



**South Gloucestershire and Stroud Academy Trust (SGSAT)**

**Whistleblowing (public interest disclosure)  
policy and procedure**

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Please contact the Human Resources Department**

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<b>Approved by:</b>	SGSAT Trust Board
<b>Date:</b>	18/05/2022

# Whistleblowing (public interest disclosure) policy and procedure

## 1. Policy Intent

- 1.1. This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998. This act inserted a section into the Employment Rights Act 1996 ('ERA') to protect workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The definition of 'protected disclosure' within the ERA was amended by the Enterprise Regulatory Reform Act 2013.
- 1.2. Employees may not always feel comfortable about discussing their concerns, especially if they believe that a manager within the Trust's management is responsible for the wrongdoing. The policy aims to ensure that employees are confident that they can raise any matter in the knowledge that it will be taken seriously, treated as confidential (as far as is possible) and that no action will be taken against them unless the allegations are made maliciously. The policy also provides, if necessary, for such concerns to be raised outside the Trust.
- 1.3. This policy provides the internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.
- 1.4. The Trust has adopted this whistleblowing policy to:
  - Provide a channel and a process for individual employees to raise concerns about any suspected wrongdoing they believe is occurring, has occurred or is likely to occur at work.
  - Make serious malpractice less likely to occur (and therefore reduce the risk of public criticism and the need for crisis management)
  - Promote accountability throughout the Trust.
  - Reassure staff that they can raise genuine, substantiated concerns, in the reasonable belief of public interest, without fear of reprisals, even if they turn out to be mistaken.

## 2. Scope

- 2.1. This policy applies to all employees of SGS Academy Trust. Throughout this document, the employer will be referred to as 'the SGS Academy Trust' or 'the Trust'.
- 2.2. This policy applies to everyone who works for the Trust. It does not apply to students as they are covered by the students' complaints procedure. It

does not form part of contracts of employment and may be amended at any time.

- 2.3. Wherever the term 'employee' is used, the point applies equally to all workers including volunteers for the Trust.
- 2.4. Employees are expected to conduct Trust business with the highest standards of integrity and honesty. Employees are therefore encouraged to report any wrongdoing that falls short of these business principles. This policy enables employees to raise concerns about the conduct of other Trust staff, or of Governors or Trustees the Trust's practices in a confidential manner.
- 2.5. This policy should not be used by members of staff who are unhappy about their own individual employment circumstances or how they have been treated at work. They should use the Grievance Procedure.
- 2.6. If employees are unsure whether they should raise an issue under this policy, or they need advice about how to go about it, free confidential advice is available from PROTECT. This is a charity that promotes good practice and compliance with the law (see 3.5.3 below for contact details).
- 2.7. If an employee makes an allegation in the reasonable belief of public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, it is a disciplinary offence and will be dealt with under the Trust's Disciplinary Procedure.

### **3. Procedures**

- 3.1. Whistleblowing is a specific means of disclosure of information made by an individual in the public interest where the individual reasonably believes that one or more of the following is happening now, took place previously, or is likely to happen in the future:

- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- danger to health and safety
- damage to the environment
- a deliberate concealment of information tending to show any of the above

- 3.2. Reporting a concern ('disclosure'):

- 3.2.1. In order for a disclosure to be a 'qualifying disclosure' it must provide facts and information rather than simply being an

allegation. It must also relate to one of the situations listed in 2.4 above.

3.2.2. Although employees are encouraged to speak up, concerns may be raised anonymously (in writing, including email to the Clerk to the Trust Board) in which case, the employee should indicate by what method they would like to receive responses.

3.2.3. Otherwise, in the first instance the individual should raise the issue with their line manager. They should not approach or accuse people directly or attempt to investigate the matter. Line managers may be able to agree a way of resolving the concern quickly and effectively. In some cases the line manager may refer the matter to a member of the Trust's Senior Leadership Team or the Clerk to the Trust Board.

3.2.4. However, where the matter is more serious, or the individual feels that the line manager has not addressed the concern, or the individual prefers not to raise it with them for any reason, they should contact:

- any member of the Trust's Senior Leadership Team

<https://academytrust.sgscol.ac.uk/team>

- or the Clerk to the Trust Board

<https://academytrust.sgscol.ac.uk/governance>

- or the Chair of the Finance and Audit Committee

<https://academytrust.sgscol.ac.uk/governance>

3.2.5. If the disclosure relates to the Clerk to the Trust Board, the individual should contact the Chair of the Trust Board.

3.2.6. An individual making a disclosure may invite their trade union representative to raise the matter on their behalf.

### 3.3. Investigation and outcome:

3.3.1. The person receiving the disclosure will acknowledge receipt in writing (may be via email) and provide an intended timetable for the investigation. They may ask another person to undertake the investigation.

3.3.2. The investigating officer will arrange a meeting with the individual as soon as possible to discuss their disclosure. Any concern raised will be investigated thoroughly and in a sensitive and timely manner.

- 3.3.3. At any stage, the individual making the disclosure, or the person the disclosure is about, may be accompanied by a work colleague (who is not involved in the area of work to which the concern relates) or representative from one of the Trust's recognised trade unions. Any companions must respect the confidentiality of the disclosure and any investigation.
- 3.3.4. The investigator will report their findings to the person who received the disclosure, who will then decide if there is a case to answer and what procedure to follow. This may include taking steps with the competent authority (usually the Principal or Chair of the Trust Board) to set up a special internal, independent investigation or reference to some external authority, such as the police, for further investigation. Concerns or allegations which fall within the scope of specific procedures (for example. child protection) will normally be referred for consideration under those procedures.
- 3.3.5. At an early stage in the investigation, if appropriate in the circumstances, the person (or persons) about whom the disclosure was made will be informed. They will be told about the disclosure and any supporting evidence and will be given an opportunity to respond.
- 3.3.6. Appropriate corrective action will be taken and the individual making the disclosure will be kept informed of progress. Wherever possible (subject to any third party rights) they will be informed of the resolution.
- 3.3.7. An official record will be kept of each stage of the procedure
- The person deciding on the issues will report on the disclosure and subsequent actions taken
  - This record should be signed by the Investigating Officer and the person who made the disclosure.
  - Where appropriate, the formal record need not identify the person making the disclosure, but in such cases that person will be required to sign a document confirming that the complaint has been investigated.
  - Such reports will be kept for 6 years by the Clerk to the Trust Board.

#### 3.4. Malicious accusations

- 3.4.1. If it becomes clear that the whistleblowing procedure has not been invoked in the reasonable belief of public interest (for example for malicious reasons, for personal gain or to pursue a personal

grudge against another individual) this will constitute misconduct and will be dealt with in accordance with the terms of the Trust's Disciplinary Policy and Procedure.

### 3.5. Protection from reprisal or victimisation

3.5.1. No individual will be disciplined, or suffer a detriment, for raising a genuine and legitimate concern, providing they do so in the reasonable belief of public interest and they follow these procedures.

3.5.2. In the event that the individual believes they are being subjected to reprisal or victimisation as a result of their decision to invoke the procedure they must inform the Head of Human Resources or another member of the Senior Leadership Team immediately. Appropriate action will be taken to protect them from any reprisals

### 3.6. Further assistance for individuals

3.6.1. The Trust will not tolerate any harassment or victimisation of individuals who make disclosures. If at any stage of this procedure an individual feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter with the Director of People and Organisational Culture.

3.6.2. An individual making a disclosure may want to confidentially request support from the Trust's counselling service. Information can be obtained (in confidence) from the HR department.

3.6.3. As previously mentioned, individuals can also contact the charity PROTECT for confidential advice on whistleblowing issues. Contact details are available on their website: <http://protect-advice.org.uk>

Telephone: Confidential Whistleblowing Advice: 020 3117 2520

## 4. Concerns about safeguarding

4.1. This policy may be used for concerns about poor or unsafe practice and potential failures in the Trust's safeguarding regime. However, for safeguarding concerns about the conduct of another staff member or volunteer, the Safeguarding policy should be used.

## 5. External bodies

5.1. The law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator (or

other 'Prescribed Person' as listed in the whistleblowing guidance on the GOV.UK website).

- 5.2. The Trust strongly encourages staff to seek advice from PROTECT (see 3.5.3 below for contact details) before reporting a concern to anyone externally.
- 5.3. Whistleblowing concerns may sometimes relate to the actions of a third party, such as a supplier or service provider. The law allows individuals to raise a concern (in the reasonable belief of public interest) with a third party, where they reasonably believe it relates mainly to the third party's actions or something that is legally their responsibility. However, the Trust encourages staff to report such concerns internally first. Staff should contact their line manager, or one of the other individuals set out above, for guidance.
- 5.4. It will very rarely, if ever, be appropriate to alert the media.

## **6. Confidentiality**

- 6.1. The Trust provides an open, transparent and safe environment and encourages employees to be able to speak up. Therefore, whenever any issues arise, this policy encourages employees to give their names when making allegations. Anonymous concerns will, however, be considered at the discretion of the Senior Leadership Team who will consider:
  - The seriousness of the issues raised
  - The credibility of the concern, and
  - The likelihood of confirming the allegation from attributable sources
- 6.2. When reporting a concern anonymously, the person raising the concern will need to consider how they would like to receive further information or updates (if applicable). It should be noted that when making a disclosure anonymously, it may be more difficult for the person to qualify for protections as a whistleblower.
- 6.3. All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal an individual's identity if they so wish. However, some concerns may ultimately lead to further action that requires the individual to act as a witness or provide evidence. If there is evidence of criminal activity, the Police will in all cases be informed.
- 6.4. Individuals are encouraged to express their concern in writing (including email) wherever possible but, in the interests of confidentiality, it may sometimes be appropriate for concerns to be raised verbally.

- 6.5. The Trust will take steps to minimise any difficulties, which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for them to receive advice about the procedures involved.

## **7. Training**

- 7.1. Managers and trustees who might be involved in investigations under the procedure will be trained in its use.

## **8. Policy Implementation**

- 8.1. The SGS Academy Trust is responsible for ensuring the implementation of this policy. All employees are responsible for fulfilling their roles in the implementation as defined by this policy.

## **9. Enforcement**

- 9.1. Failure to comply with the standards of the policy and procedure outlined in this document may result in disciplinary action. Such disciplinary action may result in dismissal depending on the circumstances.

If an employee is ever unsure about what action is appropriate to a particular situation, they should seek advice from their line manager.

## **10. Related Policies, Procedures, Charters, Plans, Guidance and Legislation**

- [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-for-employees)
- [PROTECT – free confidential advice to workers who have concerns about wrongdoing in the workplace](#)
- [Department for Education statutory guidance ‘Keeping children safe in education’](#)
- [SGSAT Financial Regulations](#)
- [SGSAT Disciplinary Policy and Procedure](#)
- [SGSAT Grievance Policy](#)
- [Public Interest Disclosure Act 1998](#)
- [SGSAT Safeguarding Policy and Procedure](#)
- [SGSAT Anti-Fraud, Anti-Corruption and Anti-Bribery Policy](#)
- [Employment Rights Act 1996](#)
- [Enterprise Regulatory Reform Act 2013](#)

## 11. Impact

11.1. The impact of this policy and procedure is to ensure that all staff, volunteers and workers are aware of the process to confidentially raise any concerns that are in the public interest.

<b>12. MANDATORY INITIAL IMPACT SCREENING</b>		
Completed by:		
Kelly Gillett	Director of People and Organisational Culture	09/05/2022
I have read the guidance document: Completing a Policy Impact Assessment?		✓
If this policy has been up-dated, please tick to confirm that the initial impact screening has also been reviewed:		✓

<b>EQUALITY AND DIVERSITY IMPACT ASSESSMENT</b>	
Characteristic	This policy seeks to:
Age	No appreciable impact
Disability	No appreciable impact
Faith or Belief	No appreciable impact
Gender	No appreciable impact
Race or Ethnicity	No appreciable impact
Orientation	No appreciable impact
Gender reassignment	No appreciable impact
Economic disadvantage	No appreciable impact
Rural isolation	No appreciable impact
Marriage	No appreciable impact
Pregnancy & maternity	No appreciable impact
Carers & care leavers	No appreciable impact
Vulnerable persons	No appreciable impact
Please identify any sections of the policy that specifically seek to maximise opportunities to improve diversity within any of the Trust's stakeholder groups:	
Please identify any sections of the policy that specifically seek to improve equality of opportunity within any of the Trust's stakeholder groups:	
Is there any possibility that this policy could operate in a discriminatory way?	<div style="display: flex; align-items: center; gap: 10px;"> <div style="width: 100px; height: 50px; background-color: red; text-align: center; color: white; display: flex; align-items: center; justify-content: center;"> <input type="checkbox"/> </div> <div style="width: 100px; height: 50px; background-color: green; text-align: center; color: white; display: flex; align-items: center; justify-content: center;"> <input checked="" type="checkbox"/> </div> </div>
If you have ticked yes (red), which characteristic will be most affected? Choose an item.	
If yes please confirm that the Policy has been sent for a full Equality & Diversity Impact Assessment, and note the date:	<input type="checkbox"/> Click or tap to enter a date.

**Note:** if the policy does not seek to increase diversity or improve equality you should go back and review it before submitting it for approval.

<b>MAPPING OF FUNDAMENTAL RIGHTS</b>	
Which United Nations Convention on the Rights of the Child ( <a href="#">UNCRC</a> ), Right does this policy most protect:	Choose an item. Choose an item. Choose an item.
Which Human Right ( <a href="#">HRA</a> ) does this policy most protect:	Choose an item. Choose an item.

<b>DATA PROTECTION &amp; PRIVACY BY DESIGN SCREENING</b>	
Tick to confirm that you have considered any data protection issues as part of the design and implementation of this policy; and, that implementing this policy will <u>not</u> result in the collection, storage or processing of personal data outside of official Trust systems:	✓
Tick to indicated that this policy has or requires a Data Privacy Impact Assessment:	<input type="checkbox"/>