



# **The Diocese of Gloucester Academies Trust**

## **Whistleblowing Policy**

Status and review cycle;  
Responsible group:  
Implementation date:  
Next Review Date:

Non-statutory and every 2 years  
The Trust  
July 2016  
July 2024

# Whistleblowing Policy

## Policy Statement

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.

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 individual school, rather than overlooking a problem or publicly disclosing the matter.

This Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the school, rather than overlooking a problem or ‘blowing the whistle’ outside. It is stressed that under the Public Interest Disclosure Act 1998 (PIDA), employees of the Trust who, in the public interest, speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

## Legal framework

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

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA (2021) ‘Academy trust handbook 2021’
- DfE (2022) ‘Keeping children safe in education 2022’
- GOV.UK (2012) ‘Whistleblowing for employees’
- Sir Robert Francis (2015) ‘Freedom to speak up report’

This policy operates in conjunction with the following school policies:

- Conduct Policy
- Complaints Policy
- Data Protection Policy

## The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the chair of governors or the CEO of the Trust. The CEO must be informed of all whistleblowing related to the headteacher.

Any member of the school community or the public can “blow the whistle;” however, the PIDA only protects employees. The non-employees’ section of this policy includes further details on how whistleblowing affects non-employees.

### **Purpose and Scope**

This policy is intended to provide guidance to Local Governing Boards and all individuals working for the Trust whether they are employees, contractors, casual staff or agency staff.

This policy has been introduced in line with the Public Interest Disclosure Act (PIDA) to enable staff to raise concerns in an appropriate manner

The whistleblowing procedure must always be applied fairly and in accordance with employment law and Trusts’ Equal Opportunities Policy.

Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure remain confidential.

Any member of the Trust community or public can ‘blow the whistle,’ however the PIDA only protects employees.

The designated executive member of staff for whistleblowing is **Rachel Howie, Chief Executive Officer**

The DGAT Trustee with responsibility for whistleblowing is **Hilary Dawson, Chair of the Trust Board.**

The designated member of academy staff for whistleblowing is: **Lisa Harford, Executive Head teacher**

### **Qualifying disclosures**

The following, as outlined by PIDA indicate a qualifying disclosure as:

- 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
- 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.

Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Governing Board/School/Council or others acting on behalf of the Governing Board/School/Council, 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 requirements of the Council's Standing Orders and the School's Code of Conduct
- falls below established standards of practice
- may amount to improper conduct
- appears to be an attempt to mislead.

## **Definitions**

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

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

**Blocking** refers to an individual who is being refused work as they are viewed as a whistleblower.

**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 DGAT Grievance Policy.

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, or 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 and within the meaning of the PIDA

This policy should not be confused with the procedure on dealing with harassment at work or the Trust's Grievance and Conduct Procedures.

If a concern relates to the safety of a child, the academy 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.

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

- employees of the Trust
- employees of contractors working for the academy or Trust, for example agency staff, builders and drivers
- employees of suppliers
- voluntary workers working within the academies
- a trainee such as a student teacher
- pupils
- the wider community
- governors and Trustees

In reference to the above point, it is worth noting that the PIDA only protects the Trust's employees; however, the Trust will never tolerate harassment or victimisation of a non-employee for raising concerns.

## **Harassment and victimisation of staff**

Responsible Dept: Trust  
Implementation Date: July 2016  
Policy Review Date: July 2024

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. However, if employees believe that what they raise as a concern to be the truth and in the public interest they should be confident that they are fulfilling their duty to their employer and those for whom they are providing a service.

The Trust will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees, when they raise a concern in the public interest, from suffering a detriment (including bullying or harassment) either from the employer or from co-workers. Any member of staff who victimises or harasses a member of staff because of their having raised a concern in accordance with this policy will be dealt with under the Trust's Conduct Policy.

Any investigation under this procedure, into allegations of potential malpractice will be dealt with separately to any grievance, disciplinary or redundancy procedure concerning an employee. Equally, any investigation will not be influenced by any such procedures involving an employee. However the outcome of the investigation may lead to action under other Trust procedures.

### **Confidentiality**

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.

### **Anonymous allegations**

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. Anonymous concerns and allegations, whether made to the Headteacher or the Governing Board, will therefore be investigated at the discretion of the Trust.

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.

### **Untrue Allegations**

If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, the allegation is frivolous, malicious or for personal gain, disciplinary action may be taken against them.

## **Non-employees**

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.

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

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.

## **Good practice principles**

The Trust and its academies 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.

The Trust and its academies will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- of safety in the Trust and in its schools
- where people feel confident with raising concerns
- free from bullying
- of visible leadership
- of valuing staff
- of reflective practice

By providing a clear procedure for mediating and resolving cases, as outlined in the procedure below, the school 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

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 of any concerns raised, where necessary
- undertaking regulatory action as required

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

## **Procedure**

When raising concern, individuals will express them in writing, marked confidential, to the headteacher, chair of governors or CEO. ([rhowie@glosdioc.org.uk](mailto:rhowie@glosdioc.org.uk) Canon Rachel Howie 3 College Green Gloucester GL1 2LR)

If an individual is raising a concern about the headteacher, they should express their concerns in writing to [Insert name] Chair of the Local Governing Board. Where this is the case the Chair of the Local Governing Board will notify the CEO and will take on the headteacher's duties in the 'next steps' section.

If an individual is raising a concern about a member of the central team, they should express their concerns in writing to Canon Rachel Howie, Chief Executive Officer (Address: 3 College Green, Gloucester, GL1 2LR).

If an individual is raising a concern about the Chief Executive Officer, they should express their concerns in writing to Venerable Hilary Dawson, Chair of the Board of Trustees c/o Address: 3 College Green, Gloucester, GL1 2LR – please mark correspondence as confidential and urgent.

When individuals raise their concern, they will 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



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.

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.

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

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. Equally it may be appropriate for the individual to request that their trade union raise the matter.

### **Next steps**

In all cases to protect the individuals and those involved in the concern, initial inquiries will be made to decide whether an investigation is appropriate and if so, what form it should take.

Within ten working days of a concern being raised, the employee will be contacted at their private address. The communication will acknowledge receipt of the concern, indicate how it is proposed to deal with the matter, outlining any initial enquiries that have been and if further enquiries are to be made. If appropriate, the employee will be invited to a meeting which will take place as soon as is practically possible.

During this meeting, the headteacher/chair of governors/CEO will request the individual puts their concerns in writing, if they have not already done so. The headteacher/chair of governors/CEO will write a summary of the concern if the individual is unable to put it in writing.

The headteacher/chair of governors/CEO will explain the following to anybody raising a concern:

- how they will communicate with them throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any investigation or any necessary disciplinary action taken because of the concern
- that the complainant's identity will be kept confidential from the alleged wrongdoer
- that the Local Governing Board and the Trust will do everything in their power to protect the complainant from discrimination
- that, if the concern is not confirmed, no disciplinary action will be taken against the complainant, if the concern is genuine
- if clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them

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 Policy.

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 audit or through the disciplinary process
- be referred to the police or an external auditor
- form the subject of an independent inquiry

If the investigating officer needs to talk to the employee, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

Within ten working days of the meeting, the person investigating the issue will recommend one of the following

- the matter be investigated internally
- the matter be investigated by an external person to the academy appointed by the Trust
- the matter be reported to an external body and / or immediately to the Trust
- no further action be taken

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.

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 Board 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 CEO. In the event of an

investigation related to the CEO, a copy of the final report will be passed to the Chair of the Board of Trustees.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, to monitor any patterns of concern across the academy and to assist in monitoring the procedure.

It is recognised that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees 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. While it cannot be guaranteed that the response to all matters raised will be resolved in the way it is hoped by the employee, the Trust will strive to manage the matter fairly and properly. By using this policy, employees help this to be achieved.

### Further Action

This Procedure is intended to assist employees who wish to raise concerns within the Trust, and it is hoped that employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the School/Council, the following organisations are contact points:

External Contact	Contact Information
Health & Safety Executive	Tel: 0300 003 1647 or Online form: <a href="#">Raising your concern</a>
Environment Agency	Tel: 03708 506 506 or Website: <a href="#">Environment Agency</a>
External Auditors	
The Financial Conduct Authority/Prudential Regulation Authority	
Department for Work and Pensions	Telephone: 0800 854 440 or you can also report <a href="#">suspected benefit fraud online</a>
Serious Fraud Office	Website: <a href="#">Reporting serious fraud, bribery or corruption</a>
Trade Union	
Her Majesty's Revenue & Customs	Tel: 0800 788 887 or Website: <a href="#">Reporting Tax Evasion</a>
Relevant Voluntary Organisation	
Charity Commission	Tel: 0300 066 9197 or Email: <a href="mailto:whistleblowing@charitycommission.gsi.gov.uk">whistleblowing@charitycommission.gsi.gov.uk</a>
Police	Telephone 101 or in an emergency telephone 999
Public Concern at Work	Tel: 0207 404 6609
Ofsted	Complaints about schools and childminders

	Contact <a href="https://www.gov.uk/complain-about-school">https://www.gov.uk/complain-about-school</a> Complaints about other providers Ofsted inspects Contact <a href="https://contact.ofsted.gov.uk/online-complaints">https://contact.ofsted.gov.uk/online-complaints</a>
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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 Officer (Address: 3 College Green, Gloucester, GL1 2LR)

### **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.

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

### **Other Relevant Documents**

Equal Opportunities Policies

Grievance Policy and Procedure

Conduct Policy and Procedure

Child Protection and Safeguarding Policy

## Further Action

This Procedure is intended to assist employees who wish to raise concerns within the Trust, and it is hoped that employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the Trust, the following organisation are possible contact points:

External Contact	Contact Information
Health & Safety Executive	Tel: 0300 003 1647 or Online form: <a href="#">Raising your concern</a>
Environment Agency	Tel: 03708 506 506 or Website: <a href="#">Environment Agency</a>
External Auditors	
The Financial Conduct Authority/Prudential Regulation Authority	
Department for Work and Pensions	Telephone: 0800 854 440 or you can also report
	<a href="#">suspected benefit fraud online</a>
Serious Fraud Office	Website: <a href="#">Reporting serious fraud, bribery or corruption</a>
Trade Union	
Her Majesty's Revenue & Customs	Tel: 0800 788 887 or Website: <a href="#">Reporting Tax Evasion</a>
Relevant Voluntary Organisation	
Charity Commission	Tel: 0300 066 9197 or Email: <a href="mailto:whistleblowing@charitycommission.gsi.gov.uk">whistleblowing@charitycommission.gsi.gov.uk</a>
Police	Telephone 101 or in an emergency telephone 999
Public Concern at Work	Tel: 0207 404 6609
Ofsted	Complaints about schools and childminders Contact <a href="https://www.gov.uk/complain-about-school">https://www.gov.uk/complain-about-school</a>

	<p>Complaints about other providers Ofsted inspects</p> <p>Contact <a href="https://contact.ofsted.gov.uk/online-complaints">https://contact.ofsted.gov.uk/online-complaints</a></p>
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