



# Griffin Schools Trust Whistleblowing Policy

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## 1. Introduction

- 1.1 GST is committed to the highest possible standards of openness, inclusiveness, accountability and integrity. In line with that commitment, the aims of this policy are to:
- Encourage those working for the Trust to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected
  - Provide guidance on how to raise concerns about suspected wrongdoing
  - Reassure those raising concerns that they are able to raise genuine concerns “made in the public interest” without fear of reprisals, even if they turn out to be mistaken
- 1.2 GST will provide all reasonable protection for those who raise concerns “made in the public interest” and ensure that appropriate personal support is offered both to an employee raising a concern and to any employee against whom allegations have been made under this policy.

## 2 What is 'Whistleblowing'?

- 2.1 Whistleblowing inside the work place is the term used to describe reporting by employees, or ex-employees, of wrongdoing on the part of management, the Local Governing Body or Board (LGB) or by fellow employees. Other individuals performing work for or on behalf of the Trust (such as agency workers or contractors) are also encouraged to use it to raise similar concerns.
- 2.2 Wrongdoing may include for example: fraud, corruption, malpractice, breach of health and safety law, any other illegal or unethical act or serious breaches of the Trust’s policies, including concealment of any of the above. Employees may for this purpose include, contractors and agency workers.
- 2.3 Disclosures concerning alleged criminal offences or other wrongdoing are “protected”, meaning that employees have certain legal rights, provided the disclosure is made in the public interest. Further information on the law can be found at [www.acas.org.uk](http://www.acas.org.uk) or [www.legislation.gov.uk/ukpga/1998/23/contents](http://www.legislation.gov.uk/ukpga/1998/23/contents).

## 3 Protecting the Whistleblower

- 3.1 Under the Public Interest Disclosure Act 1998, a Whistleblower is protected from dismissal, selection for redundancy or being subjected to any other detriment for having made a protected disclosure. The Trust will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.

## 4 When Should Whistleblowing Procedures Be Used?

- 4.1 If an employee has concerns about wrongdoing within the Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
- 4.2 Each individual member of staff should feel able to speak freely on such matters. Whistleblowing should only be used when the party implementing the procedure has

reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously. If a member of staff is unsure whether to raise a concern, s/he may wish to discuss the matter first with his/her line manager or an HR representative.

- 4.3 Whistleblowing is not appropriate for dealing with issues between an employee and the Trust which relate to the employee's own employment or rights or employment conditions generally, which would normally be dealt with in line with the Trust's Grievance Policy.

## 5 The Procedure

- 5.1 Any issue raised will be kept confidential while the procedure is being used.
- 5.2 The employee should raise the concern with their line manager. This may be done orally or in writing.
- 5.3 However, if the concern relates to the employee's line manager or any person to whom s/he reports, the employee should raise the issue with the Head or Executive.
- 5.4 If the concern relates to the Head or an Executive, the employee should raise the matter with the Chair of the LGB or the School Improvement Lead or an Executive as appropriate.
- 5.5 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason for the concern about the situation. It is preferable to record this in writing. However, where the person to whom the concerns are voiced writes these down, a copy will be sent to the person raising the concerns home address or via a nominated representative to give an opportunity to agree this as a correct record. The earlier the concerns are expressed, the easier it is to take action.
- 5.6 Although not expected to prove the truth of an allegation, this will need to demonstrate to the person contacted that there are sufficient grounds for the concern. Employees may wish to seek advice from a trade union representative on how best to raise a concern.
- 5.7 The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter, it may be investigated internally by an independent investigating officer appointed by the Trust, referred to as the "Assessor".
- 5.8 The Assessor will:
- Interview the employee as soon as possible within seven working days, in confidence. An early interview will be essential if the concern relates to an immediate danger (e.g. potential loss of life, serious injury or risk to any person)
  - Obtain as much information as possible from the employee about the grounds for the belief of wrongdoing
  - Consult with the employee about further steps which could be taken
  - Advise the employee of the appropriate route if the matter does not fall under this procedure
  - Other than in the case of paragraph 5.4, report all matters raised under this procedure to the Head or Executive, as appropriate.



If urgent action is required in response to a concern this may take place immediately.

- 5.9 At the interview with the Assessor, the employee may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of Trust staff to take notes.
- 5.10 The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, with other suitable professionals, such as internal or external HR advisors, the Executive or school leads in order to assess the nature of the case and to inform the outcome of the investigation. If this is the case, the employee involved in raising the issue will be informed so as to keep them abreast of the way in which the issue is being addressed by the Trust.
- 5.11 Within ten working days of the interview, the Assessor will recommend one or more of the following:
- the matter be further investigated internally by the Trust
  - the matter be further investigated by external consultants appointed by the Trust
  - the matter be reported to an external agency
  - disciplinary proceedings be initiated against an employee
  - the route for the employee to pursue the matter if it does not fall within this procedure or
  - that no further action is taken by the Trust.
- 5.12 Where possible without breaching confidentiality or impacting on any investigation, the employee will be kept informed of progress in relation to the matter.
- 5.13 The grounds on which no further action is taken include:
- the Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur
  - the Assessor is satisfied that the employee is not acting in good faith
  - 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 (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 5.14 The recommendation of the Assessor will be made to the Head or Executive, as appropriate. However, should it be alleged that the Head or Executive is involved in the alleged wrongdoing the recommendation will be made to the Chair of the LGB or the School Improvement Lead.
- 5.15 The Head, Executive or Chair of the LGB, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the LGB or the Executive Team (XT).
- 5.16 The employee's identity will be kept confidential unless the employee otherwise consents or unless evidence emerges that demonstrates that the employee may have

acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the employee except:

- where the Assessor is under a legal obligation to do so or
- where the information is already in the public domain or on a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice where the information relates to any of the Trust's policies including, but not restricted to, the Trust's Safeguarding Policy or if it is believed that others may be under threat or in danger.

5.17 The conclusion of any agreed investigation will be reported by the Assessor to the employee promptly within twenty eight working days of the initial interview. All responses to the employee will be made in writing and sent to the employee's home.

5.18 If the employee has not had a response within the above time limit or such reasonable extensions as the Trust requires, the employee may go to an appropriate external agency in line with section 7 below, but will inform the Assessor before doing so.

5.19 The employee may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## 6 Malicious Accusations

6.1 A deliberately false or malicious accusation made by an employee is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the employee to legal liability.

## 7 Informing External Agencies

7.1 Within the Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

7.2 Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Disciplinary Policy. There are a number of prescribed persons or bodies to whom an employee may make a qualifying disclosure where permitted under paragraph 7.1. These include:

- The Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- National Crime Agency
- HM Revenue and Customs
- The Environment Agency
- The Serious Fraud Office

This is not an exhaustive list. Employees considering disclosure to a prescribed person or body would be advised to first contact their union representative or an appropriate independent organisation, such as Public Concern at Work ([www.pcaaw.co.uk](http://www.pcaaw.co.uk)).

- 7.3 Whistleblowing to the media is not appropriate or permitted in any circumstances.

## 8 Confidential Employee Enquiries

- 8.1 Employees may, on a confidential basis seek prior guidance from the Head or Executive of School Improvement if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiries shall be kept confidential. The Head or Executive will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.
- 8.2 Whistleblowing concerns can be reported anonymously but the claim may not be taken further if there is insufficient information. Confidentiality can be requested where a name is provided - the person or body advised should make every effort to protect the identity.
- 8.3 An employee raising a concern can be confident of confidentiality being maintained and identity protected.

## 9 Monitoring, Evaluation and Review

- 9.1 The recognised Trade Unions have been consulted on the policy. The Trust will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust and reviewed at least every three years unless there is a request from the Trade Unions to review the policy or an organisational or legislative change that impacts on the policy within that period.