



Whistleblowing Policy and Procedure

Approved by:	GFM Board	Date:	05 October 2023
Maintained by:	Human Resources	Next review:	October 2025



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1. Introduction

1.1 The term “Whistleblowing” has no legal definition within UK or EC Law. However, it has been used to describe incidents where an employee (which for the purposes of this policy includes not only employees but workers and other staff members) reports an alleged wrongdoing within the organisation, which could affect others. Legally this is known as “making a disclosure in the public interest”.

1.2 The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects “whistleblowers” from detrimental treatment (i.e. victimisation or dismissal) for raising concerns about matters they reasonably believe to be in the public interest.

1.3 Everyone employed by the Trust is under an obligation in their contract of employment not to disclose to external sources any confidential information (which includes any, and all, information not in the public domain) acquired during the course of employment, or act in any manner that will undermine the mutual trust and confidence on which the employment relationship is based.

1.4 The Public Interest Disclosure Act 1998 complements these obligations by providing protection to employees for disclosures made in the public interest of certain specific types of information, (detailed in section 3 below) which in most cases will be of a confidential nature.

2. Scope of Policy

2.1 The Whistleblowing Policy is designed to deal with concerns raised in relation to specific issues which are in the public interest and which fall outside the scope of other Trust policies and procedures. The policy is not intended to apply to personal grievances concerning an individual’s terms and conditions of employment or other aspects of the working relationship, complaints of bullying or harassment and does not override policies and procedures for capability or disciplinary matters and such complaints will be dealt with under existing policies and procedures.

2.2 The Whistleblowing policy and procedure provides a procedure for members of staff within the Trust and reflects the Trust’s current practices.

It applies to all levels of the organisation including the CEO, Executive Leads, members of the Senior Leadership Team, employees, consultants, contractors, trainees, apprentices, part-time and fixed-term workers, casual and agency staff (collectively referred to as “staff” in this policy) to raise any concerns they may have about the Trust, such as malpractice or wrongdoing, and all staff are advised to familiarise themselves with its content.

2.3 Malpractice and Wrongdoing are defined as anything which is:

- Unlawful;
- Against the Trust's policies;
- Not in accordance with established standards of practice;
- Improper conduct by an Employee or group of employees.

2.4 The overriding principle should be that it would be in the public interest for the malpractice to be raised, rectified, and if appropriate, sanctions to be applied.

3. What is Whistleblowing?

3.1 Whistleblowing is the disclosure of information, which relates to suspected wrongdoing in the workplace. This may include:

- Any unlawful act or admission, whether criminal or a breach of civil law;
- Maladministration as defined by the Local Government Ombudsman;
- Malpractice or impropriety of fraud
- Breach of any statutory code of practice;
- Child protection and/or safeguarding concerns;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Negligence;
- Conduct likely to damage the Trust's reputation, including failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the Trust or would otherwise seriously prejudice the Trust;
- Unfair discrimination in the Trust's employment or provision;
- Abuse of power, or the use of the Trust's authority for any unauthorised or ulterior motive;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters.

This list is not exhaustive.

3.2 If, in the course of any investigation carried out after receiving the disclosure, any concern(s) raised in relation to the above matters appear to the Investigating Officer to relate more appropriately to a grievance, bullying or harassment, capability or discipline, those procedures will be invoked instead of, or in addition to, this procedure as appropriate.

3.3 If a member of staff is uncertain whether something is within the scope of this policy they should seek advice from their Line Manager, an Executive Lead or from the HR Office.

3.4 The Public Interest Disclosure Act 1998 protects staff who raise concerns from victimisation or harassment. In accordance with this Act, the Trust encourages its employees with serious concerns to come forward and voice those concerns, in confidence, within the Trust rather than overlooking a problem or blowing the whistle outside of the GFM.

3.5 The Public Interest Disclosure Act 1998 makes it unlawful for the Trust to dismiss anyone on the basis that they have made an appropriate lawful disclosure in accordance with the Act. Rarely, cases might arise where it is an employee who has participated in the action that raises the concern. In such a case, it is in the employee's interest to admit to the wrongdoing as soon as possible. The Trust cannot promise not to take action against such an employee, but the fact that they came forward may be taken into account.

3.6 The Trust is committed to operating with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures.

3.7 The Trust recognises that staff may be the first to recognise that there may be something wrong within the Trust. All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. However, a culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur and therefore this policy allows staff to raise their concerns without feeling disloyal to their colleagues, or to the Trust, or fearing harassment or victimisation and in the knowledge that the matter will be taken seriously and treated confidentially where necessary.

3.8 With the exception of safeguarding concerns, the Trust encourages staff to raise concerns initially with their immediate Line Manager and/or an Executive Lead by putting the matter in writing.

3.9 Safeguarding concerns should **only** be raised with the Designated Safeguarding Lead for the School/Trust. Where a member of staff has concerns that a student may be at risk of any safeguarding issue, (as outlined in the Trust's Safeguarding and Child Protection Policy), they should speak to the Designated Safeguarding Lead immediately.

4. Principles

4.1 This policy is based on the following fundamental principles:

- Any member of staff who has a reasonable belief that there is malpractice or wrongdoing relating to any of the matters specified in section 3 may raise a concern under this policy.
- The issues raised may relate to another member of staff, a group of staff or the Trust as a whole. The member of staff raising the concern must reasonably believe that the relevant failure or malpractice has occurred, or is highly likely to occur and that it is in the public interest for the matter to be disclosed.
- The Trust will ensure that any member of staff who makes a disclosure in such circumstances will not be penalised or suffer any adverse treatment for doing so.
- However, a member of staff who makes an allegation maliciously or vexatiously, without having reasonable grounds for believing that the malpractice is in the public interest, may be subject to disciplinary proceedings.

4.2 Although whistleblowers are not expected to prove the truth of the allegation, it will be necessary for them to demonstrate to the person they disclose it to that there are sufficient grounds for concern.

4.3 The responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff, and under the Trust's Health and Safety Policy staff are expected to raise concerns about potential health and safety risks.

4.4 The Trust recognises that the decision to report a concern can be a difficult one to make, but if a member of staff reasonably believes what they are disclosing is true then they will have nothing to fear because they will be doing their duty to their employer, their colleagues and the students / pupils.

4.5 The Trust will not tolerate harassment or victimisation and will act to protect staff when they raise a genuine whistleblowing concern that they believe is in the public interest and will view any mistreatment of that individual as a serious disciplinary offence.

4.6 The Trust will take all concerns seriously and they will be treated in confidence. The Trust will also do its best to protect a member of staff's identity if they raise a concern and do not want their name to be disclosed. However, in view of the protection afforded to staff in making a disclosure, employees should feel able to put their name to the disclosure. Proper investigation may be more difficult or impossible if further information cannot be obtained and it is more difficult to establish whether any allegations are credible.

4.7 Anonymous disclosures will be investigated and acted upon as the person receiving the disclosure sees fit, having regard to the seriousness of the issue

raised, the credibility for the disclosure, the prospects of being able to investigate the matter and fairness to any individual mentioned in the complaint.

4.8 Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to their Line Manager, an Executive Lead or alternatively, they may approach the HR Office or any member of the GFM Board and appropriate measures can then be taken to preserve confidentiality.

4.9 If it is necessary for anyone investigating the concern to know their identity, the Trust will discuss this with the member of staff first.

4.10 Staff who raise concerns will be kept informed of the progress and outcome of any investigation.

5. False or malicious allegations

5.1 If a member of staff makes an allegation in good faith, but it is not confirmed by an investigation into the matter, the Trust will recognise the concern and there will be no repercussions.

5.2 However, the Trust will not tolerate malicious or vexatious allegations, or ones for personal gain, which may be considered as being a disciplinary issue resulting in appropriate action being taken in accordance with the Trust's disciplinary policy.

5.3 Unfounded Allegations

Following an investigation, if an allegation is confirmed as unfounded this will be notified to the member of staff who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

6. When to raise a concern

6.1 Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, a member of staff must act to prevent the problem getting worse, to reduce potential risks to the health and safety of others and to prevent themselves potentially being implicated so the earlier a member of staff expresses a concern, the easier it is for the Trust to act.

6.2 Concerns about the welfare of pupils and young people should be raised as quickly as possible, as a failure to do so could result in a child or young person being placed at risk. Sometimes concerns in relation to safeguarding can be minimised, especially when the Whistleblower is not sure of what they may have observed.

6.3 It is not necessary to be completely sure about the concern - what is important is that concerns are raised that may need further investigation. It is important to remember that often it is the most vulnerable groups that are targeted by individuals who may seek to abuse those in their care. Therefore, these groups rely on responsible individuals to protect them and to safeguard their welfare.

7. To whom should a Whistleblowing concern be raised?

7.1 With the exception of safeguarding concerns, the Trust encourages staff to raise concerns initially with their immediate Line Manager and/or an Executive Lead by putting the matter in writing. It may be possible to agree a way of resolving the concern quickly and effectively. However, the most appropriate person to contact will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved. Team meetings and other opportunities can be used to ask questions and to seek clarification on issues that concern them.

7.2 However, if you believe that the person you would normally report to is involved you should contact an Executive Lead, the CEO or the Chair of the GFM Board, depending on the seniority of the colleague(s) involved and who the concerns need to be escalated to.

7.3 If wrongdoing is suspected in the workplace:

- Do not approach or accuse the individuals directly.
- Do not try to investigate the matter.
- Do not convey such suspicions to anyone other than those with the proper authority.

7.4 Where the matter is more serious, or the Line Manager/Executive Lead has not addressed the concern, or the member of staff would prefer not to raise it with them for any reason, then they should contact the CEO.

7.5 Alternatively, staff who feel that they cannot approach any of the managers within their own area may approach the HR Office or any member of the GFM Board.

7.6 The person to whom the disclosure is made will decide whether the matter should be dealt with under this procedure. If they consider that the matter should be dealt with under a different Trust procedure, they will advise the person making the disclosure as to the appropriate steps which should be taken.

8. How should the concern be raised?



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8.1 Concerns should be raised in writing and include:

- reference to the fact that it is a whistleblowing disclosure;
- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the member of staff is particularly concerned about the situation.

8.2 Staff who feel unable to put the concern in writing can telephone or meet the appropriate person.

8.3 A member of staff is not expected to prove the truth of a suspicion, but they will need to demonstrate that they have a genuine concern relating to the malpractice with the Trust.

9. Responding to a concern

9.1 The person to whom the disclosure is made will normally consider the information and decide whether there is a prima facie case to answer. They will decide whether an investigation should be conducted and what form it should take. However, the Trust will respond to your concerns as quickly as possible and action taken will depend on the nature of the concern.

9.2 The overriding principle will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to ascertain whether an investigation is appropriate.

9.3 The matters raised may:

- be investigated internally by a Manager at the appropriate level;
- be referred to the Police;
- be referred to the external Auditor; and/or
- form the subject of an independent inquiry.

10. Initial Enquiries

10.1 In order to protect individuals and the Trust, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Normally concerns or allegations that raise issues that fall within the scope of other policies/procedures, (e.g. safeguarding & child protection, health & safety or discrimination issues), will be addressed under those procedures.

10.2 Some concerns may be resolved at this initial stage simply by agreed action or an explanation regarding the concern, without the need for further investigation.

11. Investigation

11.1 Within 10 working days of a concern being received, the Trust will write to the Whistleblower:

- Acknowledging that the concern has been received;
- Indicating how the Trust proposes to deal with the matter, advising whether further investigations will take place, and if not, why not;
- Giving an estimate (so far as is reasonably practicable) of how long it will take to provide a final response.

11.2 If necessary, further information will be sought. Where any meetings are arranged the Whistleblower will have the right to be accompanied by a Trade Union representative or a work colleague (who is not involved in the concern).

11.3 The person receiving the disclosure may authorise an investigation to establish the relevant facts, and the Trust may appoint an Investigating Officer or a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The Investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

11.4 Any investigations will be conducted sensitively and in a timely manner.

11.5 The Trust will aim to keep the Whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

11.6 The Investigating Officer(s) will report their findings to the person to whom the disclosure was made, and what steps, if any, should be taken.

11.7 After investigation the Trust will write to the Whistleblower outlining the process that has been followed.

11.8 The response will explain how the matter was investigated, conclusions drawn from the investigation, and explaining the outcome, subject to any legal constraints regarding disclosing information to the Whistleblower, and whom to contact should the Whistleblower be unhappy with the response and wish to raise the matter externally.

11.9 Investigating Officers should take care when communicating the outcome of an investigation to ensure that confidentiality is maintained where appropriate,

e.g. if the investigation will subsequently lead to disciplinary action against another employee.

11.10 Where a disclosure is made, any person(s) implicated in wrongdoing will be notified at an appropriate stage and provided with evidence supporting it, so that they have the opportunity to respond.

11.11 Whilst the Trust cannot guarantee the outcome a member of staff may be seeking, the Trust will try to deal with the concern fairly and in an appropriate way.

11.12 If a member of staff is not happy with the way in which their concern has been handled, they can raise it with the Headteacher/an Executive Lead or alternatively, they may approach the HR Office or any member of the GFM Board.

11.13 Copies of all correspondence should be sent to HR for record keeping and monitoring purposes.

12. Support and Protection

12.1 'Blowing the whistle' can be difficult for the individual. The Trust will ensure that they do their best to protect the identity of the member of staff raising the concern and they are not subjected to harassment or victimisation from others. Staff will be given the contact details of people who can offer support and advice, e.g. HR and Trade Union representatives.

12.2 The Trust will do its best to protect a member of staff's identity when they raise a concern and do not want their name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the member of staff may be required to provide a signed statement as part of the evidence. Staff may be asked to give evidence where legal proceedings arise.

12.3 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

12.4 Staff will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform an Executive Lead or the CEO immediately.

12.5 If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

12.6 Staff must not threaten or retaliate against Whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

13. Records

13.1 The Trust is required to monitor the number and types of whistleblowing cases, and the outcomes, including actions taken to resolve the issues raised.

14. External disclosures

14.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases an individual should not find it necessary to alert anyone externally.

14.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to certain external bodies including:

- Such body or person prescribed by the Secretary of State under Section 43F of the Employment Rights Act 1996, as amended by Section 1 of the Public Interest Disclosure Act 1998, as being a “prescribed person” to whom the particular type of issue in question can be disclosed
- A Government Minister
- A legal advisor in the course of taking legal advice.

14.3 If an individual has raised a concern under this policy, but is not satisfied with how it has been dealt with, they may feel it necessary to take the matter outside the Trust. It will very rarely, if ever, be appropriate to alert the media. We encourage a member of staff to seek advice before reporting a concern to anyone external.

14.4 Wider disclosure to any other person will only be protected if it is not made for personal gain and the member of staff making the disclosure:

- Has previously disclosed substantially the same information to the Trust or to a prescribed person;
- Reasonably believes, at the time of the disclosure, that they will be subjected to a detriment if they make disclosure to the Trust or a prescribed person or;
- Reasonably believes (where there is no prescribed person) that material evidence will be concealed or destroyed if disclosure is made to the Trust
- And in all the above circumstances, it is reasonable for them to make the disclosure.

14.5 The independent whistleblowing charity 'Protect' (formerly known as Public Concern at Work) operates a confidential helpline that provides free advice for individuals who wish to express concerns about fraud or other serious malpractice. They also have a list of prescribed regulators for reporting certain types of concern.

14.6 Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstances the law will protect you if you raise the matter with the third party. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

15. How you can take your concern further

15.1 This policy is intended to provide a member of staff with an avenue within the Trust to raise a concern and the Trust hopes the member of staff will be satisfied with any action that is taken, but if not and the member of staff feels it is right to take the matter outside the Trust, the following are the Trust's prescribed contacts:

- The Department for Education / Education and Skills Funding Agency
- Relevant professional bodies or regulatory organisations
- The Teaching Regulation Agency
- A recognised trade union
- GFM Human Resources
- The Police
- An independent legal adviser within the meaning of the Public Interest Disclosure Act 1998 or a regulatory body designated for the purpose of the Public Interest Disclosure Act 1998.
- Other relevant bodies prescribed by legislation – this information can be obtained from Protect.

15.2 If a member of staff raises concerns outside of the Trust, they should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take the member of staff outside of the protection of the Public Interest Disclosure Act and of this policy. This policy does not prevent a member of staff from seeking their own legal advice.

16. Confidentiality



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16.1 If a member of staff is in any doubt they can seek advice from Protect (formerly known as Public Concern at Work), the independent whistleblowing charity, who offer a confidential helpline:

Their contact details are:

Protect
(Independent whistleblowing charity)

Helpline: (020) 3117 2520 option 1
E-mail: whistle@protect-advice.org.uk
Website: <https://protect-advice.org.uk/advice-line/>

16.2 A list of prescribed people and bodies that a member of staff can report malpractice to externally can be obtained from:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Review of this policy

This policy will be monitored and reviewed every two years.