

## **Greenshaw Learning Trust Whistleblowing Policy**

**September 2017**

This Greenshaw Learning Trust Policy applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the Communications Policy of the Greenshaw Learning Trust. The Greenshaw Learning Trust, including all the schools and services within the Trust, their Trustees, governors and staff, must abide by this GLT Whistleblowing Policy.

The Greenshaw Learning Trust is committed to the highest possible standards of service provision and to full accountability for those services. This Whistleblowing Policy provides a procedure for employees, trustees and governors to raise any concerns they may have about the Trust's work, such as malpractice or wrongdoing.

It is the responsibility of the local governing body and Headteacher of each school, and the Board of Trustees and GLT Chief Executive Officer for Trust central services, to ensure that their school/service and its staff adhere to this Whistleblowing Policy; in implementing this Policy the local governing body, Headteacher and Trust staff must take account of any advice given to them by the GLT Chief Executive Officer and/or Board of Trustees.

This Policy is subject to the Scheme of Delegation approved for the school or service. If there is any ambiguity or conflict then the Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

If there is any question or doubt about the interpretation or implementation of this Policy, the GLT Chief Executive Officer should be consulted.

### **Approval and review:**

This Policy is the responsibility of the GLT Chief Executive Officer

This Policy was approved by the Board of Trustees on: 6 September 2017. This Policy is due for review by: September 2020.

This Policy was reviewed and updated by the GLT CEO on 19 July 2019.

The Greenshaw Learning Trust is a charitable company limited by guarantee registered in England & Wales, company number 7633694, registered at Greenshaw Learning Trust, Grennell Road, Sutton, Surrey, SM1 3DY.

## **Greenshaw Learning Trust Whistleblowing Policy**

### **1 Scope of policy**

The Greenshaw Learning Trust is committed to the highest possible standards of service provision and to full accountability for those services.

This Whistleblowing Policy provides a procedure for employees, trustees and governors to raise any concerns they may have about the Trust's work, such as malpractice or wrongdoing.

The policy applies to all employees, trustees and governors and those contractors working for the Trust or on its premises, for example, agency staff, builders, and drivers, and suppliers and those providing services under a contract with the Trust.

This policy does not replace the complaints procedures of the Trust and its schools and the Trust's policies and procedures relating to discipline, grievance and capability, but cover concerns that fall outside the scope of these procedures. The appropriate policy or procedure should be used for each situation.

Those working for the Trust can often be the first to realise that there may be something wrong within the Trust or their School. They should be able to raise their concerns without feeling disloyal to their colleagues or to the Trust or fearing harassment, victimisation or other reprisals, and in the knowledge that the matter will be treated confidentially where necessary.

Employees are expected to report malpractice and wrongdoing and may be liable to disciplinary action if they knowingly and deliberately do not disclose information relating to malpractice or wrongdoing in any aspect of the Trust's provision or the conduct of staff or others acting on behalf of the Trust.

### **2 Definitions of malpractice and wrongdoing**

Malpractice and wrongdoing may be something which:

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

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions to be applied.

The following are examples of issues, which could be raised under this policy. It is not intended to be an exhaustive list and there may be other matters which could be dealt with under this policy:

- a) Any unlawful act or omission, whether criminal or a breach of civil law
- b) Maladministration, as defined by the Local Government Ombudsman
- c) Breach of any statutory code of practice
- d) Breach of, or failure to implement or comply with, any policy determined by the Trust or School.
- e) Failure to comply with appropriate professional standards or other established standards of practice
- f) Corruption or fraud
- g) Actions which are likely to cause physical danger to any person, or give rise to risk of

- significant damage to property
- h) 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 School or would otherwise seriously prejudice the Trust or School
  - i) Abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
  - j) Unfair discrimination in the Trust's or School's employment or provision
  - k) Dangerous procedures risking health and safety
  - l) Abuse of clients
  - m) Damage to the environment
  - n) Other unethical conduct

### **3 How to raise a concern**

As a first step, raise your concerns with your immediate line manager or supervisor.

However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that the person you would normally report to is involved in the matter of concern, you should contact the Headteacher, or if you believe that the Headteacher is involved you should contact the Chair of Governors. If you believe that a member of the governing body is involved, then you should contact the GLT Chief Executive Officer of the Trust or Chair of the Trustees.

If wrongdoing in the workplace is suspected:

- 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.

Although concerns may be raised verbally, they are better put in writing. You should set out the background and history of the concern giving relevant names, dates and places where possible, and the reason why the situation is of concern.

The earlier a concern is expressed; the easier it is to take appropriate action.

Although complainants are not expected to prove the truth of allegations made it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.

Advice and guidance on how matters of concern may be pursued can be obtained from Human Resources. Alternatively, complainants may wish to seek advice from their trade union or professional association.

### **4 Safeguards**

It will be easier to follow up and to verify complaints if complainants are prepared to give their names. However, wherever possible the Trust will protect those who do not want their names to be disclosed. It must be appreciated that any investigative process may reveal the source of the information and a statement from complainants may be required as part of the evidence.

The Trust will consider concerns expressed anonymously. Concerns expressed anonymously are much less powerful and will be treated with caution. The Trust will exercise discretion in dealing with anonymous concerns, taking account of:

- The seriousness of the issues raised.
- The credibility of the concern.

- The likelihood of obtaining the necessary information and confirmation of the allegation. The Trust will take appropriate action in order to protect staff who raise a concern in good faith.

In addition, the Public Interest Disclosure Act, 1998, protects workers who 'blow the whistle' about wrongdoing. It makes provision about the kind of disclosures which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the act protect most workers from being subjected to a detriment by their employer, such as denial of promotion, facilities or training opportunities, which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

This does not necessarily mean that if staff are already the subject of disciplinary procedures that those procedures will be halted as a result of a concern being raised under this policy.



## **5 False or malicious allegations**

The Trust will view very seriously any deliberately false or malicious allegation it receives, and will regard the making of such allegations by any employee as a serious disciplinary offence which could result in dismissal. If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the complainant.

The Trust will try to ensure that the negative impact of either a malicious or unfounded allegation about any employee is minimised. However, it must be acknowledged that it may not be possible to prevent all of the repercussions potentially involved.

## **6 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 School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example child protection or capability issues), will normally be referred for consideration under these procedures.

Where appropriate, the matters raised may:

- Be investigated through an appropriate procedure such as the complaints policy, the disciplinary process or internal audit, or through an investigation by management or by the Trustees.
- Be referred to the external Auditor or other external agency such as the Education and Skills Funding Agency, Ofsted, or the Teaching Regulation Agency
- Be referred to the Police
- Form the subject of an independent enquiry

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

Within 10 working days of a concern being raised under this procedure the Officer considering the concern will write to the complainant:

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

If necessary, further information will be sought from the complainant. Where any meeting is arranged the complainant has the right to be accompanied by a trade union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.

After any investigation, the officer dealing with the concern will write to the complainant outlining the process that has been followed and explaining the outcome. Subject to any legal constraints, as much information as possible will be provided to the complainant.

## **7 How can the matter be taken further?**

Concerns should be raised in the first instance within the Trust using this policy, to give the Trust an opportunity to address the concerns. However, if a person 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.,

In that case, depending upon the nature of the issue involved, the following are possible

contact points:

1. The Department for Education / Education and Skills Funding Agency
2. Relevant professional bodies or regulatory organisations
3. The Teaching Regulation Agency
4. The Police
5. 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
6. Protect, formerly Public Concern at Work (020 3117 2520)

(Protect, formerly Public Concern at Work is an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice.)

If the matter is taken outside the Trust, confidential information must not be disclosed. In addition, to secure the protections afforded by the Public Disclosure Act, the disclosure must be protected within the meaning of the Act and comply within a set of specific conditions which vary according to whom the disclosure is made. If necessary, advice may be sought from Human Resources, Trade unions or Professional Associations.