Kindness - as a trust we seek to be friendly, considerate and generous of spirit in all that we do and recognise that when we lack diligence, integrity and rectitude we often cause an increase in workload or anxiety for others.

Links to Other Policies and Legislative/National Guidance

This policy has been developed with due regard to the following statutory legislation:

- [Data Protection Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Employment Relations Act 1999 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Employment Rights Act 1996 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Employment Act 2002 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Enterprise and Regulatory Reform Act 2013 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Freedom of Information Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Working together to safeguard children 2023: statutory guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This policy should be read in conjunction with the following trust policies:

- Dealing with Safeguarding and Allegations against Adults Policy
- Anti Bullying and Harassment Policy
- Grievance Policy and Procedure
- Child Protection Policy
- E Safety and Online Policy
- Safer Recruitment Policy
- Single Equality Policy

1. Definition

Whistleblowing is the name given to the act of the disclosure of information to an employer or relevant authority by an individual who knows, or suspects, that the organisation is responsible for or taken part in some wrongdoing.

2. Roles and Responsibilities

2.1 The Trust Board, the Trust Policy Committee and Academy Local Governing Bodies:

- Maintaining and operating the policy
- Promoting the policy periodically
- Reviewing the policy in accordance with legislation changes or every three years, or as appropriate
- Maintaining a record of concerns raised and the outcomes (but in a form that does not endanger confidentiality) and reporting as necessary

2.2 Central Trust Directors/Principals/Senior Leaders:

- To ensure investigations are undertaken without undue delay
- To maintain confidentiality
- Promote equal opportunity and anti-discrimination
- To follow trust procedures for investigations of allegations
- To ensure that no members of staff are subject to harassment, victimisation, or reprisal

2.3 Employees:

- To raise concerns in a timely manner
- To raise issues of concern responsibly
- To maintain confidentiality and discuss concerns with the appropriate member of trust staff
- To ensure that no members of staff are subject to harassment, victimisation, or reprisal

2.4 Others/External Personnel:

As an employee of a contractor of the trust or a partner organisation, it is recognised that in some cases, there may be concerns which may need to be brought to the attention of the trust. The trust is committed to encouraging all individuals, including non-trust employees, to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as trust employees.

3. Qualifying disclosures

3.1 Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” constitutes a disclosure of information that a colleague genuinely and reasonably believes to be in the public interest and shows that the trust has committed a “relevant failure” by:

- a) committing a criminal offence
- b) failing to comply with a legal obligation
- c) a miscarriage of justice
- d) endangering the health and safety of an individual
- e) environmental damage
- f) concealing any information relating to the above

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening or is likely to happen. The trust will take any concerns that you may raise relating to the above matters very seriously.

Those making qualifying disclosures are protected against dismissal or detriment by the Public Interest Disclosure Act 1998.

- 3.2 The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure must be "in the public interest". We encourage anyone wishing to raise a concern to use the procedure in place.
- 3.3 Should the concern not meet the requirement to be a qualifying disclosure, this should be raised under the trust's grievance policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, for example, it relates to a personal grievance, the receiving Principal will confirm that the matter will be addressed under the grievance policy.

4. Safeguards

4.1 Protection from reprisal

- 4.1.1 The trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The trust will not tolerate harassment or victimisation and will take action to protect the individual when they raise a concern which they have reasonable belief to be true and to be in the public interest. This will include disciplinary action against those that subject an individual to detriment as a result of the whistleblowing. This does not necessarily mean that if an individual is already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted because of whistleblowing.
- 4.1.2 Where feasible, the individual will be contacted when a concern has been investigated to ascertain whether they have suffered any detriment as a result of the whistle blow. If at any time, either during or after the investigation, the individual feels that they have suffered any detriment as a result of the whistleblowing they should contact their Principal/Central Trust Director, the Chair of your Local Governing Body or their union.

4.2 Confidentiality

- 4.2.1 The trust treats the details of all whistleblowers in confidence and will not intentionally divulge the identity of the individual without consent. It must be appreciated, however, that the investigation process may reveal the source of the information without the trust revealing their identity directly, and in some circumstances a statement by the individual may be required as part of the evidence.
- 4.2.2 If, due to the need for confidentiality, an individual would feel more comfortable approaching somebody from outside their direct leadership team then they can approach any one of the following people to raise concerns:

- a) Stephen Hall (TGAT Trustee) stephen.hall@governor.tgat.org.uk
- b) Corinne Gough (Director of HR): corinne.gough@tgat.org.uk
- c) Ailsa Hoyland (Chief Financial Officer) Ailsa.hoyland@tgat.org.uk
- d) Richard Amos (Strategic Lead Officer): richard.amos@tgat.org.uk

4.3 Anonymous allegations

- 4.3.1 Allegations can be made anonymously. However, this policy encourages individuals to put their name to any allegation, as concerns expressed anonymously are often much more difficult to investigate. An example may include the need to contact the whistleblower to obtain further information or verify the details they have already provided.
- 4.3.2 Anonymous allegations will be considered wherever possible at the discretion of the trust. The factors to be considered when determining whether an investigation in such a case can proceed would include:
- a) the seriousness of the issues raised
 - b) whether the allegations pertain to other policies and therefore should be dealt with in accordance with alternative procedures, for example Managing Allegations Against Adults and Child Protection
 - c) the credibility of the concern, and
 - d) the likelihood of confirming the allegation from another, attributable source

4.4 Untrue allegations

- 4.4.1 If an allegation is made in the public interest and which there was reason to believe was true, but it is not confirmed by the investigation, no action will be taken against the whistleblower. If, however, an individual is an employee of the trust and they make malicious or vexatious allegations which they could not have reasonably believed were true, appropriate action may be taken against the individual including disciplinary action.

5. Procedures

5.1 How to raise a concern

- 5.1.1 It is important that individuals feel comfortable in raising legitimate concerns in the public interest as this provides the trust with an opportunity to address the associated issues as early as possible.
- 5.1.2 The earlier a concern is expressed, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it will be helpful if a note is made of the concern(s) at the time and let the appropriate person as detailed in 5.1.3 know about them as soon as possible.
- 5.1.3 As a first step, concerns should normally be raised in writing with the individual's immediate manager, Principal or Central Team Director, unless the allegation pertains to a student at risk of harm or abuse (see Child Protection Policy). This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if a professional believes that a specific Senior Leader is involved, you should contact the Principal, the Deputy Executive Principal, the Executive Principal, Deputy Chief Executive Officer or the Chief Executive Officer as appropriate.

All referrals made will be treated in the strictest of confidence. Concerns can be raised by the following methods:

- a) Chair of the Local Governing Body
- b) GORSE Board
- c) GORSE Human Resources Team
- d) GORSE Strategic Lead Officer/Data Protection Officer (gdpr@tgat.org.uk)

5.1.4 The trust's Human Resources Team can give advice and guidance on how matters of concern can be pursued.

5.1.5 An individual may invite a work colleague, trade union or professional association to raise a matter on their behalf.

5.1.6 Although an individual is not expected to prove an allegation, they will need to demonstrate that there are sufficient grounds for their concern. It would be useful to provide relevant information including, where possible:

- a) the background and history to the case
- b) the reason why the colleague is particularly concerned
- c) any specific details available including names, dates, times and places
- d) details of any particular conversations that support the concerns
- e) details of any personal interest that the whistleblower may have in the matter, and
- f) how they think that things may be put right, if possible

5.1.7 Evidence must be collected and used in accordance with current legislation. This is of particular importance regarding surveillance. The sort of information required to investigate an allegation are details of the background and history to the case, names, dates, places and, where possible, the reason why there is a particular concern. Where a colleague is unsure about the gathering of evidence, advice must be sought from the Central HR Team, Health and Safety Team, and/or the GDPR Lead.

5.2 How the trust will respond

5.2.1 The action taken by the trust will depend on the nature of the concern. The matters raised may:

- a) be investigated internally (this is the most likely option)
- b) be referred to the Police
- c) be referred to the local authority designated officer (LADO)
- d) be referred to the external auditor
- e) form the subject of an independent inquiry
- f) or any combination of the above

5.2.2 In order to protect individuals and the trust, 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 specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

5.2.3 Some concerns may be resolved by agreed action without the need for investigation.

5.2.4 Within ten working days of a concern being received, where appropriate, the individual will receive a response in writing containing:

- a) an acknowledgment that the concern has been received
- b) an indication of how it is proposed the matter will be dealt with (including potential timescales)
- c) information as to whether any initial enquiries have been made, and
- d) notification as to whether further investigations will take place and, if not, an explanation as to why not

5.2.5 The amount of contact between the person(s) considering the issues and the individual raising 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.

5.2.6 When any meeting is arranged, the individual raising the concern has the right, should they wish, to be accompanied by a colleague or Trade Union representative who is not involved in the area of work to which the concern relates.

5.2.7 Steps will be taken to minimise any difficulties that may be experienced as a result of raising a concern. For instance, if an individual is required to give evidence in criminal or disciplinary proceedings, they will be advised about the procedure.

5.2.8 The trust acknowledges the need to provide any individuals raising concerns with assurance that the matter has been properly addressed. Thus, subject to legal constraints and confidentiality, they will receive appropriate information about the extent and outcomes of any investigations.

5.3 How the matter can be taken further

5.3.1 This policy is intended to provide an avenue to raise concerns within the organisation. The trust hopes any individual raising a concern will be satisfied that the matter has been considered sensibly and appropriately. If they are not, and if they feel it is right to take the matter further, the following are possible contact points:

- a) relevant professional bodies or regulatory organisations
- b) a trade union
- c) the Health and Safety Executive (HSE)
- d) the Information Commissioner
- e) Trust Auditors
- f) Leeds Local Authority
- g) a solicitor
- h) the Police
- i) Protect (formerly Public Concern at Work) 020 3117 2520 <https://protect-advice.org.uk/advice-line> (whistleblowing charity that provides independent and confidential advice to workers who are unsure whether or how to raise a public interest concern)
- j) The Department for Education

5.3.2 If the matter is taken outside the trust, the individual will need to ensure that they do not disclose confidential information or that disclosure would be privileged. If there are any queries as to what constitutes confidential information, please check with the GDPR Lead about this.

5.4 Support for whistleblowers

5.4.1 The trust is committed to doing everything possible to manage employment relationships following a genuine and reasonable concern being raised.

5.4.2 All employees can access support through our Employee Assistance Programme free of charge. To access counselling support please phone VIVUP on 03303 800658 or 0800 9324.

5.4.3 Whistleblowers may also seek legal advice or support from their colleague, professional body or trade union where necessary.

6 Equality Impact Assessment

This policy supports the opportunity to address equality and diversity issues and is wholly positive.

Changes to the policy

GORSE reserves the right to amend the details of this policy as required at its absolute discretion, including to ensure continued legislative compliance.

For further guidance, staff should refer to the documents listed in the 'Links to other policies and Legislative/National guidance' section of this policy.

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