

## **Whistleblowing policy and procedure**

### **Introduction**

1. This policy relates to the disclosure internally or externally by employees of suspected malpractice in the workplace, and applies to all employees of The Girls' Day School Trust (GDST). It is also available for use by other individuals performing functions in relation to the GDST, such as agency workers and contractors.

2. It is important to the business that any fraud, misconduct or wrongdoing by employees is reported and properly dealt with. The GDST therefore encourages all individuals to raise any concerns that they may have about malpractice within the organisation. This policy sets out the way in which individuals may raise such concerns and how those concerns will be dealt with.

### **Background**

3. The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The worker has no responsibility for investigating the matter – it is the organisation's responsibility to ensure that an investigation takes place.

4. A worker who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he or she has made the disclosure.

5. The GDST encourages employees to raise their concerns informally and in confidence with their line manager, the Head or an appropriate member of staff at Trust Office in the first instance. We know that it is never easy to report a concern, particularly one that may relate to child protection or safeguarding, fraud or corruption. We urge you to come forward with any concerns at an early stage, and before problems have a chance to become serious. The GDST's Employee Assistance Programme can also be contacted confidentially for advice if you are unsure of what to do.

It is the responsibility of line managers to ensure that new staff are aware of this policy during their induction period. Managers should also encourage existing staff, at appropriate intervals, of the importance of raising concerns as they arise.

Contractors should report any concerns to the Director of Finance and Operations at school or a member of the Trust Office Senior Management Team.

6. If you are not satisfied with the outcome of an informal discussion, or if for any other reason you feel it inappropriate to bring forward the issue on an informal basis, you should then raise the matter in accordance with the following procedures.

### **Principles**

7. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature of which they become aware. Where there are concerns relating to child protection, staff have a duty to report them and to press for re-consideration of the concerns if the outcome does not appear to improve the child's situation.

8. The GDST is committed to treating disclosures consistently and fairly. Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially (unless we are required by law to break that confidentiality). Feedback on timings and actions will be given, where possible and appropriate, so that those raising concerns understand how their disclosure has been handled and dealt with. The outcome of the investigation will be reported back to the employee who raised the issue.

9. No employee will be victimised for raising a matter under this procedure. This applies equally if you come forward with a concern that turns out later not to have been justified. Those raising a matter will be offered support and access to advice and counselling if needed.

10. Victimisation of a worker for raising a qualified disclosure is unacceptable and will be a serious disciplinary offence.

11. If misconduct is discovered as a result of any investigation under this procedure the GDST's disciplinary procedure will be used, in addition to any appropriate external measures.

12. Maliciously or knowingly making a false allegation is a disciplinary offence.

13. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a more senior manager.

### **Procedure**

14. This procedure is for disclosures about matters other than a personal grievance or complaint or a breach of an employee's own contract of employment. If you are concerned that your contract has been, or is likely to be, broken, you should use the Grievance Procedure. If in any doubt, useful information can be found at <https://www.gov.uk/whistleblowing>

15. In matters of child safeguarding there are separate procedures for reporting concerns. Please refer to the GDST's Safeguarding Policy and Procedures.

### **Stage 1**

16. In the first instance, any concerns should be raised with your line manager and the Internal Audit Manager at Trust Office via [whistleblowing@wes.gdst.net](mailto:whistleblowing@wes.gdst.net) This allows Trust Office to record and maintain an overview of all disclosures. If you reasonably believe your line manager to be involved in any wrongdoing, or for any other reason do not wish to approach your line manager, then you should proceed straight to stage 2. If you prefer, you may come forward with another colleague, a friend, trade union representative or other advisor to report a concern.

17. Your line manager will arrange an investigation of the matter (either by investigating the matter her- or himself or immediately passing the issue to someone in a more senior position), providing

feedback on timings or next steps to you where possible and appropriate. The investigation may involve you giving a written statement. The line manager (or the person who carried out the investigation) will then report to the Head or a member of the Senior Management Team at Trust Office as appropriate, who will initiate any necessary action, including action under the GDST's disciplinary procedure and/or reporting the matter to any appropriate government department or regulatory agency. On conclusion of any investigation, you will be told the outcome of the investigation and what action is being taken. If no action is to be taken, the reason for this will be explained.

### **Stage 2**

18. If you are concerned that your line manager is involved in the wrongdoing, or has failed to make a proper investigation or to report properly the outcome of the investigations, you should inform the Head or a member of the Senior Management Team at Trust Office who will arrange for another manager to investigate or review an investigation already carried out, and make his or her own report as in stage 1 above. As above, you should also, at the same time, inform the Internal Audit Manager at Trust Office of the concern. If for any other reason you do not wish to approach your line manager you should contact the Head or a member of the Senior Management Team at Trust Office as above. Any such approach will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

### **Stage 3**

19. If you are concerned that the Head or any other senior manager within the organisation is involved in any wrongdoing, you should inform both:

the Chief Executive Officer of the Trust, or another member of the senior management team at Trust Office

**AND**

the GDST's Internal Audit Manager at Trust Office

20. They will arrange for an investigation to be undertaken by an appropriate person or agency in accordance with the principles outlined above.

### **Stage 4**

21. If on conclusion of stages 1, 2 and 3, you reasonably believe that the appropriate action has not been taken, you should report the matter to the Chair of Council and the GDST's Internal Audit Manager.

22. If our policy and procedures are working properly, you should not need to contact some external agency to express concerns. However, there may be exceptional or urgent circumstances where it might be appropriate to contact an external agency. It is not possible to give precise examples, but, for instance, relevant situations might be:

- if the problem involved very senior staff of the organisation, the Chair or another member of Council
- in the case of a criminal offence – the police;
- where there are concerns relating to child protection – children's social care
- in the case of any fraud – the GDST's external auditors.

23. The legislation sets out a number of bodies to which qualifying disclosures may be made.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

These include:

- the Charity Commission – 03000 669 197 or [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk) or [whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk)
- the Children’s Commissioner - 020 7783 833 or [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)
- NSPCC whistleblowing helpline – 0800 028 0285 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- HM Revenue & Customs (Tax Office) – 0800 788 887 or <http://www.hmrc.gov.uk>
- the Financial Conduct Authority – 020 7066 1000 or <http://www.fca.org.uk/>
- the Health and Safety Executive – 0300 003 1647 or <http://www.hse.gov.uk>
- the Environment Agency – 03708 506 506 or [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

24. This procedure may be amended from time to time by the GDST, in order to reflect changes in statutory requirements or organisational changes within the GDST. Substantive changes will only be made following consultation with appropriate employee representatives.

**DOCUMENT CONTROL AND RELEVANT INFORMATION**

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