



## **LEICESTER GRAMMAR SCHOOL TRUST**

### **WHISTLEBLOWING POLICY & PROCEDURES**

#### **POLICY STATEMENT**

The Trust has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

#### **ELEMENTS OF THE POLICY**

In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, this policy on whistleblowing is intended to demonstrate that the Trust:

- Will not tolerate malpractice.
- Respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively.
- Will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate.
- Will invoke the School's disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations.
- Will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

#### **PROCEDURE**

This procedure is separate from the Trust's adopted procedures regarding grievances. Employees should not use the whistleblowing procedure to raise grievances about their personal employment situation.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the Trust.

Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of ethics, criminal activities, or failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health, safety or the environment.

## **CONFIDENTIALITY**

Individuals who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity, then the Police will in all cases be informed.

## **IF AN INDIVIDUAL IS NOT SATISFIED**

While the Trust cannot always guarantee the outcome an individual may be seeking, the Trust will deal with all concerns raised fairly and in an appropriate manner. The policy provides the appropriate mechanism for concerns to be raised and investigated thoroughly.

## **THE INVESTIGATION**

A member of staff should raise their concerns with the Chief Executive or Head Teacher of one of the Trust's three schools.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The member of staff making the allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the resolution.

A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Board of Trustees.

## **EXTERNAL PROCEDURES**

Where all internal procedures have been exhausted, a member of staff shall have a right of access to an independent person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Charities Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes:

- that exceptionally serious circumstances justify it;
- that the School would conceal or destroy the relevant evidence;
- where they believe they would be victimised by the School;
- where the Secretary of State has ordered it.

## **MALICIOUS ACCUSATIONS**

False, malicious, vexatious or frivolous accusations will be dealt with under the Trust's Disciplinary Procedure.

## **PROTECTION FROM REPRISAL OR VICTIMISATION AND SUPPORT FOR THE WHISTLEBLOWER**

The Trust recognises that a decision to report a concern may be a difficult decision to make. If an individual reasonably believes what they are saying is true they should report the concern in the appropriate manner and in line with the guidance in section four. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an individual believes they have suffered any such treatment, they should inform the HR Manager immediately and the matter will be looked into further. If the matter is not remedied an individual can raise the matter under the School's Grievance Procedure.

## **RESPONDING TO CONCERNS RAISED**

Concerns, which are reported under this policy, will be dealt with appropriately, consistently, fairly and professionally.

Once an individual has raised a concern(s), the Trust will:

- Arrange a meeting as soon possible to discuss the concern raised. The individual may be accompanied by a colleague or trade union representative. The companion must respect the confidentiality of the concern and any subsequent investigation. The Trust may ask the individual for further information about the concern raised, either at this meeting or at a later stage.
- Seek full details of the concern at this meeting and keep a clear written record. Further information may be requested during or after the meeting. The individual may be required to attend additional meetings in order to provide further information as the concern raised are investigated.
- Establish whether there is sufficient cause for concern to warrant further investigation. Decide on next steps following the meeting. This may include internal enquiries or, if appropriate, a more formal investigation. Depending on the nature of the concern, an independent external investigation may be commissioned.
- If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/ procedure
- The Trust will endeavour to complete investigations within a reasonable time. In some cases, they may need to bring in an external, independent body to investigate.
- Once the investigation, whether this was just the initial investigation of the concern, or whether further investigation was needed, is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report

will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

- The individual who raised the concern will be kept informed of the investigation's progress and notified when it has concluded. An indication of any actions or next steps will be provided. However, information that would breach confidentiality or data protection obligations to others cannot be shared.