



GMAT POLICIES

Whistleblowing

Greater Manchester Academies Trust

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Signature of Approval	

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With you...for you...about you...

Table of Content

<u>Introduction</u>	4
<u>The Academy's Approach to 'Whistleblowers'</u>	4
<u>The Legal Background</u>	5
<u>Protection of Whistleblowers</u>	5
Anonymous allegations	6

Introduction

The policy is intended to help employees in the Academy who have major concerns over any wrong-doing within the Academy relating to unlawful conduct, financial malpractice or dangers to the public or the environment. Specific examples could include: -

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed
- Public funds are being used in an unauthorised manner
- The Academy's Governance arrangements have not or are not being observed or are being breached by students or employees
- The health or safety of any individual has been/is likely to be endangered
- The environment has been/is likely to be damaged
- Sexual or physical abuse of any employee or student is taking place (subject to the Child Protection Procedure in the case of children)
- Discrimination is occurring to an employee or student on grounds such as sex, race or disability
- Any other form of improper action or conduct is taking place
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same

The Academy's Approach to 'Whistleblowers'

The Academy is committed to being honest and transparent. We know that this is important if we want to develop and maintain relationships based on trust with our students, their parents/guardians, our sponsors, the community we serve and each other as colleagues.

Crime, fraud, neglect, and malpractice are damaging and serious matters that need to be addressed. If an employee suspects that one of their colleagues or a contractor at the Academy is engaged in such practice, we would encourage them to voice their concerns so that we can address them. They are not expected to conduct their own investigation or prove their concern; it is enough that they have a reasonable suspicion.

This policy should enable employees to raise their concerns about such malpractice(s) at an early stage and in the right way.

All employees in the Academy may use this policy. It is not intended to be used where other more appropriate procedures are available, for example:

- Personal Grievances – (see Grievance Procedure)
- Child Protection (see Child Protection procedures)

The Legal Background

The Public Interest Disclosure Act 1998 (referred to as 'the Whistleblowers Act') and subsequent amendments through the Enterprise and Regulatory Reform Act 2013, protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information, on an issue that the employee feels is "in the public's interest" to know about.

The Act only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover- ups' about these issues.

To obtain maximum protection under the Acts, employees should first disclose the information to their employer.

If an employee takes the matter outside the Academy s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as whistleblowing legislation does not provide blanket protection and could leave employees working in the Academy vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

If you are unsure whether to use this Academy's Whistle Blowing Policy or you want independent advice at any stage, you are advised to contact:

- Your trade union
- The independent charity Public Concern at Work on 020 7404 6609 - their lawyers can give you confidential advice at any stage about how to raise a concern about serious malpractice at work

Protection of Whistleblowers

If you do raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result; it does not matter if it is later determined you were mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Academy will:

- take no action against anyone who makes an allegation reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation
- not tolerate any form of harassment, victimisation (including informal pressures) or detrimental treatment of anyone raising a genuine concern; and will take appropriate action to protect employees who raise a genuine concern
- help an employee in order to minimise any difficulties which they may experience; this may include advice on giving evidence if needed

Confidentiality

The Academy recognises that you may want to raise a concern in confidence, under this policy.

The Academy encourages employees to let us know their names and contact details when they raise their concern because it is often difficult to conduct an effective investigation without being able to discuss it fully with the person who first brought the issue forward. In practice, it is often desirable for the identity of the 'whistleblower' to be known as the investigation progresses.

If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Reporting Concerns

As soon as you become reasonably concerned you should firstly raise, orally or in writing, the issue with the Principal and/or Chair of Governors (unless she/he is the potential transgressor in which case contact the Vice Chair of Governors or another member of the SLT team), with regard to concern relating to financial misconduct, governance, health or safety of individuals or attempts to conceal information relating to these issues. Any concerns relating to staff misconduct or sexual or physical abuse of an employee or student should be referred immediately to the Academy's Child Protection Officer (in line with the Child Safeguarding & Protection Policy and Managing Allegations of Abuse against Staff Policy).

Anonymous allegations

Confidentiality is not the same as anonymity. It is unlikely that the Academy will be able to conduct a whistleblowing investigation from an anonymous source. Anonymity will often present a barrier to effective investigation because it is impossible to contact the whistleblower to check information received, ask for more details, or give feedback. We do not rule out the possibility of conducting such investigations but in practice we are unlikely to be able to proceed in the majority of cases because of the practical difficulties which arise in this situation.

Action by the Academy

Once you have told the Principal or the Chair of Governors of your concern, the Academy will look into it, to assess initially what action should be taken. Where appropriate, the matters raised may:

- be investigated by management or through the disciplinary process
- be referred to the Police (or other public body)
- be referred to the external auditor

- form the subject of an independent inquiry

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

You will be told who is handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request it, the Academy will write to you summarising your concern(s) and setting out how it will be handled.

When you raise the concern you may be asked how you think the concern might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. Should your concern fall within another policy of the Academy (for example, the Grievance Policy), we will tell you.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. However, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owned by us to someone else.

Concerns or allegations which fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under that relevant procedure.

Usually, within two weeks of a concern being raised, the person appointed by the Academy to look into the whistleblowing information will write to the whistleblower:

- acknowledging that the concern has been received
- indicating how the Academy propose to deal with the matter
- giving an estimate of how long it will take to provide a full response saying whether any initial enquiries have been made
- saying whether further investigations will take place and if not, why not
- supplying information on support available to them as the whistleblower

Subject to any legal constraints, the whistleblower will normally be informed of the final outcome of any investigation.