

Whistleblowing Policy

Version 3

This policy has been implemented at Wingfield Academy after consultation with relevant recognised trade unions on behalf of Wingfield Academy following TUPE transfer to New Collaborative Learning Trust (NCLT).

Policy review will be carried out in consultation with recognised trade unions.

This policy applies to all NCLT institutions.

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1.0 Introduction and Scope of the Policy

1.1 New Collaborative Learning Trust (NCLT) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect any of our staff, who have concerns about any aspect of our work, to come forward and voice those concerns. Members of staff are often the first to realise that there may be something seriously wrong and have a duty to report such matters. They may not express their concerns because they feel that speaking up would be disloyal to their colleagues or may fear harassment or victimisation. However, concerns should not simply be ignored. We would like to make it clear that staff can come forward and express their concerns without fear of victimisation, subsequent discrimination or disadvantage.

This policy sets out the way in which individuals may raise any concerns and how those concerns will be dealt with. This policy applies to all employees at all levels, casual staff and agency workers, contractors, volunteers and trainees.

1.2 The Trust expects and encourages employees to use this procedure to raise concerns internally and that employees will not take their concerns outside the organisation before they have exhausted the internal procedure.

1.3 This procedure covers the disclosure of allegations of:

- corruption
- bribery
- dishonesty
- serious breach of the Staff Code of Conduct
- criminal activities
- failing to comply with a legal obligation
- a miscarriage of justice
- creating or ignoring a serious risk to health, safety or the environment
- an abuse of power
- a deliberate attempt to conceal any of the above.

This list is for illustrative purposes only and is not exhaustive.

1.4 If the individual feels they are not able to raise the concern with the school or college, they can contact a prescribed person or body (for further information, please visit www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2)

Or by contacting the Education and Skills Funding Agency (ESFA):

<https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>

This can only be the case if the worker feels the employer:

- will cover it up
- would treat them unfairly if they complained
- hasn't resolved it after making them aware.

1.5 There are existing procedures in place to enable employees to lodge a grievance relating to their employment or users of the school/college to complain about the

quality of service provided. This policy is intended to cover major concerns that fall outside the scope of other procedures, although the Trust reserves the right to determine which procedure is appropriate.

- 1.6 Concerns of a safeguarding/child protection nature should be raised via the Child Protection Policy. This Whistleblowing Policy should be used to raise concerns regarding child protection issues where the complainant feels their concerns have not previously been dealt with in a timely manner under the Child Protection Policy. Where internal processes have been exhausted, the complainant may also contact the Local Authority Designated Officer (LADO) to discuss their concerns.
- 1.7 All stages of the policy will operate in accordance with the Equality Act 2010 and the duty to promote equality, eliminate discrimination and foster good relations between those who share a protected characteristic and those who don't. The policy will be monitored to ensure consistency of application and a record of all concerns raised under this policy will be kept.

2. Public Interest Disclosure

- 2.1 It is clearly established in law that the disclosure of confidential information in the public interest is a lawful act and that individuals can raise concerns without fear of victimisation, subsequent discrimination or disadvantage, from their employer and other employees, providing that the claimant has followed the stages of this policy, has acted in the interest of the public and not for personal gain or out of personal motives.
- 2.2 The Public Interest Disclosure Act 1998 protects disclosure if the employee or other worker has a reasonable belief of one or more of the following:
 - that a criminal offence has been committed, is being committed, or is likely to be committed;
 - that a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject;
 - that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - that the health and safety of any individual has been, is being, or is likely to be endangered;
 - that the environment has been, is being, or is likely to be damaged;
 - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being, or is likely to be deliberately concealed.
- 2.3 Disclosure to the media is not encouraged and will not normally be legally protected.

3. The Procedure

- 3.1 It is important you raise any concerns as early as possible to enable us to take action whilst the facts and details can be more easily recalled, helping us investigate the matter fully.

- 3.2 In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation.
- 3.3 Subjecting an individual to detriment as a result of raising a concern will not be tolerated and will be dealt with as a disciplinary matter. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent.
- 3.4 If employees have a concern that a member of staff may be involved in any of the above they have the right to raise the matter confidentially with the school/college Headteacher/Principal or the Trust Director of HR. If the allegation concerns either of these individuals, this should be reported to the CEO in the first instance (or to the Chair of the Board of Directors if the concern regards the CEO).
- 3.5 Employees may raise their concern orally or in writing. Confidential records will be kept of all meetings, details and witnesses.
- 3.6 Although individuals are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for concern. It would be useful to provide relevant information where possible, such as:
- the background and history to the case
 - the reason why the employee is particularly concerned
 - any specific details available including names, date, times and places
 - details of any particular conversation that supports the concerns
 - details of personal interest that the employee may have in the matter
 - how the employee thinks that things may be put right, if possible.
- 3.7 Matters raised under this procedure will be investigated thoroughly, promptly and confidentially, with the complaint being acknowledged within 5 working days. If it is deemed that the complaint falls within this procedure, the Headteacher/Principal or Director of HR may appoint an Investigating Officer or may act as Investigating Officer themselves. An initial meeting will be offered within 10 working days of receipt of the complaint.
- 3.8 A trade union representative or a colleague (who is not involved in the area of work to which the concern relates) may be invited to be present during any meetings or interviews regarding the disclosure, if the employee wishes.
- 3.9 If there is evidence of criminal activity the police will be informed.
- 3.10 The complainant will be sent a confidential written acknowledgement of the concern within ten working days to:
- acknowledge that the concern has been received
 - indicate how we propose to deal with the matter (including potential timescales)
 - advise of the action to be taken (eg, whether initial enquiries have been made and if further investigation is required).

All correspondence regarding the concern raised will be sent to the complainant's home address, not via internal channels.

- 3.11 After the investigation, subject to legal constraints and within the confines of the Trust's internal policies and procedures, the complainant will be informed of the outcome. If the investigation is a prolonged one the complainant will be informed as to progress and the likely date of a conclusion.

4. Confidentiality

- 4.1 All investigations, papers, reports, witness statements and subsequent outcomes will be dealt with in the strictest of confidence.
- 4.2 We will take all reasonable steps to maintain the confidentiality of the whistleblower where it is requested (unless we are required by law to break that confidentiality, such as by a court order). However, it must be appreciated that the investigation process may reveal the source of the information without us revealing the whistleblower's identity directly and in some circumstances a statement by the whistleblower may be required as part of the evidence.

5. Anonymous Allegations

- 5.1 This policy encourages individuals to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful and will be considered at the discretion of the Trust. In exercising this discretion the factors to be taken into account will include:
- the seriousness of the issues raised
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources
 - whether the allegations pertain to other policies and therefore should be dealt with in accordance with alternative procedures (such as Safeguarding).
- 5.2 Anonymous allegations also make it difficult for us to provide the whistleblower with any feedback, where appropriate.

6. Untrue Allegations

- 6.1 If an employee makes an allegation in the public interest and which they had a reason to believe was true, but is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an accusation which is found to be malicious, frivolous or deliberately false, they may be liable to disciplinary action under the normal employer procedures.

7. **Appeals**

- 7.1 If a complainant is not satisfied that their concern is being properly dealt with they have the right to raise it in confidence with the CEO or Chair of the Board of Directors.
- 7.2 If the Trust procedure has been exhausted and the CEO/Board of Directors finds the allegation to be unsubstantiated, employees have the right to raise the matter directly with a 'prescribed person' – please see the link below for further information and a list of prescribed persons.
www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2)

Policy Status			
Policy Lead (Title)	Director of HR	Review Period	Every 3 years
Reviewed By	Trust Executive Team	Equality Impact Assessment Completed (Y/N)	Y

POLICY AMENDMENTS					
Version	Approval Date	Page No./Paragraph No.	Amendment	Audience	Plan for Communicating Amendments
Version 1				NCLT College Staff	
Version 2	08/02/2021	Title page	Deleted 'Raising Concerns' title as now commonly known as 'Whistleblowing'.	NCLT College Staff	In future training. Update to be emailed.
		Pg 3, Para 1.2	Clarification that this procedure applies to NCLT college staff only.		
Version 3	TU 28/09/2021		Consultation with relevant trade unions regarding policy applying to Wingfield Academy.	NCLT All Staff	Moodle, WFA Shared Drive, publicised in HR Newsletter