

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. 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 Protect (formerly Public Concern at Work (PCaW))
- The Great Academies Education Trust (GAET) Vision and Values.
- Keeping Children Safe in Education (Sept 2022)
- 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.

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.

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This policy will:

- let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust;
- 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 whistleblowing where they have a genuine concern, even if they are mistaken (though vexatious or malicious concerns may be considered a disciplinary issue);
- allow employees to take the matter further if they are dissatisfied with the Governing Body's response

This policy does not form any part of any employee’s contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the Trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

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 become 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 .

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 confidentially. By enabling staff to advise of wrongdoings the Trust can continue to strive for Excellence.

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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. This is in 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, such as fraud or corruption;
- Failure to comply with any legal obligation or statutory requirement;
- Breaches of financial management;
- 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 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. The Trust’s procedure for making such disclosures is detailed in this policy.

6 PROCEDURE FOR STAFF TO RAISE A CONCERN

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.

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6.1 When to report a concern

Employees should consider the examples in section 5 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or Trust procedures, put people in danger or was an attempt to cover any such activity up.

6.2 Who to report to

School-based staff should report their concern to their line manager if appropriate or the Principal. If the concern is about the Principal or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to a senior employee within the MAT central team or the Chair of Trustees.

Central team staff should report their concern to the CEO. If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the central team staff should report the concern to the Chair of Trustees.

6.3 How to raise the concern

It is important that the employee makes it clear that s/he is raising the issue via the whistleblowing procedure.

Concerns should generally be raised in writing. The employee should inform the recipient that they are “blowing the whistle” or using the whistleblowing policy. 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. 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.

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.

7 TRUST PROCEDURE FOR RESPONDING TO A WHISTLEBLOWING CONCERN

7.1 Investigating the concern

The Line Manager/Principal/Senior Leader in the Central Team/CEO and Chair of Trustees will be referred to as the recipient for the remainder of the policy.

When an employee informs the recipient that they are “**blowing the whistle**” they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative.
- Get as much detail as soon as possible about the concern at this meeting and record the information. If the concern was not expressed in writing a written summary of the concern should be made by the recipient and a copy provided to the employee after the meeting. The notes and/or the letter should be clear that the concern was raised under the “whistleblowing policy” and dated and signed by the employee. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.

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- Reiterate at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 8 of this policy).
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the CEO/Chair of Trustees, if appropriate. In some cases, the school/Trust may need to bring in an external independent body to investigate. In others, the recipient may need to report the matter to the police.
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

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 Trust 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 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.

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.

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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.

7.2 Outcome of the investigation

A written response should be provided within ten school days of the concern being raised, if the investigation is not expected to be completed within this timescale, a written confirmation of the expected timescale should be provided to the employee raising the concern.

Once the investigation – whether this was just the initial investigation of the concern or whether further investigation was needed – is complete, the investigating person will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation such as the local authority or police.

The person investigating will inform the person who raised the concern of the outcome of the investigation, however, some details may need to be restricted due to confidentiality.

Beyond the immediate actions, the CEO, Trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

8 MALICIOUS OR VEXATIOUS ALLEGATIONS

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

9 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.

A list of prescribed bodies to whom staff can raise concerns with is included [here](#). 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.

Employees are strongly encouraged to seek advice before reporting a concern to anyone externally. If an employee is not satisfied with the response, the manager should ensure that the employee is aware that the [Protect](#) advice line can offer guidance when deciding whether to raise the concern to an external party, alongside others shown below:

- [Protect](#) (formerly Public Concern at Work): <https://protect-advice.org.uk/contact-protect-advice-line/>
- Recognised Trade Union;
- Relevant professional bodies or regulatory organisations;
- Solicitor.

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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.

**Protect 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.*

10 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.

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.

11 ROLES AND RESPONSIBILITIES

Trust Board

To approve the policy

Principal/CEO

To ensure management of any matters raised under the procedure

12 LINKS TO OTHER PROCEDURES/POLICIES

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

- Staff Grievance Procedure
- Prevention of Harassment Policy
- Equality and Diversity Policy
- Complaints Procedure
- Child Protection Policy

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