



Whistleblowing Policy

Ratified on: Ratified by trustees on
21 October 2020

Date of Review: October 2021

1. INTRODUCTION

The Nene Valley Partnership would like all staff to be confident that their concerns will be taken seriously and that they will be protected from unfair treatment if they raise a concern.

The Trust is committed to the highest standards of openness, probity and accountability. It encourages an open dialogue between staff, management and governors/Trustees to ensure concerns are resolved at the earliest opportunity.

It is important to the Trust that any wrongdoing within the Trust is reported and properly dealt with. The Trust recognises that members of staff are valuable eyes and ears within the schools, and therefore encourages all individuals with concerns to come forward and voice these.

If an individual has concerns about anything happening within the Trust they should read this policy. This policy sets out the way in which individuals may raise concerns and how they will be dealt with.

The Public Interest Disclosure Act 1998 protects workers who make 'protected disclosures' from dismissal or from being subject to a detriment.

2. SCOPE

This policy applies to all employees, workers, agency staff and contractors working for the Trust who wish to raise a concern. However, the following types of concern should be raised under different policies.

- Employees with concerns about their own employment should refer to the school / Trust Grievance Policy.
- Concerns that an employee has been bullied or harassed should be raised under the school / Trust Anti-Bullying and Harassment policy.

Any external person seeking to raise a concern should refer to the school / Trust Complaints Procedure.

3. DEFINITIONS

The term '**individual**' used throughout this document means any Trust employee, worker, agency staff or contractor who is considering raising, or has raised, a concern.

The term '**Appropriate Person**' used throughout this document means a person internal to the employer to whom concerns may be raised and through whom appropriate investigations and action will be taken. Those persons are described in 6.2.

A Protected Disclosure is one made in the public interest where the individual has a reasonable belief that:

- a criminal offence;
- a breach of legal obligation;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment; or
- concealment of any of the above;

is being, has been, or is likely to be, committed.

4. RESPONSIBILITIES

The Chair of Trustees/Local Governing Body has overall responsibility for:

- the maintenance and operation of this policy
- maintaining a record of concerns raised and the outcomes, and
- reporting as necessary to the Trust Body, and/or the Employer.

All Trust employees, workers, agency staff, contractors and governors/Trustees have a responsibility to:

- properly adhere to this policy, and
- raise any concerns they have in accordance with this policy.

5. PRINCIPLES

5.1 Advice on using this policy

If an individual is unsure whether or not to use this policy, or wants independent advice at any stage, they can contact Protect (Whistleblowing at Work) Limited which is an independent charity. They can give free, confidential and practical advice at any stage on whether and how to raise a concern about danger or wrongdoing at work.

Protect (Whistleblowing at Work) Limited:
Telephone (general enquiries): 020 3117 2520

Email: UK advice line: whistle@protect-advice.org.uk

Advice may also be sought from the Headteacher, Chair of Local Governors, or the individual's Trade Union or Professional Association.

5.2 Safeguards to protect individuals from unfair treatment

The Trust encourages individuals to come forward with genuine concerns in the knowledge that they will be taken seriously. The Trust recognises that the decision to report a concern can be a difficult one to make.

No individual will be victimised, harassed or treated unfairly for raising a genuine concern under this policy. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a genuine concern.

The Trust will not tolerate, and will treat as a disciplinary offence:

- any harassment or victimisation of an individual who has raised a concern under this policy, or
- any attempt to prevent an individual from raising a concern under this policy.

5.3 Confidentiality

Every effort will be made to protect the confidentiality of the individual raising the concern if that is their wish. However it must be appreciated that the investigation process may reveal the source of the information, and statements made by the individual may be required as evidence. Information about the disclosure and the identity of the individual who has made the disclosure will only be shared with those who need to know for the purposes of investigating and resolving the matter.

5.4 Anonymous disclosures

The Trust encourages individuals to put their name to allegations made. Concerns expressed anonymously are much less powerful as the ability of the Trust to gather crucial information from that individual is not possible.

However, such complaints will be considered at the discretion of the Trust. In exercising this discretion, the factors to be taken account of will include:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of being able to confirm that the allegation is from attributable sources; and
- the ability to trace the source of unfounded or malicious allegations.

5.5 Untrue allegations

If an allegation is made but is not confirmed/ upheld by the investigation, no action will be taken against the individual raising the concern and they will continue to have protection from unfair treatment.

5.6 Malicious allegations

If an individual makes an allegation which is found to be malicious, vexatious, or made for personal gain, this will be considered as a disciplinary offence, potentially amount to gross misconduct, and will be handled appropriately.

Malicious allegations made by Trustees or Governors will be handled through the Governor Code of Conduct.

6. PROCEDURE

6.1 When to raise a concern

Individuals are encouraged to raise their concerns at the earliest opportunity. The earlier concerns are expressed, the easier it is to take action and the more effective that action is likely to be.

6.2 Who to raise the concern with

Raising concerns with the Appropriate Person internally

The Trust encourages individuals to raise concerns internally with an Appropriate Person. The following are considered by the Trust to be Appropriate Persons:

- the Headteacher
- the Chair of Trustees/Local Governors

Raising concerns externally

If the employee does not feel able to raise the concerns internally, it is recommended that they take advice from Protect (Whistleblowing at Work).

The individual may then consider reporting the concern externally – see 6.6 below for more information.

6.3 How to raise a concern internally

Concerns should be raised in writing, where possible, setting out the background and history of the concern, giving as much information as possible including names, dates and places, and the reason why the individual is concerned about the situation.

Individuals who do not feel able to put their concerns in writing can telephone or ask to meet with the Appropriate Person.

Individuals may ask their trade union to raise a Protected Disclosure on their behalf.

6.4 The Trust's approach when a concern is raised

Initial Steps

The action taken by the Trust will depend on the nature of the concern. The matters raised may, for example:

- be investigated internally;
- be referred to the Police, or other appropriate body;
- be referred to an External Auditor; or
- form the subject of an independent inquiry.

Some concerns may be resolved by agreed action without the need for further investigation. The Appropriate Person receiving the concern will determine:

- whether an investigation is appropriate, and, if so:
 - what the scope of the investigation will be;
 - who will undertake it;
 - what third parties may need to be involved; and
 - what form the investigation should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

Within 14 calendar days of receiving the concern, the Appropriate Person will write to the individual who raised the concern (if known), and will:

- acknowledge the concern;
- indicate how the matter will be dealt with;
- tell the individual whether further investigations will take place; and

- if not, why not; or
- if so, who is investigating and what the individual can expect to happen next;
- give an estimate of how long it is likely to take to provide a final response; and
- tell the individual about any relevant internal or external support mechanisms.

Internal Investigation

The investigator will conduct a proportionate investigation, taking any of the following steps, as appropriate to the circumstances:

- interviews of any potential witnesses, including the individual who has raised the concern;
- interviews of anyone accused of any wrongdoing;
- requests for written information or any other evidence from any relevant person;
- reviews of any relevant documentation and evidence; and/or
- contact with any appropriate third party.

The amount of contact between the investigator considering the issue and the person who has raised the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. Individuals should not expect a running commentary on the investigation and must be mindful that some matters may be confidential.

When any meeting is arranged with the individual, they will be given the right to be accompanied by a trade union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates. Individuals may not be accompanied by an external person.

Records

The investigator will keep appropriate records of work and actions taken throughout an internal investigation.

Conclusion of the Investigation

The investigator will consider how best to report their findings and what (if any) corrective action they propose is taken. This may include some form of disciplinary action or third party referral.

The Appropriate Person will review the investigator's reported findings and will determine what action will be taken.

The Trust accepts that individuals need to be assured that the matter has been properly addressed. Therefore, the Appropriate Person will provide them with a summary response to their disclosure, sharing an overview of what steps have been taken to investigate. Individuals should not expect to be given a copy of an investigator's findings. Outcomes and actions will only be shared if this is appropriate in the circumstances. Specifically, any disciplinary steps for other workers cannot be shared with the individual for confidentiality reasons.

6.5 Where the individual continues to have serious concerns

This policy provides individuals with appropriate avenues to raise concerns, and the Trust hopes that individuals will be satisfied that the Trust has responded appropriately to those concerns.

However, if the individual has serious concerns after the Trust's internal procedures are complete, they should seek to resolve this with the Appropriate Person. If this does not resolve the matter, the individual should contact the Clerk to the Trustees.

If the individual continues to have serious concerns, they are reminded they may take advice from Protect (Whistleblowing at Work) who can provide independent advice about whether and how to raise concerns externally.

6.6 Raising concerns externally

If it is potentially a criminal matter individuals should raise it with the police.

The Trust expects individuals to have fully considered and exhausted all internal options under this policy before making an external disclosure.

There are a number of bodies which have been prescribed by the Secretary of State for the purpose of receiving disclosures; details of these bodies can be found at:

- www.gov.uk/whistleblowing, or:
- <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

If making a disclosure to one of these prescribed bodies, the individual must:

- be making a Protected Disclosure (see *Definitions*);
- reasonably believe that the allegations of wrongdoing are substantially true; and
- ensure that they do not disclose confidential information which is unrelated to the issue being raised.

7. DATA PROTECTION

Any data collected as part of this procedure is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure; process or activity.

Records are retained and destroyed in accordance with the Trust's Retention Schedule.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Disciplinary Procedure.

10. REVIEW OF PROCEDURE

This procedure shall be subject to periodic review and may be changed from time to time.