



**The Gryphon Trust**

# **Whistleblowing Policy**

**GAT/0005**

## POLICIES AND PROCEDURES PROFORMA

<b>Subject and Version of Document:</b>	Whistleblowing Policy
<b>Author:</b>	Mr N Pressnell - CEO
<b>Persons/Committees etc consulted whilst document in draft:</b>	Trustees
<b>Date agreed:</b>	7.2.23
<b>Date of next review/update and by whom:</b>	Board of Directors – February 2025
<b>Copy obtainable from and/or distribution:</b>	Governance Professional
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<b>Responsibility for dissemination to new staff:</b>	Line Manager
<b>Principal Target Audience:</b>	

### Procedure Review

This procedure will be reviewed at least **biennially and also as evaluation of the implementation of the procedures herein dictate.**

### Amendments Summary:

Amend. No.	Issued	Page	Subject

**THE GRYPHON TRUST**  
**WHISTLEBLOWING POLICY GAT0005**

(To be read in conjunction with the Trust’s personnel procedures and other policies, including its Anti-Fraud Policy)

**1.0 Introduction**

- 1.1 This document sets out the policy and procedures of the Gryphon Trust (“the Trust”) in respect of whistle blowing.
- 1.2 It applies equally to all officers of governance, employees (including trainees), agency workers and anyone working on a casual or voluntary basis (collectively referred to herein as “colleagues”) and regardless of length of service. However, this policy does not form part of any contract of employment and can be varied from time to time.
- 1.3 The Trust is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the Trust’s policies, procedures, and codes of conduct. Fraud, misconduct, or wrongdoing are counter-cultural to our standards.

**2.0 Purpose**

- 2.1 To encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort, but also to provide them with the appropriate points of contacts, if not.
- 2.2 To assure colleagues that any action under this policy be treated seriously and dealt with confidentially, and without detriment to themselves.
- 2.3 This policy does not deal with any complaints relating to a colleague’s own treatment at work or own contract of employment. Those matters should be raised under the relevant procedure in the Trust’s Manual of Personnel Practice, for example, the grievance procedure.

**3.0 Affirmation**

- 3.1 No colleague who raises a concern in accordance with this policy will be treated less favourably for raising the concern, be subjected to any detriment or be dismissed for doing so, even if mistaken in their belief, provided such concern is not raised maliciously or vexatiously.
- 3.2 The Trust will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Trust will also treat every disclosure in confidence, and only reveal the identity of the person making it, if necessary, e.g. if required in connection with legal action.

**4.0 What is whistle blowing?**

- 4.1 Whistleblowing is when a worker reports suspected wrongdoing at work. These are often referred to as protected disclosures.
- 4.2 For example:

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above.

4.3 A colleague can report things that are not right, are illegal or if anyone at work is neglecting their duties, including: -

- breaches of health and safety procedure
- damage to the environment
- a criminal offence
- the Trust is breaking the law (like not having the right insurance)
- deliberately covering up wrongdoing.

4.4 A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistle blower and is protected under this policy.

## **5.0 Rights of the whistle blower**

5.1 All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

5.2 Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so.

5.3 For Trust employees, it is likely that the Public Interest Disclosure Act (PIDA) offers colleagues legal protection from being dismissed or penalised for raising certain serious concerns ('blowing the whistle'). Whistleblowing rights under PIDA are day one rights. This means that the worker does not need the same two years' service that is needed for other employment rights.

5.4 Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the named the Trust's accounting officer. For further details please refer to **Appendix C**.

5.5 Victimisation of a whistle blower by any other colleague for raising a concern under this policy will constitute a disciplinary offence.

5.6 Where the Trust believes that a colleague has knowingly made a false allegation or acted maliciously or vexatiously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

5.7 This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the relevant procedure in the Trust's Manual of Personnel Practice, for example, the grievance procedure.

5.8 An exception to the provision of clause 2.3 above will be when the matter of concern arises from the colleague's own treatment at work because of previously raising a whistleblowing matter.

## 6.0 Making a whistle blowing complaint

- 6.1 To make a whistleblowing complaint the whistle blower must meet certain conditions. If the disclosure is made to the Trust, it must be in the public interest and the person making the complaint (“the whistle blower”) has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
- 6.2 If the disclosure is made to a regulatory body, then as well as satisfying the conditions required for disclosure to the Trust, the whistle blower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true. For example, a colleague will be eligible for protection if: -
- they honestly think what they are reporting is true
  - they think they are telling the right person
  - they believe that their disclosure is in the public interest.
- 6.3 If the disclosure is made to other external bodies, then as well as satisfying the conditions required to the Trust, in all circumstances of the case it must be reasonable for them to make the complaint. Further the whistle blower must: -
- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
  - reasonably believe that evidence is likely to be concealed or destroyed or,
  - have already raised the concern with the council and/or relevant regulatory body and,
  - reasonably believe that the information they provide and any allegations contained therein are substantially true.
- 6.4 If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in an Academy setting could include the alleged abuse of children or vulnerable adults in the Trust’s care, or corruption, then the whistle blower will not be required to: -
- have raised the matter concerned internally first;
  - believe that they will be subject to a detriment for raising the disclosure internally;
  - believe that the evidence is likely to be concealed or destroyed.
- 6.5 To make a disclosure of a Safeguarding nature, see **Appendix A**.
- 6.6 To make a disclosure about maladministration of public examinations, see **Appendix B**.
- 6.7 To make any other type of disclosure either telephone or write to EYE4HRSOLUTIONS, listed in **Appendix C**. If writing, mark the envelope: 'Strictly Private and Confidential'. Do not email these individuals, as email is not a secure medium and must not be used.
- 6.8 EYE4HRSOLUTIONS will acknowledge receipt of your disclosure in writing, within 5 working days. They will also gather further information, if need be, including by personal interview, at which you can be accompanied by an official of your trade union or professional association, or by a fellow employee or friend. When the precise nature of the malpractice has been established your disclosure may be referred to the Trust’s Accounting Officer for a decision regarding further action.
- 6.9 The Accounting Officer (or Chair of Trustees if the disclosure relates to the Accounting Officer) will determine what further action, if any, is needed, which may comprise:
- internal investigation
  - report to the Police

- report to external audit
- independent enquiry
- any combination of the above.

6.10 Throughout the process EYE4HRSOLUTIONS will keep you informed on progress and (subject to legal constraints) the eventual outcome.

6.11 If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the Public Concern at Work. This will include advising who the appropriate prescribed regulator is. The website for Public Concern at Work is [www.pcaw.co.uk](http://www.pcaw.co.uk) **Appendix D**.

## **7.0 Data Protection**

7.1 The organisation will comply with the provisions of the Data Protection Act 2018.

7.2 Employee data will be processed by the organisation in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of the organisation's business. The organisation will ensure that personal information about an employee, including information in personnel files, is securely retained.

## Appendix A

Hampshire County Council's Local Authority Designated Officer (Safeguarding LADO) can be contacted at: -

Shona McMinn  
Local Authority Designated Officer (LADO) / Safeguarding Advisor  
Hampshire County Council Safeguarding Unit  
Falcon House  
Monarch Way  
Winchester  
Hampshire  
SO22 5PL

Tel: 03707 794328

In addition, the NSPCC has set up a dedicated whistle blowing advice line which can be accessed by phone or email: -

Hotline: 0800 028 0285 (available 8.00 am – 8.00 pm Monday – Friday)

Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## Appendix B

In compliance with section 5.11 of the JCQ's General Regulations for Approved Centres, all schools within the Trust will: -

- take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after assessments have taken place
- inform the awarding body immediately of any alleged, suspected, or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation
- as required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication Suspected Malpractice: Policies and Procedures and provide such information and advice as the awarding body may reasonably require.

An individual who has a concern or reason to believe that malpractice has or will occur in an examination or assessment should normally raise these with the head of examination centre i.e. the headteacher. However, there may be times when it is more appropriate to refer the issue direct to the governing board, most often when the allegation is against the head of centre.

Further information may be referenced at: -

- [www.jcq.org.uk/exams-office/general-regulations/](http://www.jcq.org.uk/exams-office/general-regulations/)
- [www.jcq.org.uk/exams-office/malpractice/](http://www.jcq.org.uk/exams-office/malpractice/)
- [www.jcq.org.uk/examination-system/imc-home/](http://www.jcq.org.uk/examination-system/imc-home/)

## Appendix C

### **EYE4HRSOLUTIONS**

45 Cobden Crescent,  
Bitterne Park,  
Southampton,  
Hants  
SO18 4EX

Tel: 07891 263125

### **Accounting Officer**

Mr Nigel Pressnell  
The Gryphon Multi-Academy Trust  
New Milton  
Hampshire  
BH25 6RS

Tel: 01425 625421

## Appendix D

### **Public Concern at Work**

3rd Floor Bank Chambers  
6-10 Borough High St  
London SE1 9QQ

Helpline: 020 7404 6609

Email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

### **Audit Commission Head Office**

1st Floor Millbank Tower  
Millbank  
London  
SW1P 4HQ

Whistle blowers Hotline:0845 0522646

[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)

Further background information on this topic is also available on the following websites: -

- [www.acas.org.uk](http://www.acas.org.uk)
- [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)
- [www.pcaw.co.uk](http://www.pcaw.co.uk)

### **Other Contacts**

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