Whistleblowing Policy

Our vision is to enable all to flourish

Status and review cycle: Non-statutory and two-yearly review

Responsible group: Trust Board

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1.0 Statement of intent

1.1 The Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust, and its associated schools, are central to witnessing to the value of the Trust's foundation.

1.2 The Trust is committed is committed to open and honest communication and ensuring the highest possible standards in integrity. This policy aims to reassure you that it is safe and acceptable to speak up and raise any concerns in the right way. This is known as "blowing the whistle". This should be viewed as a positive action of speaking up. Any reported concern will be taken seriously. This policy seeks to ensure that you know what procedures are in place to deal with whistleblowing concerns.

1.3 The Trust encourages all employees, agency workers, trainees, trustees and local governors to raise concerns as soon as possible where they reasonably believe wrongdoing, malpractice, unlawful activity, safeguarding concerns or risks to others may have occurred, be occurring or be likely to occur.

1.4 This policy is to enable concerns to be raised about something that affects other people. For concerns about issues related to your employment or how you have personally been treated, the grievance procedure should be used.

1.5 This policy makes it clear that staff can blow the whistle without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Trust or an individual school, rather than overlooking a problem or publicly disclosing the matter. Employees who, in the public interest, speak out against corruption or malpractice at work have statutory protection via the Public Interest Disclosure Act (PIDA) against victimisation and dismissal. Any member of the Trust community or public can 'blow the whistle,'. Legal protection may apply to a wider range of workers than employees, including agency workers, apprentices and certain trainees

1.6 This policy is also intended to provide guidance to any member of Trust staff, trustee or member of the local governing board who receives a whistleblowing concern.

1.7 The whistleblowing procedure will always be applied fairly and in accordance with employment law and Trusts' Equal Opportunities Policy.

1.8 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, 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

1.9 Under this policy any of the following can raise a concern:

- employees of the Trust
- voluntary workers working within the school or central team
- a trainee such as a student teacher
- local governors and Trustees

1.10 The designated executive member of staff for whistleblowing is the **Chief Executive Officer.**

1.11 The Trustee with responsibility for whistleblowing is the **Chair of the Trust Board**

1.12 The designated member of school staff for whistleblowing is the **Headteacher**

1.13 In schools, the headteacher is the first point of contact for whistleblowing queries. For members of the central team, the first point of contact is the CEO or if the whistleblowing relates to the CEO, the Chair of the Trust Board. If the allegation is related to the headteacher, the concern will be raised with the CEO.

1.14 The CEO must be informed of all incidences of whistleblowing, unless the incident relates to the CEO, then the chair of the Trust Board must be informed.

2.0 Legal framework

2.1 This policy has due regard to all relevant legislation and guidance including, but not limited to, the current versions of the following:

- 2.2 Public Interest Disclosure Act (PIDA)
- 2.3 Employment Rights Act
- 2.4 DfE 'Academy Trust Handbook'
- 2.5 DfE 'Keeping children safe in education'
- 2.6 GOV.UK 'Whistleblowing for employees'
- 2.7 Sir Robert Francis 'Freedom to speak up report'

3.0 Definitions

3.1 Whistleblowing: Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures,' at work to their employer.

3.2 Qualifying disclosures as outlined by PIDA are as follows:

- 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 obligations to which they are subject
- an injustice 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

- the unauthorised use of public funds
- sexual or physical abuse
- other unethical or unprofessional conduct
- sexual harassment, including conduct connected to work that creates an intimidating, hostile, degrading, humiliating or offensive environment
- suspicions of price fixing cartels providing goods/services to the school/Trust
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

3.3 Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the local governing board or others acting on behalf of the Trust, can be reported under this procedure. This may be about something that:

- makes an employee feel uncomfortable in terms of apparent non-adherence to known standards
- appears to be contrary to the Trust codes of conduct
- falls below established standards of practice
- may amount to improper conduct
- appears to be an attempt to mislead.

3.4 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

3.5 Blocking refers to an individual who is being refused work as they are viewed as a whistle-blower.

3.6 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. A grievance can be raised using the Grievance Policy.

4.0 Concerns about safeguarding

4.1 If a concern relates to the safety of a child, the Child Protection and Safeguarding Policy must be followed. If the concern is that the child is at risk of immediate or imminent harm, the police must be called without delay.

4.2 Concerns regarding failures in safeguarding systems, deliberate concealment of safeguarding concerns or unsafe safeguarding practices may also be raised under this policy.

5.0 Harassment and victimisation of staff

5.1 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 subject to the complaint. The Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith. If a genuine concern is raised under this policy, whistleblowers are not at risk of losing their job or suffering any form of harm as a result.

5.2 The Trust recognises that raising concerns can be stressful. Whistleblowers may access support from HR, trade union representatives, Protect, occupational health services and any employee wellbeing support available within the Trust. Where appropriate, reasonable steps will be taken to provide ongoing support throughout any investigation.

5.3 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 Conduct Policy.

5.4 If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern, please contact the headteacher or the CEO. You may also wish to contact your trade union representative.

6.0 Non-employees

6.1 The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

6.2 Where an individual feels that they have been unfairly treated following blowing the whistle, they should use the Trust's Complaints Policy.

6.3 Local 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.

7.0 Good practice principles

7.1 The Trust Board, central team and schools 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.

7.2 In the central team and in schools there will be a culture:

- of safety in the Trust, the central team and in schools
- where people feel confident with raising concerns

- free from bullying
- of visible leadership
- of valuing staff
- reflective practice

7.3 By providing a clear procedure for mediating and resolving cases, as outlined in the procedure section of this policy, the Trust will ensure that all cases are efficiently managed. This procedure includes:

- how to raise and report concerns
- how investigations will be conducted
- how the Trust will mediate and resolve disputes

7.4 The Trust will implement measures to support good practice by ensuring adhering 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/investigation of any concerns raised, where necessary
- undertaking regulatory action as required
- informing staff what protection is available to them if they report someone

7.5 The Trust 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 minority groups are supported, as they may feel particularly vulnerable when raising concerns
- ensuring staff are empowered and protected, enabling them to raise concerns freely

8.0 Raising a concern

8.1 When a raising concern about a member of school staff, individuals should express them in writing, marked confidential, to the headteacher.

8.2 If an individual is raising a concern about the headteacher or a member of the central team , they should express their concerns in writing to the CEO rhowie@cen.dgat.org.uk

8.3 If an individual is raising a concern about the Chief Executive Officer, they should express their concerns in writing to the Chair of the Board of Trustees via email to clerk@cen.dgat.org.uk

8.4 When individuals raise their concern, they should 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
- details of supporting evidence.

8.5 Although employees are not expected to prove an allegation, they will need to demonstrate that the disclosure is in the public interest. The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

8.6 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.

8.7 Once an individual has raised a concern, the Trust or the school will be responsible for investigating it.

8.8 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, Please refer to the external contacts section at the end of this policy. Equally it may be appropriate for the individual to request that their trade union raise the matter.

9.0 The response to a concern

9.1 We will acknowledge receipt of the concern within 10 school days for school-based staff and 10 working days for central staff. The concern will be assessed, and consideration given to what action is appropriate. This may involve an informal review or an investigation. The whistleblower will be contacted and advised as to who is handling the matter, how they can be contacted and what further information may be needed.

9.2 Following acknowledgement of the concern, an initial assessment will normally be completed within 10 working days to determine the most appropriate course of action.

9.3 Where a formal investigation is required, the Trust will seek to conclude the investigation as promptly as possible and, wherever practicable, within 20 working days.

9.4 Some investigations may be more complex and require additional time. Where this is the case, the whistleblower will be informed of the reason for the delay and provided with regular progress updates.

9.5 The Trust will normally provide the whistleblower with an update on the progress of the matter at least every 10 working days, subject to any legal or confidentiality restrictions.

9.6 If appropriate, the whistle blower will be invited to a meeting which will take place as soon as is practically possible and away from their place of work.

9.7 During this meeting, the person responding to the concern raised will request the whistleblower puts their concerns in writing, if they have not already done so. The person responding to the concern will write a summary of the concern if the whistleblower is unable to put it in writing.

9.8 The person responding to the concern will explain the following to the whistleblower:

- how they will communicate with them throughout the process.
- a timescale for feeding back – this may vary depending on the complexity of the concern
- that the whistleblower's identity will be kept confidential from the alleged wrongdoer.
- that the Trust and school will do everything in their power to protect the whistleblower from discrimination
- that if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.
- if clear evidence is uncovered that the concern is malicious or unfounded, disciplinary action may be brought against them.

9.9 A record will be kept 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 processes and UK GDPR requirements.

9.10 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 school or Trust leaders, an external investigator or through the disciplinary process
- be referred to the police or an external auditor
- form the subject of an independent inquiry
- be resolved without further action

9.11 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

9.12 The CEO, or Chair of the Trust Board if the matter relates to the CEO, must be informed about the decision-making outlined above and copies of any investigation reports must be forwarded to them.

9.13 It is recognised that whistleblowers need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, whistleblowers will be informed of the outcome of any investigation. It should be noted, however, that information about the precise actions taken will not be shared where this would infringe a duty of confidence owed to another person. Where concerns are raised anonymously, no response can be given.

9.14 Line managers receiving concerns must:

- listen impartially
- maintain confidentiality
- make a written record
- escalate concerns promptly
- avoid investigating alone unless authorised
- protect the individual from detriment

10.0 What the school asks of whistleblowers

10.1 The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.
- Consider and share how the matter might best be resolved.

11.0 Confidentiality

11.1 All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. However, this cannot be guaranteed if, say, following an investigation a case is taken to court, where the employee may need to be called as a witness.

12.0 Anonymous allegations

12.1 To ensure that employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are sometimes less credible and more difficult to robustly investigate. Anonymous concerns and allegations will therefore be investigated at the discretion of the Trust and should be reported to the CEO as soon as received.

12.2 In exercising this discretion, the factors to be considered would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources' factual evidence.

13.0 Escalation of concerns

13.1 If a whistleblower reasonably believes that their concern has not been investigated appropriately, has not been dealt with within a reasonable timescale, or remains unresolved, they may escalate their concern as follows:

13.2 Stage 1: Internal escalation

- A concern raised with a Headteacher may be escalated to the Chief Executive Officer.
- A concern raised with the Chief Executive Officer may be escalated to the Chair of the Trust Board.
- A concern raised with the Chair of the Trust Board may be escalated to an independent external investigator appointed by the Board where appropriate.

13.3 The request for escalation should normally be made in writing within 20 working days of receiving the outcome of the investigation or from the point at which the whistleblower believes insufficient progress has been made.

13.4 Stage 2: Review of the handling of the concern

13.5 The person receiving the escalation will:

- acknowledge receipt within five working days;
- review the investigation process and outcome;
- determine whether further investigation is required; and
- provide a written response within 20 working days, unless the complexity of the matter requires a longer period.

13.6 Where a longer period is required, the whistleblower will be informed of the reasons and provided with regular updates.

13.7 Stage 3: External disclosure

13.8 If, following internal escalation, the whistleblower continues to reasonably believe that the concern has not been properly addressed, they may report the matter to the appropriate prescribed body or regulator. This may include, where relevant:

- the Department for Education;
- Ofsted;
- the Health and Safety Executive;
- the Information Commissioner's Office;
- the Charity Commission;
- the Police; or
- any other prescribed regulator relevant to the concern.

13.9 Nothing in this policy prevents an individual from making a protected disclosure to an appropriate prescribed body where permitted by law.

14.0 Unfair treatment

14.1 An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

15.0 Monitoring and oversight

15.1 The CEO will maintain a confidential record of whistleblowing concerns raised under this policy, including the nature of the concern, actions taken and outcomes.

15.2 The Trust Board will receive an anonymised report at each of its meetings on whistleblowing activity. This report may include:

- the number of concerns raised;
- the nature and themes of concerns raised;
- the outcomes of investigations;
- any identified trends or areas of organisational risk; and
- any actions taken to strengthen policies, procedures or controls.

15.3 Any reporting to the Trust Board will preserve confidentiality and comply with data protection requirements.

16.0 External contacts

16.1 While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator than not at all. The following organisations are possible contact points. If you are a member, your trade union will be able to advise you on such an option if you wish.

Organisation	Role	Contact Details
Action Fraud	Report fraud and cyber crime.	Tel: 0300 123 2040 Website: https://www.reportfraud.police.uk
Care Quality Commission	Contact them about matters relating to the provision of health and social care.	CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA Tel: 03000 616161 Website: www.cqc.org.uk CQC - contact us - Report a Concern
Charity Commission	Contact them about: the proper administration of charities in England and Wales and of funds given or held for charitable purposes in England and Wales.	Tel: 0300 066 9197 Website: https://www.gov.uk/government/organisations/charity-commission https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer
Department for Work and Pensions	Central government department responsible for benefits and pensions	National Benefit Fraud Hotline Telephone: 0800 854 440 (English) Telephone: 0800 678 3722 (Welsh) Textphone: 0800 328 0512 Monday to Friday, 8am to 6pm Find out about call charges
		You can also report suspected benefit fraud online or by post. National Benefit Fraud Hotline Mail Handling Site A Wolverhampton WV98 2BP

Environment Agency	Contact them about: acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.	National Customer Contact Centre PO Box 544 Rotherham S60 1BY Tel: 03708 506 506 Website: www.gov.uk/environment-agency
Equality and Human Rights Commission	The Equality and Human Rights Commission (EHRC) monitors human rights, protecting equality across 9 grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and	http://www.equalityhumanrights.com/ Advice Line: 0808 800 0082

	gender reassignment. EHRC is an executive non-departmental public body, sponsored by the Department for Education.	
Health and HM Revenue and Customs Safety Executive HRMC	Contact them about: the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998 the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work	Tel: 0300 003 1647 Online form: www.hse.gov.uk/contact/raising-yourconcern.htm Or contact GCC's Safety, Health and Environment (SHE) Team. E-mail:she@gloucestershire.gov.uk Telephone: 01452 425350. HMRC Fraud Hotline Cardiff CF14 5ZN Tel: 0800 788 887

		Website: www.gov.uk/government/organisations/ https://www.gov.uk/report-tax-fraud
Information Commissioner's Office	Contact them about: compliance with the requirement of legislation relating to data protection and to freedom of information.	The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF Tel: 0303 123 1113 Website: www.ico.org.uk https://www.northants.police.uk/hyg/fpnnorth/complain-to-the-information-commissioner/
Ofsted	Ofsted is the Office for Standards in Education, Children's Services and Skills. We inspect and regulate services that care for children and young people, and services providing education and skills for learners of all ages.	Complaints about schools and childminders https://contact.ofsted.gov.uk/contact-us Contact Ofsted about concerns 0300 123 4666
Police	Gloucestershire Constabulary Waterwells HQ	Telephone 101 In an emergency telephone 999
Serious Fraud Office		

	Contact them about: serious or complex fraud, including bribery and corruption, in England, Wales or Northern Ireland and civil recovery of the proceeds of unlawful conduct.	The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Website: www.sfo.gov.uk/contact-us/reporting-seriousfraud-bribery-corruption