

## Whistleblowing Policy & Procedure

This policy is prescribed by The Good Shepherd Trust and all reference to 'the Trust' includes all Trust schools, the central team and subsidiary organisations.

The Whistleblowing policy applies not just to staff but to those involved in governance at local, Trustee and Member level.

Date adopted:	July 2022	Last reviewed:	16/07/2025
Review cycle:	Every 3 years or earlier	Is this policy statutory?	Yes
Approval:	Trust board via PARC	Author:	Head of HR
Next review date:	Spring term 2028		

### Revision record

Minor revisions should be recorded here when the policy is amended in light of changes to legislation or to correct errors. Significant changes or at the point of review should be recorded below and approved at the level indicated above.

Revision No.	Date	Revised by	Approved date	Comments
1	06/07/22	D Bird	13/07/22	Various amendments following Board feedback
2	10/06/25	D Bird	16/07/25	Policy reviewed. KCSIE updated, EAP details updated. Record keeping added. Additional support for whistleblowers added. Outcome statement added.

### 1. Introduction

- 1.1 The Good Shepherd Trust ("the Trust") and all its schools is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures from time to time in force.
- 1.2 Whistleblowing describes the act of reporting or disclosing information which relates to suspected serious wrongdoing or dangers in the workplace and is made in the public interest.
- 1.3 This policy enables employees and other persons working for The Good Shepherd Trust or on our premises, together with suppliers and those providing services under a contract with the Good Shepherd Trust, to confidentially voice concerns over suspected malpractice or wrongdoing.

### 2. Aims

- 2.1 The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected (as far as reasonably practicable to progress the complaint);
  - To provide staff with guidance as to how to raise those concerns;
  - To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 2.2 This policy takes account of the [Whistleblowing Arrangements Code of Practice](#) and Keeping Children Safe in Education
- 2.3 This policy will clearly distinguish the process to be followed between whistleblowing issues and other concerns or grievances.
- 2.4 For matters of personal interest and those which do not impact the wider public, please refer to The Good Shepherd Trust Grievance procedure.
- 2.5 Personal grievances (for example bullying, terms and conditions of employment, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.
- 2.6 This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Trust and the Trust reserves the right to amend its content at any time.
- 2.7 This Policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including headteachers, members of the senior leadership group, officers, Trustee Directors, Members, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual and agency staff (collectively referred to as "staff" in this policy) who are advised to familiarise themselves with its content.

### **3. Policy**

- 3.1 It is the duty of every individual to speak up about genuine concerns in relation to;
- criminal activity;
  - child protection and/or safeguarding concerns;
  - miscarriages of justice;
  - danger to health and safety or the environment and danger at work;
  - failure to comply with any legal or professional obligation or regulatory requirements;
  - financial or operational malpractice, fraud or corruption;
  - negligence by any person or outside body;
  - breach of our internal policies and procedures including our Code of Conduct;
  - improper conduct likely to damage the Trust's reputation;
  - unauthorised disclosure of confidential information;
  - concerns regarding modern slavery or human trafficking;
  - exam / assessment malpractice;
  - the dissemination or radical or extreme opinions which are contrary to the values of the Trust or any of its Academies;
  - Any other serious concern relating to appropriate standards of public life, including abuses of power.
  - the deliberate concealment of any of the above matters.

- 3.2 A whistleblower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If the member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy.
- 3.3 Individuals who raise concerns reasonably, responsibly and in the appropriate manner will not be penalised in any way and will be protected from harassment and victimisation.
- 3.4 Any individual who approaches the media before following due process as set out in this policy is unlikely to be protected by whistleblowing law.
- 3.5 This policy should not be used for complaints relating to staff's own personal circumstances, such as the way they have been treated at work. In those cases they should use the grievance procedure or anti-harassment and bullying policy as appropriate.
- 3.6 Likewise, if there are low level concerns about an adult who is working or volunteering with children, the allegations of abuse against adults policy should be consulted. This policy includes the Trust's policy on the management of low-level concerns.
- 3.7 If staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher, Head of HR or Chief Operating Officer.
- 3.8 In each case, a review will take place to confirm that the whistleblowing procedure is appropriate. This review will usually be completed by the Head of HR and communicated to the individual as soon as possible following receipt of the complaint. In the event that it is not appropriate for the Head of HR to review the complaint, the review will be undertaken by the Chair of the Board.

#### **4. What is a whistleblowing complaint?**

- 4.1 A whistleblowing complaint can usually be identified by the following;

- Risk to others – whistleblowing is about raising concerns relating to wrongdoing risk or malpractice that you witness in the workplace
- Public interest – these concerns should be in the public interest, and unlike grievances, the concerns may not even affect you at all, but will have wider implications on the public.

#### **4.2 What isn't a whistleblowing complaint – grievances**

- Risk to self – grievances are typically issues about how you exclusively are being treated and not the treatment of others.
- Types of issues – grievances can be raised about things you are asked to do about your job, if your employer has breached your employment rights or your contract of employment, and the way you are personally being treated at work – this is not an exhaustive list.

#### **4.3 Identifying vexatious and malicious complaints**

- 4.4 GST may pursue disciplinary measures when complaints are found to be vexatious or malicious.

- 4.5 A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

- 4.6 When identifying vexatious complaints GST acknowledges the need to

- distinguish between employees who are raising genuine concerns; and
- recognise where people are simply being difficult

#### 4.7 What is a malicious complaint?

A malicious complaint is one that is made with the intention of causing harm, for example:

- deliberately seeking to defame or cause intentional stress to a colleague or manager and raising a complaint with this intent;
- through lying about an issue or incident in the knowledge;
- through knowingly basing a complaint on rumour and gossip

#### 4.8 A malicious complaint is defined as:

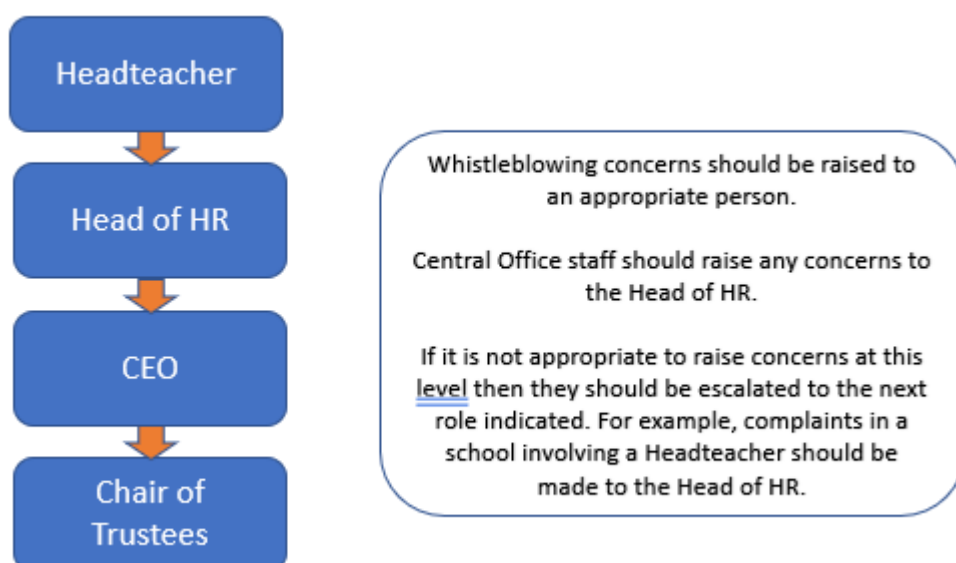
- one that the investigation has shown to be without foundation;
- one where the investigation evidence demonstrates that the complainant knowingly lied to the investigation manager; and
- there is potentially sufficient evidence to demonstrate this at a disciplinary hearing on the basis of the balance of probabilities.

### 5. Raising a whistleblowing concern

5.1 The Trust hopes that in many cases staff will be able to raise any concerns with their line manager and/or Headteacher speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving the concern quickly and effectively. In some cases they may refer the matter to the Trust Leadership team.

5.2 However, where the matter is more serious, or the line manager has not addressed the concern, or the member of staff would prefer not to raise it with them for any reason, then they should contact one of the following:

- The Headteacher or where not appropriate to do so;
- Head of HR or where not appropriate to do so;
- Chief Executive Officer or where not appropriate to do so;
- The Chair of Trustee Directors



- 5.3 The Trust will arrange a meeting with the member of staff as soon as possible to discuss their concern. Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.
- 5.4 The Trust will take down a written summary of the concern raised and provide the member of the staff with a copy as soon as practicable after the meeting. The Trust will also aim to give the member of staff an indication of how we propose to deal with the matter.

## **6. Confidentiality**

- 6.1 The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the Trust will endeavour to keep his or her identity secret in so far as it is reasonably possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know their identity, the Trust will discuss this with the member of staff first.
- 6.2 The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.
- 6.3 Where an employee feels unable to raise an issue directly with an appropriate person within the Trust, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:
- general guidance on whistleblowing can be found via: [Advice on Whistleblowing](#)
  - the NSPCC's [what you can do to report abuse dedicated helpline](#) is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## **7. Investigation and outcome**

- 7.1 Once a member of staff has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation and to review that the use of the Whistleblowing policy is appropriate. The Trust will inform the member of staff of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings to provide further information
- 7.2 In some cases, the Trust may appoint an investigator or team of investigators including staff or external consultants/agencies with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.
- 7.3 The Trust will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

- 7.4 If the Trust concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action under the Trust's disciplinary policy and procedure.
- 7.5 In such cases the investigating manager will recommend disciplinary action and produce a management report explaining their findings.
- 7.6 While specific details of an investigation or disciplinary action may be confidential, the Trust will, where possible and appropriate, provide the whistleblower with an outcome statement, indicating that the matter has been thoroughly investigated and addressed.

## **8. If you are not satisfied with the outcome**

- 8.1 Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the Trust will try to deal with the concern fairly and in an appropriate way. There is no right of appeal under this policy. If a member of staff is not happy with the way in which his or her concern has been handled, he or she may wish to seek external advice.
- 8.2 The independent whistleblowing charity, [Protect](#), operates a free and confidential [helpline](#): 020 3117 2520. They also have a [list of other organisations](#), who may be able to assist you.

## **9. External disclosures**

- 9.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.
- 9.2 The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage a member of staff to seek advice before reporting a concern to anyone external.

## **10. Protection and support for whistleblowers**

- 10.1 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.
- 10.2 Staff must not suffer any detrimental treatment as a result of raising a concern. However, to safeguard against abuse of the procedure, the raising of unfounded and unsubstantiated allegations where the individual had no reason to believe that the allegations were well-founded or made for personal gain will be recognised as a disciplinary offence.
- 10.3 Detrimental treatment, against a genuine whistleblower, may include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher, CEO or Trust Chair (as appropriate) immediately. If the matter is not remedied the member of staff should raise it formally using the Trust's grievance policy and procedure.
- 10.4 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 10.5 The Trust will endeavour to provide appropriate support to whistleblowers throughout the investigation process, which may include regular updates on the investigation's progress (where

confidentiality permits) and, where available and appropriate, access to internal support services or temporary adjustments to working arrangements to mitigate any undue stress or perceived risks.

- 10.6 Staff may contact the Vivup Employee Assistance programme on 0330 3800658 at any time to speak to fully qualified counsellors and support specialists and discuss work related issues.

## **11. Protection and support for individuals subject to a whistleblowing complaint**

- 11.1 All staff will be treated fairly and equally if they are subject to a complaint and whilst this is investigated.
- 11.2 The Trust intends to provide equal support to individuals that are subject to a complaint as to those making the complaints throughout the investigation process.

## **12. Qualifying disclosures**

- 12.1 You will only receive protection as a whistleblower if you have made a **qualifying disclosure**, which means:

- a **disclosure of information**, which includes an **allegation** that is made either in writing or verbally **and**
- the **subject matter of the disclosure** relates to one of the **6 types of failure**: (a) criminal offences; (b) breach of any legal obligation; (c) miscarriages of justice; (d) danger to the health and safety of any individual; (e) damage to the environment; and (f) the deliberate concealing of information about any of the above
- You must have a **reasonable belief in the wrongdoing** - no matter if the belief subsequently turns out to be wrong
- the disclosure must be in the **public interest** based on your **subjective** belief, which could be based on: (a) the numbers in the group whose interests the disclosure served; (b) the nature of the interests affected and the extent to which they are affected by the wrongdoing disclosed; (c) the nature of the alleged wrongdoing disclosed; and (d) the identity of the alleged wrongdoer.

- 12.2 The qualifying disclosure can be made:

- during employment with your employer
- during employment with your previous employer
- after employment with your employer has terminated.

## **13. What is a protected disclosure?**

- 13.1 A qualifying disclosure will amount to a **protected disclosure** only if it has been disclosed to a **specific category of person** who is:

- your **employer** (e.g. the person specific in a whistleblowing policy)
- a **responsible person** only where you reasonably believe the malpractice relates solely or mainly to that person and **not** your employer
- a **legal adviser** in the course of obtaining legal advice
- a **Government Minister** (e.g. an NHS body, a utility regulator or a statutory tribunal)
- a **prescribed person** (e.g. the Health and Safety Executive)
- a person who is not covered by the list above provided certain conditions are met: (a) you must reasonably believe that the information disclosed, and any allegation contained in it, are substantially true; (b) you must not make the disclosure for the purposes of personal gain; (c) it must be reasonable for you to make the disclosure; and (d) you must have:

- previously disclosed substantially the same information to your employer or to a prescribed person
- reasonably believe, at the time of the disclosure, that you will be subjected to a detriment by their employer if they make disclosure to your employer or a prescribed person
- reasonably believe (where there is no prescribed person) that material evidence will be concealed or destroyed if disclosure is made to your employer.

13.2 There are **exceptions** which are:

- the disclosure is of **legally privileged** information by a person (such as a lawyer) to whom the information has been disclosed in the course of obtaining legal advice it is not a protected disclosure
- where making a disclosure you **commit a crime** in doing so
- parliamentary staff are protected against dismissal but not detriment, which is the same for members of the armed forces.

#### 14. **Record keeping**

The Trust will maintain confidential records of all whistleblowing concerns raised, the steps taken to investigate them, and their outcomes. These records will be kept in accordance with data protection regulations and for a period deemed appropriate for legal and operational purposes.

#### 15. **Responsibilities**

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Head of HR in the first instance.