



## **WHISTLEBLOWING POLICY AND PROCEDURE**

**September 2023**

**Version 7**

*Providing Accessible Formats*

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## 1. Delegation of Authority

The Trust is committed to ensuring a consistent, fair, and equitable approach in all staffing matters, and will not discriminate either directly or indirectly on the grounds of a staff member's gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

In order to achieve this aim, there needs to be a clear delegation of authority throughout the structure of the Trust and for this purpose the term "Responsible Officer" shall apply as per the levels below:

<i>Delegation Key</i>	
<i>Line Manager</i>	<i>Person with formal line management responsibility as defined within the job description.</i>
<i>Level One</i>	<ul style="list-style-type: none"> <li>• <i>If the employee is based within a school, the person with authority to act will be a Trust Headteacher, or an appropriate senior member of staff from the Trust Executive Leadership Team</i></li> <li>• <i>If the employee is based within the Core Services Team, the person with authority to act will be a member of the Executive Leadership Team</i></li> <li>• <i>If the employee is a Headteacher the person with authority to act will be the CEO</i></li> <li>• <i>If the employee is a member of Executive Leadership Team, the person with authority to act will be the CEO, unless they have acted as the Line Manager, in which case the person with authority to act will be the Whistleblowing Trustee or the Chair of Trustees</i></li> <li>• <i>If the Employee is the Chief Executive Officer, the person with authority to act will be the Whistleblowing Trustee or the Chair of Trustees.</i></li> <li>• <i>If the subject of concern is a trustee, the person with authority to act will be the Whistleblowing Trustee or the Chair of Trustees</i></li> </ul>
<i>Level Two</i>	<ul style="list-style-type: none"> <li>• <i>Where Level One was the Headteacher the person with authority to act will be the CEO</i></li> <li>• <i>Where Level One was a member of the Executive Leadership Team the person with authority to act will be the Chief Executive Officer</i></li> <li>• <i>Where Level One was the Chief Executive Officer or the Chair of the Trust, the matter will be referred to a Trustee Appeal Panel</i></li> </ul>

The Trust reserves the right in exceptional circumstances to vary the composition of the delegated authority / panel in order to ensure that meetings proceed without undue delay. In these circumstances the Trust will ensure that the responsible officer maintains appropriate standards of separation and confidentiality.

## *2. Introduction and Purpose*

*This policy applies to all employees within the Trust, regardless of terms and conditions of employment (e.g. both Teacher and Support Staff). It would also apply to agency workers, contractors or volunteers.*

*The Trust is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct and other relevant policies. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.*

*This policy does not form part of any employee's contract of employment, and we may amend it at any time in consultation with our recognised trade unions.*

*The purpose of this policy is:*

- 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.*
- To provide staff with guidance on how to raise concerns and how they will receive feedback on any action taken.*
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.*
- Ensure staff are aware of the avenues to pursue in the event they remain unsatisfied with the circumstances.*

*If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the local senior leadership team, or your trade union representative.*

*If your concern is in relation to safeguarding and the welfare of pupils at the school/business unit, you should consider whether the matter is better raised under the child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the Designated Safeguarding Lead although the principles set out in this policy may still apply.*

## *3. Definitions*

*Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.*

*“Whistleblowing” is the term used when someone who works for an organisation raises a concern about a possible risk that could threaten customers, colleagues, the public, a vulnerable adult, child or the Trust’s (or one of its schools’) own reputation.*

*To be covered by whistleblowing legislation, a staff member who makes a disclosure must reasonably believe two things; that they are acting in the public interest and that they reasonably believe the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the specific categories.*

### 3.1 Types of Whistleblowing

The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are wrongdoing or dangers at work. This may include:

- criminal activity;\*
- miscarriages of justice;\*
- danger to health and safety;\*
- damage to the environment;\*
- failure to comply with any legal or professional obligation or regulatory requirements;\*
- bribery;\*
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures (including our Code of Conduct);
- conduct likely to damage our reputation or financial wellbeing;
- unauthorised disclosure of confidential information;
- unethical behaviour
- the deliberate concealment of any of the above matters.

\*(NOTE: the deliberate concealment of these matters are legally protected by the Public Interest Disclosure Act)

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Policy and Procedure and may wish to refer to the Code of Conduct.

Child protection/safeguarding issues should primarily be dealt with in a separate process as detailed in the Trust's Child Protection and Safeguarding Policy, this includes details of external organisations to which child protection/safeguarding concerns may be raised. The Whistleblowing Policy may be appropriately used to raise concerns about child protection/safeguarding issues if they are not dealt with in a timely manner.

Staff are often the first to realise that something wrong may be happening within the school. However, they may feel unable to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the school or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice. However, all staff have a responsibility for the safety of children and vulnerable adults and to this end should report any concerns through the means identified in this policy.

It is recognised that certain cases will have to proceed on a confidential basis and thus it may not be possible to provide a clear outcome / conclusion to the initial whistleblower. Wherever possible general/broad feedback will be provided.

This policy makes it clear that staff can raise concerns without fear of reprisal and is intended to encourage and enable staff members to raise serious concerns within the school / business unit initially or externally as applicable.

*Where staff are unsure if their concern technically qualifies for protection they are encouraged to seek advice from the Designated Safeguarding Lead.*

*Staff are encouraged to consult their trade union before making a disclosure.*

### *3.2 What is the difference between a grievance and whistleblowing?*

*This procedure is for disclosure about matters other than a breach of a staff member's own contract of employment. If a staff member is concerned that their own contract has been, or is likely to be, broken, they should use the Trust's grievance procedure. This means if the concern is about pay, working hours or conditions the person raising the grievance is likely to have a vested interest; the disclosure may, therefore not be in the public interest.*

## *4. Procedure*

### *4.1 Raising a whistleblowing concern*

*In many cases the staff member will be able to raise any concerns directly with their line manager. Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. The line manager and staff member may be able to agree a way of resolving the concern quickly and effectively at an informal level.*

*However, where the matter is more serious, or if the staff member feels that the line manager has not addressed their concern, or it is the staff member's preference not to raise it with them for any reason, or they are the subject of the complaint, then a concern can be raised with:*

- Headteacher*
- The Executive Leadership Team of the Trust*
- The Whistleblowing trustee (or another trustee if this is not appropriate)*

*For this purpose, the party whom the concern is raised to is the 'Notified Officer'. Where the notified officer does not hold the delegated authority to initiate action in accordance with Section 1, the concerns will be passed to the relevant 'Responsible Officer'.*

*If your concerns are about allegations of abuse by the Headteacher allegations should be reported directly to the CEO.*

*In raising your concerns, you should be clear in the details of the matter, including any background and history of the concern, the relevant dates of events, relevant documents, key parties / witnesses, and all relevant details to enable a full and fair consideration of the matter. It is advantageous to include the reason why the staff member is particularly concerned about the situation. While the staff member is not expected to prove the truth of their alleged concerns, they will need to demonstrate that there are sufficient grounds for the concern.*

*Written concerns should be acknowledged within 5 working days.*

### *4.2 Investigation*

*Once the concern has been submitted, the notified / responsible officer will carry out an initial assessment to determine the scope of the matter and next steps.*

*The notified / responsible officer may need to arrange a meeting with the whistleblower to discuss further details of the concern and ensure a clear understanding of the whole picture.*

*Staff members are entitled to attend the review meeting with the support of a trade union representative or workplace colleague.*

*At the review meeting, a written summary of the concern will be captured and provided to the staff member after the meeting to review as a true and accurate account.*

*The notified / responsible officer will then provide an indication of how they propose to deal with the matter and likely timescales.*

*In some cases, the notified / responsible officer may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. Where applicable, the notified / responsible officer may appoint an external person or body to investigate the concern.*

*The investigator(s) will collate findings on the matter and may make recommendations for change to enable the Trust / school unit to rectify any wrongdoing where possible and minimise the risk of future wrongdoing. This will be sent to the notified / responsible officer for actioning and may need to be shared with wider senior leadership teams to enable implementation.*

*In some cases, the notified / responsible officer may identify other appropriate action dependent on the nature of the concern. This may include a referral to the policy, a referral to external auditors, or an independent professional body. If the concern requires Police or other agency/authority involvement, the internal whistleblowing process may need to be paused until the relevant agencies have completed any necessary investigations and confirmed that it is appropriate to continue with the Whistleblowing procedure.*

*The notified officer will aim to keep the whistleblower informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent them giving you specific details of the investigation or any action taken as a result. All parties should treat any information about the investigation as confidential.*

*If the concerns arise from an existing disciplinary process, they will be investigated as part of the disciplinary investigation.*

*If the concerns form the basis of potential allegations for a disciplinary matter, the notified officer will be responsible for determining the appropriate next steps which may include investigation under the disciplinary policy and procedure. In such circumstances given the confidential nature of a disciplinary process it may not be possible to provide the whistleblower with any further indications of outcomes, other than confirmation of completion of the necessary processes.*

*If the notified officer / investigator(s) conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.*

#### **4.3 Anonymous Disclosure**

*The Trust is committed to integrity as part of its core values. It is anticipated that many staff members will feel able to voice any whistleblowing concerns openly under this policy.*

*If sufficient information is provided and the nature of the complaint is serious enough to warrant investigation the Trust will of course take this forward.*



*Whilst the Trust would not wish to deter an individual from raising an issue, we would encourage staff wherever possible not to make disclosures anonymously as proper investigation may be more difficult or impossible without further information from the whistleblower. It may also prove more difficult to establish the credibility of anonymous disclosures and impossible to provide a direct response to the whistleblower.*

*However, if a staff member wishes to raise a concern matter confidentially, the staff member may submit their concern in writing to the NCLT Executive team who will liaise with the relevant Responsible Officer as identified in this policy.*

*Where requested, the Trust will make every effort to keep the whistleblower's identity secret. If it is necessary for anyone investigating the concern to know the identity, the notified / responsible officer will discuss this with the staff member. This may be particularly relevant where the matter requires police involvement or other external parties relevant to the context of the matter.*

*Whistleblowers who are concerned about possible reprisals if their identity is revealed should consider coming forward to one of the other contact points listed in section 4.1 and appropriate measures can then be taken to preserve confidentiality.*

*Where the Trust receives anonymous matters of concern, they will investigate the complaints as far as is reasonable taking into account:*

- the seriousness of the issue raised*
- the credibility of the concern; and*
- the likelihood of confirming the allegation from other sources.*

*Where an anonymous disclosure is raised, it will not be possible to inform the whistleblower of any outcome or feedback.*

*If a staff member is in any doubt, they can seek advice from their union representative or from Protect, the independent whistleblowing charity, who offer a confidential helpline and online resources.*

#### *4.4 External disclosures*

*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 members should not find it necessary to alert anyone externally.*

*The law recognises that in some circumstances it may be appropriate for staff members to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media.*

*The Trust strongly encourages staff members to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy online at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>*

*Whistleblowing concerns usually relate to the conduct of Trust staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will protect the staff member if they raise a concern with the third party directly where they reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the Trust encourages staff members to report such concerns internally first to enable exploration on the impact within NCLT.*

#### *4.5 Protection and Support for Whistleblowers*

*It is understandable that whistleblowers are sometimes worried about possible repercussions. 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.*

*The Trust is committed to ensuring that a staff member who makes an allegation in good faith suffers no detriment from doing so. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.*

*If a staff member believes that they have suffered any such treatment, they should inform one of the contact people in Section 4.1 immediately. If the matter is not remedied they may consider raising it formally using the Trust Grievance Policy and Procedure.*

*The Trust will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.*

*A confidential support and counselling hotline is available via SAS, details of which are available via the NCLT website - <https://www.nclt.academy/Our-Staff/>*

#### *4.6 Further Action*

*While the Trust cannot always guarantee the outcome the staff member is seeking, it is committed to dealing with any concerns fairly and in an appropriate way.*

*If the staff member is not happy with the way in which their concern has been handled, they can raise it with one of the other key contacts in Section 4.1.*

*Alternatively, they may wish to engage the support of their trade union representative to ensure their concerns are clearly interpreted and the process is undertaken in accordance with policy commitments.*

*In some circumstances, they may wish to contact the Chair of Trust Board or external parties as identified above in Section 4.4.*

*'Protect' (formerly known as Public Concern) is an independent charity which specialises in providing individuals with free confidential and practical advice about raising concerns at work. They can help identify how to raise a concern while minimising any risk to the individual and maximising the opportunity for any wrongdoing to be addressed. Please visit their website for further information.*

### *5. Additional Considerations*

#### *5.1 Timescales*

*A whistleblowing complaint will be acknowledged within 5 working days. The Trust is committed to exploring any concerns raised under this policy process within a reasonable timescale however the duration of time required may vary given the complexities of the matter raised.*

*There may be a number of reasons why the time limits specified are too short and an extension may be required. Where an extension to the time limits is agreed, a written record of this decision should be made.*

## *5.2 Being Accompanied / Trade Union Support*

*Given the nature of whistleblowing matters, staff members are encouraged to liaise with their trade union representative for advice at the earliest opportunity.*

*Trade Union representatives will be able to provide advice on how best to raise concerns and may act on behalf of the staff member to enable an anonymous disclosure.*

*The Trust is committed to ensuring relevant staff support and thus to be accompanied at any meetings under the parameters of this policy. To invoke that right the individual must make a reasonable request to the employer to be accompanied by either:*

- a paid official from a recognised trade union/professional association,*
- a trade union representative,*
- an appropriate work colleague.*

*Friends/family members are not permitted unless they fall under the above criteria and it is agreed as appropriate. It would not normally be reasonable for a staff member to be accompanied by a work colleague or trade union/professional association representative whose presence would prejudice the hearing and/or was from a remote geographical location if someone suitable and willing was available on site.*

*The staff member is responsible for notifying their chosen representative of the meeting arrangement details. If the chosen representative is not available on the day proposed for the meeting, the staff member must contact the line manager leading on the meeting to propose an alternative date within the following five days of the original date proposed.*

## *5.3 Non-Attendance*

*If a staff member fails to attend a meeting or hearing under this policy through circumstances beyond their control, such as certified illness, an alternative time and date may be offered. Alternatively, they may submit a written statement or nominate a representative to attend on their behalf.*

*Where a staff member is persistently unable or unwilling to attend the meeting/hearing without good cause, it will proceed in their absence and a decision based on the evidence available will be made.*

*A failure to not attend a pre-arranged meeting or hearing may also lead to action under the disciplinary policy arrangements.*

## *5.4 Confidentiality*

*Any parties affected by or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy. Failure to maintain confidentiality may result in action being taken under the disciplinary policy arrangements.*

*Disclosure of information may also be a breach under the Data Protection Act (2018) and may lead to action being taken under the provisions of that Act, in addition to action being taken under the disciplinary policy.*

## *5.5 Recording of Information*

*A written record must be made of all requests and meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made.*

*The notified / responsible officer or their delegate will ensure there is a full and comprehensive file of*

*Based on WeST WHISTLEBLOWING POLICY AND PROCEDURE – SEPTEMBER 2023*

*the process which should include all statements, records and evidence referred to in the rationalising of the process outcome. At the end of the process the file should be passed to the notified / responsible officer who will liaise with the Data Protection Officer/Governance Officer to determine the appropriate storage and secure destruction of records.*

*As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with the Trust Privacy Notice, and in line with the requirements of Data Protection Legislation.*

#### **5.6 Support for Staff Member**

*Staff members are encouraged to seek support from their trade union/professional association in the first instance.*

*A confidential support and counselling hotline is available via SAS, the relevant contact information is available from the NCLT website - <https://www.nclt.academy/Our-Staff/>*

*Other useful contacts include:*

<i>Whistleblowing Trustee and Chair of Trustees</i>	<i>Both contactable via Governance Professional E-mail: <a href="mailto:clerk@nclt.academy">clerk@nclt.academy</a></i>
<i>Protect (Independent whistleblowing charity)</i>	<i>Helpline: (020) 3117 2520 E-mail: <a href="mailto:whistle@protect-advice.org.uk">whistle@protect-advice.org.uk</a> Website: <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a></i>
<i>The NSPCC whistleblowing helpline</i>	<i>Helpline: 0800 028 0285 E-mail: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a></i>
<i>ACAS</i>	<i>Website: <a href="https://www.acas.org.uk/">https://www.acas.org.uk/</a> Helpline: 0300 123 1100</i>