

## Diocese of Gloucester Academies Trust

### Whistleblowing Policy

#### Policy Statement

- 1 The Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust, and its associated academies, are central to witnessing to the value of the foundation.
- 2 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the work of the Trust or one of its academies to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Trust or an academy, rather than overlooking a problem or publicly disclosing the matter.
- 3 **Purpose & Scope:** This policy is intended to provide guidance to Local Governing Bodies and all individuals working for the Trust whether they are employees, contractors, casual staff or agency staff.
- 4 This policy has been introduced in line with the Public Disclosure Act 1998 to enable staff to raise concerns in an appropriate manner ([www.opsi.gov.uk/acts/acts1998](http://www.opsi.gov.uk/acts/acts1998)).
- 5 The whistleblowing procedure must always be applied fairly and in accordance with employment law and Trusts' Equal Opportunities Policy.

#### Wrongdoing at work

This policy and associated procedure is designed to deal with disclosure of information by an employee that relates to breach of Health and Safety Law, bribery, fraud, malpractice or other illegal or unethical conduct in the workplace. Employment legislation governs the making of disclosures concerning workplace activities and is intended to protect employees who blow the whistle on bad practice from being subjected to any detriment or from being unfairly dismissed as a result. The DGAT will not tolerate the harassment or victimisation of any staff member raising a genuine concern. This procedure is available to all DGAT employees who discover something they feel that, in the interests of the public, they should pass on. All types of wrongdoing are included whether they are acts committed by fellow employees, faults in Academy procedures or oversights which should be rectified. The procedure should be used even in the event that the act or omission causing the member of staff concern has finished or has not yet started.

**Grievances:** This procedure should not however be used where a DGAT member of staff has a complaint relating to their personal circumstances in the workplace. Matters of this nature are dealt with under the DGAT Grievance Procedure.

**Detriment:** Provided that this procedure is used correctly and DGAT members of staff make the disclosure in good faith they will not suffer any detriment as a result of reporting the wrongdoing. A failure to follow this procedure may however make the disclosure unreasonable and the protection given to the member of staff by this procedure may be lost.

**Anonymous Disclosures:** In order to ensure employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are much less powerful.

On receipt of any anonymous disclosures the Chair of Governors and the Principal will consider if the disclosure(s) appear to have any validity and if necessary refer to the Trust for further advice and guidance. It needs to be recognised that anonymous disclosures will have limited possibilities in respect of a full investigation although no disclosure will be ignored and will be given careful consideration.

### **Timings**

The whistleblowing procedure should normally be conducted within the timescales laid down in this policy. However, if there is a valid reason to do so, timescales can be varied. However, employee should be given an explanation if this occurs and informed when a response or meeting can be expected.

Delays should not normally exceed a further 10 working days.

### **What to raise concerns about**

The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest, which are as follows:

- a. That a crime has been committed, is being committed, or is likely to be committed
- b. That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject
- c. That a miscarriage of justice has occurred, is occurring, or is likely to occur
- d. That the health and safety of an individual has been, is being, or is likely to be endangered
- e. That the environment has been, is being or likely to be damaged
- f. That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

### **Stage one**

- 8 **Procedure:** DGAT members of staff should disclose the suspected wrongdoing first to their Line Manager. This should be done in writing and clearly dated. In the event that the member of staff's Line Manager is involved in the suspected wrongdoing, the member of staff should proceed directly to Stage Two of this procedure. In the event that the Principal is involved in the suspected wrongdoing, the member of staff should proceed directly to Stage Three of this procedure.
- 9 **Response:** The DGAT member of staff can expect a response detailing to whom the disclosure has been notified or any action taken or next steps within ten working days of the appropriate Line Manager becoming aware of the disclosure.

## Stage two

- 10 **Procedure:** If no response is forthcoming after ten working days or if the Line Manager is involved in the suspected wrongdoing the member of staff should notify the Principal of the concern. This should be done in writing and clearly dated.
- 11 **Response:** The DGAT member of staff can expect a response detailing any action taken or next steps within a ten working days of the Principal becoming aware of the disclosure.

## Stage three

- 12 **Procedure:** If no such response is forthcoming the DGAT member of staff should inform the Chair of the Local Governing Body, in writing, of the disclosure. This letter should be copied into the registered address for the Trust and made for the attention of the Chief Executive (Address: 4 College Green, Gloucester, GL1 2LR)
- 13 **Response:** The DGAT member of staff can expect a response detailing any action taken or further steps within ten working days from the Local Governing Body becoming aware of the disclosure.

## Dealing with concerns under the Whistleblowing Policy

In order to investigate the concern, a meeting may be organised between the person raising the concern and the person dealing with the matter. This will normally happen within ten working days, of the concern being raised or earlier if there is an immediate danger. The purpose of the meeting will be to:

- a. Obtain as much information as possible from the person raising the concern about the grounds for the belief of wrongdoing
- b. Consult with the person raising the concern about further steps which could be taken (if appropriate)
- c. Inform the person raising the concern of appropriate routes if the matter does not fall within the Whistleblowing Procedure;
- d. Report all matters raised under this procedure to the Chief Operating Officer.

Where a meeting is required, the person raising the concern may be accompanied by a recognised trade union representative or a work colleague. The person investigating the concern may be accompanied by a note taker.**The Outcome**

Within ten working days of the meeting, the person investigating the issue will recommend to the Principal or appropriate person, one or more of the following:

- a. The matter be investigated internally
- b. The matter be investigated by an external person to the academy appointed by the Trust
- c. The matter be reported to an external body and/or immediately to the Trust
- d. No further action be taken.

The grounds on which no further action is taken may include:

- a. 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

- b. The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies
- c. The matter concerned is already the subject of legal proceedings, or has already been referred onto appropriate agencies or public authority or is already under investigation.

The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported (as appropriate) to the next meeting of the Local Governing Body and/or Trust.

The conclusion of any agreed investigation will be reported by the person investigating the concern in writing within twenty eight days and a copy passed to the Chief Operating Officer.

Outside Bodies<sup>14</sup> Whistleblowing to an external body without first going through the internal procedure without compelling reasons. If a DGAT member of staff does not receive a response in line with this policy the member of staff shall be entitled to notify a relevant and appropriate body outside the Academy which may include:

- i. The Academy Trust (the Chief Executive or the Head of Business and Finance at 4 College Green, Gloucester, GL1 2LR)
- ii. the Health and Safety Executive
- iii. the Environment Agency
- iv. the Information Commissioner
- v. the Department for Education
- vi. the Department for Business, Enterprise and Regulatory Reform
- vii. the Police
- viii. the Charity Commission
- ix. the Office for Standards in Education, Children's Services and Skills (Ofsted).

15 Any correspondence to an outside body will also be copied into the registered address for the Trust and made for the attention of the Chief Executive (Address: 4 College Green, Gloucester, GL1 2LR)

### **By passing the procedure**

16 In extreme circumstances a DGAT member of staff will have the right to raise their concern directly with a relevant and appropriate outside body without first having followed the stages above. This may however cause damage to the Academy Trust and its reputation as well as constitute a breach of staff's own duty of confidentiality towards the Academy and this action should only be taken in extreme circumstances and after careful thought.

### **Extreme circumstances**

17 The Academy Trust will consider extreme circumstances exist where the member of staff has a reasonable belief that: the Academy will subject the member of staff to detriment if they inform their Line Manager in accordance with stage one above; if they inform the Principal/Local Governing Body in accordance with stage two or stage three a cover-up will

be mounted by the individual institution; a disclosure made previously to the Line Manager of Principal in accordance with the stages above has not prompted a satisfactory response.

- 18 **The media:** Even where extreme circumstances are thought to exist, DGAT staff members should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If DGAT members of staff approach any such body and / or where their concern is disclosed for personal gain, the Trust may consider this to be gross misconduct and immediate disciplinary action may be taken against the member of staff.

### **Queries**

- 19 If a DGAT member of staff has any queries about this procedure, they should contact the Principal.

### **Other Relevant Documents**

Equal Opportunities Policies

Grievance Policy and Procedure

Disciplinary Policy and Procedure