



South Gloucestershire and Stroud Academy Trust (SGSAT)

Whistleblowing (public interest disclosure) policy

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Please contact the SGS-GS Human Resources Department**

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| Policy and Procedure Prepared by: | Pam Wells |
| Job Title/Role: | Projects officer |
| Policy and Procedure Ref. No.: QPG 137 | Version Date: September 2016 Review Date: September 2019 (Subject to any legislative changes) Upload to SharePoint? Yes Upload to SGSAT website? Yes |
| Approved by: | SGSAT Board of Trustees |
| Date: | 29 March 2017 |

Mandatory Initial Equality and Diversity Impact Screening

| | | | | | |
|---|---|---|---|---|--|
| Main aim and purpose of the policy: | To enable employees to raise concerns in a confidential manner about matters of public interest related to the conduct of staff, managers Trustees or Governors | | | | |
| Is this policy (or its constituent parts) relevant to a general equality duty? (please tick) | This policy development will assist in the elimination of unlawful discrimination and/or harassment of identified Groups? | Implementation of this policy will promote equal opportunities for identified Groups? | Implementation of this policy will promote positive attitudes and participation between Groups? | Implementation of this policy will promote good relations between Groups? | |
| Age | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Disability | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Gender Reassignment | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Race or Ethnicity | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Religion or Belief | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Marriage | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Pregnancy/ Maternity | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Sex | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Sexual Orientation | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Carers/ Care givers | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Persons in care | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Specify any Groups for which there is evidence or reason to believe that some Groups or individuals could be affected differently: | | | | | |
| None | | | | | |
| How much evidence is there: | None | A little | Some | A lot | |
| Is there any concern that the policy may operate in a discriminatory way? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | None | A little | Some | A lot | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Assessed relevance to equality (tick one row only) | High | Med | Low | None | Brief reason for this assessment |
| Age | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Disability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Gender Reassignment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Race or Ethnicity | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Religion or Belief | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Marriage | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Pregnancy/ Maternity | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Sex | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Sexual Orientation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Carers/ Care givers | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| What is the next step? (tick one only) | What priority level is this policy? | | | Has the Policy been sent for Full EQIA, or do you believe the policy should have a Full EQIA? | |
| | High <input type="checkbox"/> | Medium <input checked="" type="checkbox"/> | Low <input type="checkbox"/> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| <i>I am satisfied that an initial screening has been carried out on this policy/procedure and a full Impact Assessment is not required</i> | | | | | |
| Completed by: Moira Foster-Fitzgerald Position: Chief Group Services Officer Date: September 2019 | | | | | |

Whistleblowing (public interest disclosure) policy

1. Introduction

- 1.1. This policy 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 has been amended by the Enterprise Regulatory Reform Act 2013.
- 1.2. Whistle blowing is a specific means of disclosure of information made by an individual 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:
 - 1.2.1. a criminal offence
 - 1.2.2. a failure to comply with a legal obligation
 - 1.2.3. a miscarriage of justice
 - 1.2.4. danger to health and safety
 - 1.2.5. damage to the environment
 - 1.2.6. other unethical or unprofessional conduct
 - 1.2.7. a deliberate concealment of information tending to show any of the above
- 1.3. This policy and its related procedures are available electronically on SGSAT's intranet.

2. Statement

- 2.1. This policy applies to everyone who works for SGSAT. 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.
- 2.2. The policy is applicable to volunteers as well as employees and wherever the term 'employee' is used, the point applies equally to volunteers.
- 2.3. Employees of SGSAT 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, in a confidential manner.
- 2.4. 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.

- 2.5. This policy should not be used for concerns about suspected fraud or other financial irregularity. Staff should raise these concerns using the Anti-Fraud Policy or Anti-Bribery Policy.
- 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 Public Concern at Work, a charity that promotes good practice and compliance with the law (tel: 0171 404 6609).
- 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, disciplinary action may be taken against them.

3. Concerns about safeguarding

- 3.1. This policy may be used for concerns about poor or unsafe practice and potential failures in SGSAT's safeguarding regime. However, for safeguarding concerns about the conduct of another staff member or volunteer, the Safeguarding policy should be used.
- 3.2. The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally:
 - Phone: 0800 028 0285 (8:00 AM to 8:00 PM, Monday to Friday)
 - Email: help@nspcc.org.uk.
 - Or in writing to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.

4. Objectives

- 4.1. Employees may not always feel comfortable about discussing their concerns, especially if they believe that a member of SGSAT management is responsible for the wrongdoing. The aim of this policy is 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 SGSAT.
- 4.2. The aim of this policy is to provide the basis for an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.
- 4.3. SGSAT has adopted this whistle blowing policy to:
 - 4.3.1. 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

- 4.3.2. Make serious malpractice less likely to occur (and therefore reduce the risk of public criticism and the need for crisis management)
- 4.3.3. Promote accountability throughout SGSAT
- 4.3.4. 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
- 4.4. External bodies
 - 4.4.1. 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).
 - 4.4.2. Whistle blowing concerns usually relate to the conduct of staff, but they 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, SGSAT 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.
 - 4.4.3. It will very rarely, if ever, be appropriate to alert the media.
- 4.5. Confidentiality
 - 4.5.1. 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 take into account:
 - 4.5.1.1. The seriousness of the issues raised
 - 4.5.1.2. The credibility of the concern, and
 - 4.5.1.3. The likelihood of confirming the allegation from attributable sources
 - 4.5.2. 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.
 - 4.5.3. 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.

4.5.4. Individuals are encouraged to express their concern in writing wherever possible but, in the interests of confidentiality, it may sometimes be appropriate for concerns to be raised verbally.

4.5.5. SGSAT 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.

5. Training

5.1. Managers, members of governing bodies and trustees who might be involved in investigations under this policy, will be trained in the use of the whistleblowing procedure.

6. Related Policies, Procedures and Legislation

- Child protection policy and procedures
- Employment Rights Act 1996
- Enterprise Regulatory Reform Act 2013
- Keeping children safe in education, September 2016
- Public Interest Disclosure Act 1998
- Staff Disciplinary Policy and Procedure
- Individual school or academy Staff Whistleblowing Procedures