



# Whistleblowing Policy

This policy should be read in conjunction with:

- Grievance Policy
- Safeguarding Policy

<b>Policy Number</b>	
<b>Named Person(s)</b>	COO
<b>Approved by</b>	Board
<b>Approved Date</b>	July 2019
<b>Next review date</b>	September 2024

## 1. INTRODUCTION

Tyne Community Learning Trust welcome suggestions from students, their parents and carers and both teaching and non-teaching employees as to ways to ensure continuous development and improvement of services. In that spirit, there is an expectation that employees and others who deliver services on behalf of the Trust will report any concerns about possible bad practice. This will usually be facilitated through normal line management arrangements. However, where that is not possible, this policy provides an avenue for reporting serious malpractice.

Employees are often the first to realise that there may be something seriously wrong within the Trust. However, in some cases they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. In these circumstances it may be thought easier to ignore the concern rather than report what may just be a suspicion of malpractice. This procedure encourages employees to raise such concerns using the internal mechanisms set out below.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others who we deal with, who have serious concerns about any aspects of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This procedure makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.

This procedure should be used, by employees, to raise serious concerns within the Trust, which are in the public interest where an individual genuinely feels there is evidence of malpractice, impropriety or wrongdoing within the Trust or by others acting on behalf of the Trust. This procedure is in addition to the Trust's Complaints Procedures, which should be used by nonemployees raising a concern and other statutory reporting procedures applying to some departments. All employees should be made aware of the existence of this Whistleblowing procedure.

The right to “blow the whistle” applies to all employees, volunteers and those contractors working for the Trust on its premises, for example, agency staff, builders or drivers. It also applies to suppliers and those providing services under a contract with the Trust in their own premises. The Board of Trustees guarantees this right, so long as the individual has acted in good faith.

These procedures are in addition to the Trust's Complaints Procedure and other statutory reporting procedures. Trust Managers are responsible for making service users aware of the existence of these procedures.

The Chief Executive Officer (CEO), Chief Operating Officer (COO) and the Headteacher for each individual school, have overall responsibility for this procedure and for ensuring that:

- Appropriate procedures are in place and implemented
- Any concerns and any action taken are reported to the Board of Trustees
- All staff are aware of their rights and duties under the Public Interest Disclosure Act 1998

This policy is substantially based on the NCC Whistleblowing Policy which has been the subject of consultations with the relevant Trade Unions and has their support.

## **2. AIMS AND SCOPE OF THIS POLICY**

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith
- Provide a mechanism by which the Trust’s Fraud policy can be implemented.

If you are an employee, there are existing procedures in place to enable you to lodge a grievance relating to your own employment. You should always use the grievance procedure before this Whistleblowing Policy. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Failure to comply with any legal obligation
- Health and safety risks, including risks to the public, service users, as well as other employees
- Damage to the environment
- Bribery
- Negligence
- Conduct likely to damage the Trust/Academy's reputation
- Unauthorised disclosure of confidential information
- The inappropriate or unauthorised use of public funds or other resources
- Possible fraud and corruption
- Abuse of clients, or
- Other unethical conduct
- Deliberate concealment of any of the above matters

Thus, any serious concerns that you have about any aspect of service provision or the conduct of staff or managers of the Trust or others acting on its behalf can be reported under the Whistleblowing Policy.

This may be about something that: -

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trust subscribes to; or
- Is against the Trust's Constitution or policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

This policy does **not** replace the Complaints Procedure, which is concerned with addressing complaints about Trust services.

### **3. SAFEGUARDS AGAINST HARASSMENT OR VICTIMISATION**

The Trust is committed to good practice and high standards and wants to be supportive of employees and others covered by this policy.

The Trust recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action if necessary, to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other dismissal procedures that already affect you or may affect you in the future.

#### **4. CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. We will not disclose your identity without your consent or unless instructed by a Tribunal or Court. At the appropriate time, however, you may need to come forward as a witness. We will discuss with you how we can proceed should a situation arise where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence).

#### **5. ANONYMOUS ALLEGATIONS**

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust. It should be remembered that wherever possible, confidentiality will be preserved.

In exercising this discretion, the factors to be considered would include:

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

#### **6. UNTRUE OR MALICIOUS ALLEGATIONS**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

#### **7. HOW TO RAISE A CONCERN**

As a first step, you should normally raise concerns with the Headteacher or if the concern is about any action taken by the Headteacher the concern should be raised with the Chief Executive Officer (CEO). A concern raised about any action taken by a trustee, should be raised with the Chair of the Board of Trustees. If the concern is about any action taken by the Chair of the Board of Trustees a concern should be raised with the Chair of the Audit Committee and vice-versa.

Concerns may be raised verbally or in writing. If you wish to make a written report, you are invited to use the following format:

- The background and history of the concern (giving relevant names, places and dates)
- The reason why you are particularly concerned about the situation.

If your concern is raised verbally, a written note will be taken in line with the format above.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Advice or guidance on how to pursue matters of concern may be obtained from the Headteacher of the individual school, the Learning Trust CEO, COO or the Chair of the Board of Trustees.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or have the same concerns.

You may invite your trade union/professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. HOW THE TRUST WILL RESPOND**

The Trust will respond to concerns. Be aware that testing out concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, internal assurance or through the disciplinary process
- be referred to the police
- be referred to the external auditor.
- be referred to the Education and Skills Funding Agency or the Department for Education
- any concern raised about suspected fraud or a financial crime will be dealt with according to the Trust's Anti-Fraud Policy.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

Any officers who are responsible for operating this procedure who may be implicated in any way or have a potential or actual conflict of interest will be excluded from any involvement in the process.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten (10) working days of a concern being raised, the responsible person (the Chief Executive, Chief Operating officer, Head Teacher, , Chair of the Audit Committee or Chair of the Trust) will write to you:

- acknowledging that the concern has been received
- indicating how the Trust proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- informing you on whether further investigations will take place and if not, why not.

The amount of contact between the responsible person considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from the you.

Where any meeting is arranged off-site, if you so wish, you can be accompanied by a union/professional association representative or a work colleague.

The Trust will take steps to minimise any difficulties which the employee may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for you to receive advice about such proceedings.

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Trust will inform the employee(s) of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

The CEO has overall responsibility for the maintenance and operation of this policy and maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the next meeting of the Board of Trustees.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

This policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you

are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:

- the local Citizens' Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police

The Trust recognises the lawful right of employees to make disclosures to prescribed persons under the terms of the PIDA.

If you do take the matter outside the Trust, you should ensure that you do not disclose information, which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.

## **11. FURTHER ADVICE**

Employees may also wish to seek other independent advice in relation to Whistleblowing. The Whistleblowing charity; Public concern at work provide free information to employees ([www.pcaw.org.uk](http://www.pcaw.org.uk))

## **12. EXTERNAL WHISTLE BLOWERS**

If a former employee or other external party whistle blows, the responsible person will determine the appropriate response based on the specific circumstances of the case, including any internal investigation in line with the principles within this procedure and co-operating with any external investigation.