

<b>Policy Title</b>	<b>Whistleblowing Policy</b>
<b>Policy Owner</b>	<b>Human Resources</b>
<b>Approving Bodies</b>	<b>Northern Schools Trust Governing Bodies, Human Resources, Principals</b>
<b>Policy Version</b>	<b>v1.0 010616</b>
<b>Approval Date</b>	
<b>Effective date</b>	<b>November 2016</b>
<b>Next Review Date</b>	<b>November 2017</b>

**To be read in conjunction with the following policies and procedures:**

Grievance Policy	Disciplinary Policy
Capability Procedure	Equal Opportunities Policy
Anti-Bribery Policy	Staff Handbook
Professional Code of Conduct	Drug and Alcohol Misuse policy
Probationary Policy	ICT Acceptable Use Policy

**Relevant legislation and guidance:**

Fraud Act 2006	Employment Act 2002 and 2008
Equality Act 2010	Employment Relations Act 1999
Employment Rights Act 1996	Data Protection Act 1998
Public Interest Disclosure Act 1998	Bribery Act 2010
Written in line with ACAS Guidance and Codes of Practice	

**Document Review Control Information**

<b>Version</b>	<b>Date</b>	<b>Reviewer Name(s)</b>	<b>Comments</b>
V1.0	October 2016	Human Resources	

*This is a controlled document. Whilst this document may be printed, the electronic version posted on the shared drive is the controlled copy. Any printed copies of the document are not controlled.*

**CONTENTS**

<b>CONTENTS.....</b>	<b>0</b>
<b>1. INTRODUCTION .....</b>	<b>1</b>
<b>2. SCOPE OF POLICY.....</b>	<b>1</b>
<b>3. SAFEGUARDS.....</b>	<b>1</b>
3.1 PROTECTION.....	1
3.2 CONFIDENTIALITY.....	2
3.3 ANONYMOUS ALLEGATIONS.....	2
3.4 UNTRUE ALLEGATIONS.....	2
<b>4. PROCEDURES FOR MAKING A DISCLOSURE .....</b>	<b>2</b>
<b>5. TIMESCALES.....</b>	<b>2</b>
<b>6. INVESTIGATING PROCEDURE .....</b>	<b>3</b>
<b>7. EXTERNAL DISCLOSURE .....</b>	<b>3</b>

## 1. INTRODUCTION

- 1.1 This Whistleblowing Policy is reviewed on a regular basis by The Governing Bodies (GB) of the Northern Schools Trust (NST) schools.
- 1.2 At all stages within this policy and procedure, and in accordance with the Equality Act 2010 and the NST Equal Opportunity Policy, provision will be made for any reasonable adjustments to accommodate the needs of individuals.
- 1.3 Throughout this document the term Principal refers to the Principal or Head of Academy/School. The terms Trust and Schools refer to all Academies, Schools as well as the central team.
- 1.4 The Trust is committed to the highest standards of openness, probity and accountability.
- 1.5 An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Trust to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).
- 1.6 The Public Interest Disclosure Act 1998 (updated in 2013), gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Trust has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.
- 1.7 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Trust nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the 'Whistleblowing' procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Trust.

## 2. SCOPE OF POLICY

- 2.1 This policy is designed to enable employees of the Trust to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:
  - Financial malpractice or impropriety or fraud
  - Failure to comply with a legal obligation or statutes
  - Dangers to Health & Safety or the environment
  - Criminal activity
  - Improper conduct or unethical behaviour
  - Attempts to conceal any of these

## 3. SAFEGUARDS

### 3.1 Protection

This policy is designed to offer protection to those employees of the Trust who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary

procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### 3.2 Confidentiality

The Trust will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the required evidence.

### 3.3 Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may 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

### 3.4 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if they persist with making them, disciplinary action may be taken against that individual.

## 4. PROCEDURES FOR MAKING A DISCLOSURE

4.1 On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Principal unless the complaint is against the Principal or is in any way related to the actions of the Principal. In such cases, the complaint should be passed to the Chair of Governors for referral.
- In the case of a complaint, which is any way connected with but not against the Principal, the Chair of Governors will employ a member of SLT from another school to act as the alternative investigating officer.
- Complaints against the Chair of Governors should be passed to the Full Governing Board who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair of Governors. The Chair has the right to refer the complaint back to management if they feel that management, without any conflict of interest, can more appropriately investigate the complaint.

4.2 Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

HR Manager

External HR advisor – neo:pm

4.3 If there is evidence of criminal activity then the investigating officer should inform the police. The Trust will ensure that any internal investigation does not hinder a formal police investigation.

## 5. TIMESCALES

- 5.1 Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
- 5.2 The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- 5.3 All responses to the complainant should be in writing and sent to their home address.

## 6. INVESTIGATING PROCEDURE

- 6.1 The investigating officer should follow these steps:
  - Full details and clarifications of the complaint should be obtained.
  - The investigating officer should inform the member(s) of staff against whom the complaint is made as soon as is practically possible. The member(s) of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
  - The investigating officer should consider the involvement of the Trust auditors and the Police at this stage and should consult with the Principal/Chair of Governors.
  - The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
  - A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Principal or Chair of Governors as appropriate.
  - The Principal or Chair of Governors will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Trust procedures.
  - The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
  - If appropriate, a copy of the outcomes will be passed to the Trust Auditors to enable a review of the procedures.
- 6.2 If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Principals or Chair of Governors, or one of the designated persons described above.
- 6.3 If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Trust recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

## 7. EXTERNAL DISCLOSURE

- 7.1 Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues or possible discrimination. The external bodies which could be used include:
  - The Department for Education
  - Member of Parliament
  - National Audit Office
  - Health and Safety Executive
  - Police

- Charity Commission

7.2 If you do not feel able to raise your concern in the ways outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.