

NET Whistleblowing Policy

Policy Number 24

Document Management Information

Applicable to:	All staff
Dissemination:	TL email
Linked policies:	Grievance and Discipline Code of Conduct Governance Code Child Protection and Safeguarding Managing Allegations
Implementation:	All staff
Training:	As appropriate for panel members and investigators
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Policy Author:	HR Lead
Policy Lead:	HR Lead
Approval by:	Trust Board
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Revision History

Document version	Description of Revision	Date Approved
1	Annual Review	17/07/2018
2	Annual Review. No changes	Autumn 2021
3	Review following ESFA audit recommendations to change the contact to the Chair rather than the Trust Board	Autumn 2022
4	Review – no changes to policy. Management procedures to be developed.	December 2023



1. Purpose

This policy provides guidance for employees about how to raise concerns using the Whistleblowing Policy. It states their duty to report concerns whilst providing a framework in which those concerns can be raised. It also provides guidance for the Trust Board, CEO, Principals and line managers on how to manage the investigation of such concerns and the individuals who raise them.

This policy is designed to enable you to raise your concerns at an early stage and in the right way. As an employee of the Trust, it is your duty to raise these concerns. The Trustees believe that helping you to do so is an important part of ensuring that the Trust and its schools are well-run and safe. Providing the concern is genuine, the Trustees would prefer you to raise it as soon as possible rather than waiting for proof; if it falls within the areas listed below, we ask that you do so using this procedure.

2. Background

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Trust Board is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or alerting anyone external to the Trust or its Schools.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.

3. Aims of the Policy

3.1. This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course and receive feedback on any action taken.
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly.
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern.
- allow employees to take the matter further if they are dissatisfied with the Trust Board response.

3.2. A **whistle-blower** is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns affecting any of the Trust's activities not covered by other procedures and which they think the Trust should look into (a whistleblowing concern) s/he should report it under this policy. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) miscarriages of justice;
- (c) danger to health and safety;
- (d) damage to the environment;
- (e) failure to comply with any legal or professional obligation or regulatory requirements;
- (f) bribery;
- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) breach of our internal policies and procedures;
- (j) conduct likely to damage our reputation;
- (k) unauthorised disclosure of confidential information;
- (l) public examination fraud;
- (m) the deliberate concealment of any of the above matters.

3.3. Before initiating the procedure, employees should consider the following:

- As an employee of the Trust, the code of conduct requires you to report genuine concerns of fraud, theft or unethical behaviour etc. This policy provides you with ways of doing that.;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an



escalation of the problem and to prevent themselves being potentially implicated.

- 3.4. This policy should not be used for complaints about an employee's personal circumstances, such as the way s/he has been treated at work. In these cases, an employee should use the Trust's Grievance Policy and; if the matter relates to salary, the salary review procedures documented in the school's pay policy.
- 3.5. If you are concerned that a young person is at risk of harm, the guidance in the DfE's Safeguarding Children and Safer Recruitment in Education document and the Managing Allegations Policy obliges you to report your concerns. If you are concerned that a young person is being harmed or at risk of being harmed, or you have a concern about a staff member, volunteer or contractor's suitability to work with children, you should report this using the Managing Allegations Policy.
- 3.6. If, however, employees are concerned that:
 - an individual's professional practice,
 - the leadership and/or management of the Trust or school.
 - the Trust's policies, procedures and/or ways of working may be undermining the safety and wellbeing of young people, or leaving them vulnerable to risk, or they are worried about the way in which safeguarding allegations have been managed, they should express these concerns through the Whistleblowing Policy.

4. Safeguards

4.1. Harassment or Victimisation

- 4.1.1. The Trustees recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trustees will not tolerate harassment or victimisation and will act to protect employees when they have a genuine concern.
- 4.1.2. This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

4.2. Confidentiality



4.2.1. We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trustees will make every effort to protect an employee's identity if confidentiality is requested.

4.2.2. As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed.

4.3. Anonymous Allegations

4.3.1. Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trustees. In exercising the discretion, the factors to be considered would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable

sources.

4.4. Untrue Allegations

4.4.1. If an employee makes an allegation where s/he has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

4.5. Unfounded Allegations

4.5.1. Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust Board deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6. Support to Employees

4.6.1. It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.



4.6.2. In any meetings that have a connection to the whistleblowing concern, employees have the right to be accompanied by your trade union representative or a work colleague (providing they are not involved in the issue and would not be called as a witness). These meetings might include:

- A meeting with the line-manager or other appropriate person to raise a concern.
- A meeting with an investigating officer in connection with the concern.
- Taking part as a witness in any action taken as a result of raising the concern.

The companion must respect the confidentiality of the disclosure and any subsequent investigation.

5. How to raise a Concern

- 5.1. Although a concern can be raised verbally, it may be easier to do so in writing – this way, the employee can keep a record of what is reported as well as taking time to ensure all the relevant information is included. When reporting a concern, as much information as possible about the background and history of the concern should be included. Where possible, give names, dates and places and the reason for the concern about the situation.
- 5.2. There is no reason why an employee cannot use email to raise a whistleblowing concern. However, please take extra care to make sure the message is sent to the correct person and consider that due to the nature of email communication it may be read by other people. To help make sure any concerns are seen and handled quickly, mark the subject box: 'Whistleblowing – confidential – recipient only'. If, however, an employee does not wish to put a concern in writing, they can telephone or arrange to meet with the appropriate person.
- 5.3. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.
- 5.4. As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Principal or CEO.



An employee (including the Principal, CEO and members of the leadership team and Central office) can by-pass the direct management line and the Chair of Trustees if s/he feels the overall management and Local Committees or Trustees are engaged in an improper course of action. In this case please refer to section 7 below.

- 5.5. The earlier an employee expresses the concern, the easier it is to act.
- 5.6. Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

6. The Role of Senior Managers

- 6.1. A Senior Manager informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.
- 6.2. Senior Managers should have a working knowledge and understanding of other Trust policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

6.3. Stage One:

6.3.1. At the initial meeting the Senior Manager should establish that:

- there is genuine cause and sufficient grounds for the concern;
- and
- the concern has been appropriately raised via the Whistle-blowing Policy.

The Senior Manager should ask the employee, to put their concern(s) in writing if s/he has not already done so. If the employee is unable to do this the senior manager will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The Senior Manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

- 6.3.2. The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- 6.3.3. The Senior Manager should follow the policy as set out above and in particular explain to the employee:
- who he/she will need to speak to in order to determine the next steps (e.g. Principal or CEO in the case of Central Services team or if a Principal is directly involved and Chair of the Trust Board if the CEO is directly involved);
 - what steps s/he intends to take to address the concern;
 - how s/he will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the Trust giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
 - that the employee will receive a written response within ten working days;
 - that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
 - that the Trustees will do all that it can to protect the employee from discrimination and/or victimisation;
 - that the matter will be taken seriously and investigated immediately;
 - that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
 - if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
 - the investigation may confirm their allegations to be unfounded in which case the Trustees will deem the matter to be concluded unless new evidence becomes available.

6.4. Stage Two:

- 6.4.1. Following the initial meeting with the employee, the Senior Manager should consult with the Principal, CEO or Chair of the Trust Board to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.
- 6.4.2. Within ten working days of a concern being received, the Senior Manager receiving the concern (at paragraph 5.1 above) must write to the employee:
- acknowledging that the concern has been received;
 - indicating how they propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response; and/or
 - telling the employee whether any initial enquiries have been made; and
 - telling the employee whether further investigations will take place, and if not why not; and/or
 - letting the employee know when s/he will receive further details if the situation is not yet resolved
- 6.4.3. If there is insufficient information to make a decision about the most appropriate course of action, the employee may be asked for more information. If it is decided not to investigate further, you will be told what enquiries have been made and the reasons for the decision.
- 6.4.4. In the case of anonymous allegations, it may be necessary, to consider whether it is possible to take any further action. When making this decision, the Senior Managers should take the following factors into account:
- 6.4.5. • the seriousness of the issue(s) raised;
- 6.4.6. • the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.
- 6.4.7. In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:
- be investigated internally;

- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

6.4.8. If it is confirmed that the Whistleblowing Procedure is the appropriate route and that an investigation is required:

- An Investigating Officer will be identified
- The employee will be advised who will investigate and the likely timescale for the investigation

6.5 Stage Three, The Investigation:

6.5.1 The Investigating Officer may ask the employee to put your concerns in writing If you have not already done so and provide a witness statement.

6.5.2 The employee will have the opportunity to confirm that the information they have provided is accurate and complete before it is used in the investigation.

6.5.3 The employee will be asked to agree that the information they have provided, and their name may be disclosed so that the Investigating Officer can decide how the Chair of Trustees will respond and investigate the issue. If an employee does not want to disclose their identity, the Investigating Officer will decide how to proceed.

6.5.4 The Investigating Officer may need to contact other witnesses during the investigation. The investigation will be carried out as quickly as possible, but the time taken will depend on the nature of the issues raised and the availability and clarity of the required information.

6.5.5 The employee will be updated at agreed regular intervals unless this is not practicable.

6.5.6 If an employee is required to take part in the investigation they have the right to be accompanied as set out earlier.

6.6 Stage Four, The Outcome (when an Investigation has been instigated):

6.6.1 The investigation will be concluded with a written report of enquiries made, the findings on the strength of the evidence and whether the substance of the allegations has been established.

6.6.2 Where legal and confidentiality constraints allow, the employee will receive information about the outcome of any investigation. If the investigation

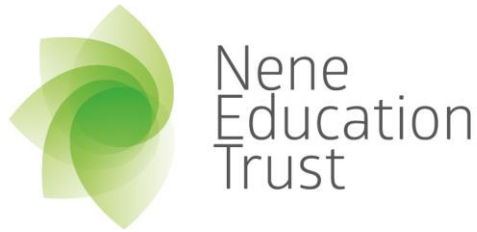
continues within the framework of another procedure, the Trust will, if able, inform them of this. If, however, the provision of further information would result in the Trust breaching an individual's confidentiality or the law, it may not be able to advise the person who made the disclosure, whether the investigation has continued under the framework of other policies since to do so may jeopardise the outcome of any further investigation.

- 6.6.3 The Trust will, however, inform the employee that the investigation is concluded under the framework of the Whistleblowing Policy. If the investigation concludes that the allegations are not substantiated, the report will conclude whether the concerns were raised in good faith.

7. Raising Concerns Outside the Trust

- 7.1. The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external.
- 7.2. If an employee is not satisfied with the Chair of Trustees' response, the Senior Manager should ensure that s/he is made aware with whom s/he may raise the matter externally:
- ['Public Concern at Work'](#)
Tel no: 0207 404 6609*;
 - Recognised Trade Union;
 - Senior LA Officer;
 - External Auditor;
 - Relevant professional bodies or regulatory organisations;
 - Solicitor.
- 7.3. The Senior Manager should stress to the employee that if s/he chooses to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

**Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*



- 7.4. Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email help@nspcc.org.uk

8. Monitoring and Review

- 8.1. Within the Trust, a central record of all whistleblowing complaints, including dates, substantive issues, findings and outcomes will be retained by the CEO/Chair of the Trust Board. The Chair will report as necessary to the Board in a way that maintains employee confidentiality as far as possible.
- 8.2. The CEO and Principals will be responsible for monitoring the implementation and effectiveness of this policy/procedure at local levels.
- 8.3. The policy/procedure will be reviewed by the Trust Board every three years or as necessary.