



Whistleblowing Policy

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GALILEO MULTI ACADEMY TRUST

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1. Introduction

Whistleblowing is the term used when an individual passes on information concerning malpractice or wrongdoing. The official name for whistleblowing is 'making a disclosure in the public interest'.

To be covered by whistleblowing law, the individual who makes a disclosure must reasonably believe two things;

- That they are acting in the public interest
- That they believe the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - Criminal offences
 - Failure to comply with an obligation set out in law
 - Miscarriages of justice
 - Endangering of someone's health and safety
 - Damage to the environment
 - Covering up wrongdoing in the above categories

Employees and individuals within the school are sometimes the first to realise that there may be something seriously wrong within their workplace but may be hesitant to express their concerns over loyalty to their colleagues or the Trust, or due to fear of reprisal or victimisation. Usually these concerns are easily resolved however when they are about unlawful conduct, financial malpractice or dangers to the public, other staff or the environment, it can be difficult to know what to do. Galileo Multi Academy Trust encourages individuals to report any concerns they have early in order for the Trust to respond promptly.

The Trust is committed to the highest possible standards of openness, honesty, integrity and accountability. In line with that commitment individuals are encouraged to voice their concerns, on a confidential basis, where any activity falls below these standards or there is suspicion of malpractice or inappropriate activity about the Trust's work and / or concerns about an employees' behaviour.

This policy is intended to encourage and enable an individual to raise serious concerns within the Trust rather than overlooking a problem or "blowing the whistle" outside and makes it clear that any individual can report concerns without fear of reprisal. Whistleblowing is viewed as a positive act by the Trust that can make a valuable contribution to the Trusts long term success.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998), and provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or have lost their job because they have 'blown the whistle'.

This policy outlines Galileo Multi Academy Trust's commitment to promoting the highest possible standards, and we encourage our trustees, members, employees, contractors, members of the public and others that we deal with, to come forward and to voice any concerns they may have about any aspect of the Trust's work at an early stage.

'Headteacher' is used throughout this policy. Where an employee is a member of a centrally employed team, they should approach their line manager. Where the employee is the Headteacher, they should approach the Chief Executive Officer.

This document will be subject to review in line with future legislative changes.

2. Aims and scope

This policy applies to all employees of Galileo Multi Academy Trust and those contractors working for the Trust on Trust premises, for example agency staff, builders, drivers. It also covers suppliers and those providing services under contract with the Trust, volunteers and members of the public.

This policy aims to:

- Encourage any whistle blower to feel confident in raising serious concerns and to question and act upon concerns
- Ensure those raising a concerns receive a response to concerns raised (except where the concern is raised anonymously) and the process to follow if they are dissatisfied with the Trust's response
- Reassure the whistle-blower that all efforts will be made to protect anyone reporting a concern from reprisals or victimisation

This policy does not replace the Trust's complaints or grievance procedures. Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless a particular case is in the public interest. The employee concerns policy is intended to cover concerns that fall outside the scope of these procedures, eg allegations of a safeguarding nature.

This policy is intended for any serious concerns that the whistle-blower may have regarding the suspicion or malpractice or wrongdoing in any aspect of the Trusts provision. This may be something that:

- Makes an individual feel uncomfortable in terms of known standards, their experience or the standards they believe the Trust subscribes to
- Is against the Trusts policies and procedures
- Falls below established standards of practice
- Amounts to improper conduct
- Threatens the reputation and standing of the Trust

3. What is malpractice or wrongdoing?

Malpractice and wrongdoing may be about something which:

- Is unlawful
- Against the Trust's policies
- Is not in accordance with established standards or practice
- Amounts to improper conduct by an employee

The following are examples of issues which could be raised under this policy. This is not intended to be an exhaustive list:

- Abuse of children, vulnerable adults or colleagues
- Breach or failure to comply with a statutory or legal obligation
- Failure of an individual to comply with their professional institute's standards of conduct
- Failure of an individual to comply with a Trust policy or procedure
- Health and safety risks, including risks to the public as well as other employees
- Actions which are likely to cause significant damage to property
- Corruption or fraud including obtaining money or assets without entitlement
- Abuse of power or position or corrupt practices
- Deliberate disclosure of personal information
- Theft or misuse of assets
- Abuse of direct payments / personal budgets
- Deliberate falsification of data or information
- Damage to the environment
- Conduct likely to damage the Trust / school reputation
- Other unethical conduct
- Deliberate concealing of information relating to any of the above

4. Harassment or victimisation

The Trust recognises that the decision to report a concerns can be difficult to make for fear of reprisal by those responsible for the malpractice or from the Trust as a whole.

The Trust will not tolerate any harassment or victimisation and will take appropriate action in order to protect an employee if they raise a concern in good faith.

In addition to this, where an employee raises concerns, and the legal requirements of whistleblowing law are satisfied, employees will also have protection under the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the whistleblower.

Where the whistle-blower has raised a valid concern under this policy but feels they have been subject to harassment or victimisation, they should raise the matter with the appropriate person, usually the Headteacher in the first instance.

5. Anonymous allegations

Concerns can be expressed anonymously, however they will be treated with caution and consideration at the discretion of the Trust, taking into consideration

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of obtaining the necessary information and confirmation of the allegation

It is easier to follow up and verify disclosures if whistle-blowers are prepared to give their names. The Trust will protect, as far as reasonably practicable, those who do not want their names to be disclosed, however during the course of any investigation process the source of the information and a statement from the whistle-blower may be required as part of evidence.

6. Deliberately false or malicious allegations

Where an allegation is made in good faith but is not subsequently confirmed by an investigation, the Trust will recognise the whistle-blowers concern and they will have nothing to fear.

The Trust will, however, view any deliberately false or malicious allegations as a serious disciplinary offence which could result in the dismissal of the whistle-blower if they are a Trust worker.

Where a malicious or unfounded allegation is made, the Trust will try to ensure the negative impact of this is minimised, however it must be acknowledged that it may not be possible to prevent all of the repercussions potentially involved.

7. How to raise a concern

If a whistle-blower suspects wrongdoing in the workplace:

- They **must not** approach or accuse the individual(s) directly
- They **must not** try to investigate the matter themselves
- They **must not** convey their suspicions to anyone other than those with the proper authority but they **must do something!**

In the first instance, the whistle-blower should normally raise concerns with their Headteacher (for employees) or the Chair of Trustees (for a member or trustee). Where the whistle-blower believes their immediate point of contact is involved in the matter concerned, or the normal channels of communication are inappropriate for some reason, they should approach the Chief Executive Officer. If they believe the Chief Executive Officer is involved, they should approach the Chair of the Trust Board.

The earlier the concern is raised the easier it is for the Trust to take action.

Concerns are better raised in writing, however they may be raised verbally, and the whistle-blower will be asked to:

- Provide background information and the history of the concern
- Dates, times and places where possible
- The reason why they are particularly concerned about the situation
- Any reasons for needing confidentiality

Although the whistle-blower is not expected to prove the truth of an allegation, they will need to be able to demonstrate to the person concerned that there are sufficient grounds for concern.

In order to aid any subsequent investigation it is advised that, whether a worker or member of the public, the whistle-blower does not inform others of concerns raised under this policy as this could undermine any investigation / action and increase the risk of their identity becoming known where they wish to remain anonymous.

The whistle-blower may wish to seek guidance from their trade union or professional association.

If the whistle-blower has reported a concern but the relevant individual has failed to take appropriate action, the case should be referred to the Trusts Chief Executive Officer or the Chair of the Trust Board.

8. How the Trust will respond

The action taken by the Trust will depend on the nature of the concern.

In order to protect individuals and the Trust initial enquiries will be made to decide whether an investigation is appropriate and what form it should take. The overriding principle which the Trust will have in mind is the public interest.

Where appropriate, any matters raised may:

- Be investigated by management, internal audit, or through a disciplinary process
- Be referred to the police
- Be referred to the external auditor
- Need to be the subject of a referral to the Disclosure and Barring Service (DBS)
- Be the subject of an independent enquiry, for example through the Local Safeguarding Board
- Be referred to the Board of Trustees

Some concerns may be resolved by agreed action without the need for an investigation.

Where urgent action is required, this will be taken before any investigation is conducted.

Within 10 working days of the concerns being raised under this policy the appropriate person considering the issues will write to the whistle-blower:

- Acknowledging that the concern has been received
- Indicating how they propose to deal with the matter
- Giving an estimate (as far as reasonably practicable) as to how long it will take to provide a final response
- Informing them of whether any initial enquiries have been made
- Informing them of whether further investigation will take place and if not, why not

Where a meeting is arranged to gather further information, the whistle-blower has the right to be accompanied by a trade union or professional association representative, or a work colleague who is not directly involved.

The amount of contact between the whistle-blower and the appropriate person considering the concern will depend on the nature of the issues raised, the potential difficulties involved and the clarity of information provided.

Subject to legal constraints, the whistle-blower will receive as much information as possible about the outcomes of any investigation to reassure them that the matter has been properly addressed.

9. The responsible officer

The Chief Executive Officer has overall responsibility for whistleblowing concerns. Anonymised summaries of the results of investigations raised under this policy will be reported to the Board of Trustees.

10. Data protection

The Trust will process personal data in accordance with its data protection policy. Any data collected from the point at which the complaint is received is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the complaint.

The Trust will disclose information to a third party where there is a legal obligation to do so or where the Trust needs to comply with contractual duties.

11. Taking matters further

This policy is intended to help individuals raise concerns with the Trust in the first instance. The Trust hopes that the whistle-blower will be satisfied with any action taken, but if not they have the right to take the matter outside of the Trust. The following are possible contact points depending on the nature of the issue involved:

- Local Authority's Designated Officer (LADO)
- External auditor
- Relevant professional bodies or regulatory organisations
- Police
- Disclosure and Barring Service (DBS)
- Local Citizen Advice Bureau
- Independent legal adviser within the meaning of the Public Interest Disclosure Act 1998
- GOV.UK – Blowing the whistle: list of prescribed people and bodies
- The whistleblowing charity, 'Public Concern at Work'
- NSPCC Whistleblowing Advice Line

If the whistle-blower does wish to take the matter outside of the Trust they must ensure they do not disclose confidential information and may wish to seek advice from their trade union or professional association representative.

The whistle-blower should inform the prescribed person or body if they think the Trust:

- Will cover the issue up
- Will treat the individual unfairly if they complained

And what action the Trust has taken (if any) if the issue has already been reported.