

Newham Community Learning: Whistleblowing Policy

Last updated: March 2024 as v3.1

Applies to: Newham Community Learning and all our schools

Approved by: Trust Board, February 2024 [further to scrutiny by the Board's Finance and Resources Committee in January 2024; additional points of clarification added as per the Document History]

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1. Overview of the Policy Management Process

1.1. Document history

Date	Revision	Version number (substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point)
Sept 2021	NCST Trust level Whistleblowing Policy in place	v1.0
Sept 2022	Reviewed, updated and released as a Newham Community Learning Policy	v.2.0
Dec 2023	Updates made as follows: Reviewed and fit for purpose and reflective of the Trust's current structures and governance	v3.0
Feb 2024	Reviewed by the Finance and Resources Committee and approved by the Trust Board as fit for purpose	v.3.0
March 2024	Section 2.3 - clarification regarding the scope of the Whistleblowing Policy, with particular reference to the Trust Safeguarding Policy and the reporting and management of low-level concerns	v3.1

1.2. Review and approval

The Whistleblowing Policy applies to the whole Trust. It is reviewed by the Executive Team (and/or their delegates) and is then presented to the Trust Board for approval (via a relevant board committee if appropriate).

It is reviewed in line with the Trust Policy Review Schedule.

2. Newham Community Learning Policy - Whistleblowing Policy

2.1. Introduction

The Fair Funding Regulations require local authorities, from April 2002, to set out a procedure to be followed by all persons working at a school, including teachers, support workers, agency workers or school governors who wish to complain about financial management or financial probity at the school, and how such complaints should be dealt with. Across the Newham Community Learning (NCL hereafter), we continue to abide by these Regulations, and we have, as a Trust, set out the attached policy in line with the requirements of the legislation.

NCL is committed to the highest possible standards of openness, probity and accountability and aims to comply with the requirements of the Public Interest Disclosure Act, 1998. Further strengthening our governance arrangements is, furthermore, identified as a key action as part of our Trust Improvement Plan 2021/22.

2.2. Aims

This Whistleblowing Policy is intended to encourage and enable those covered by the policy to raise serious concerns at an early stage, in the right way and to do so without fear of recrimination, victimisation, discrimination or disadvantage.

2.3. Scope

This policy reflects the Trust's current practices and applies to every individual working for the Trust irrespective of their status, level or grade. It therefore includes Headteachers, Heads of Department, members of the Senior Leadership Team, governors, directors, trustees, employees, consultants, contractors, trainees, volunteers, home-workers, part-time or fixed-term employees, casual and agency staff (collectively referred to as "you" and "staff" in this policy) who are advised to familiarise themselves with its content.

The Act provides protection for staff who disclose information which might otherwise be regarded as confidential, **if the disclosure falls into one of the categories outlined below:**

- A criminal offence has been, is being or is about to be committed.
- The employer has failed, is failing, or is about to fail to comply with his legal obligations.
- A miscarriage of justice has happened, is happening, or is likely to happen.
- An individual's health and safety has been, is likely to be, or is being jeopardised.
- The environment is, has been, or is likely to be, damaged
- Information falling into any of the above categories has been, is being or is likely to be

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deliberately concealed.

The Trust publishes a Modern Slavery and Human Trafficking Statement which is regularly reviewed, and which highlights that any concerns should be flagged through this Whistleblowing Policy.

By adopting this policy across our Trust, we aim to reassure our staff that they can safely raise concerns about malpractice internally. This will enable us to investigate and deal with such concerns raised and continue to foster a responsible and accountable culture in the organisation.

Staff and members of the school local governing bodies are expected to notify the school or the Trust head office of any reasonable and genuine concerns they have about an abuse of the school's (or indeed the Trust's) stated standards, malpractice, theft, fraud, financial abuse, criminal offences, breach of legal obligations, dereliction of any school's health and safety responsibilities, damage to the environment, other unethical conduct or the cover up of any of these.

It is recognised that some cases raised under the Whistleblowing Policy will proceed on a confidential basis. Every effort will be made not to reveal the identity of the individual who raises a concern without their prior consent.

The policy is not designed to replace the Grievance, Disciplinary or Early Help, Child Protection and Safeguarding policies and procedures. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures. This includes the reporting and management of low-level safeguarding concerns.

This policy should not be used for staff complaints relating to their own employment position or personal circumstances at work, such as the way they have been treated at work. In those cases, staff should use the Grievance Policy.

The policy is not a replacement for our schools' Complaints Policies (published on the Trust's website) and other statutory reporting procedures that may apply. The Whistleblowing Policy is primarily to protect the interests of others or of the Trust and its schools.

It is accepted that there may be occasions when a concern turns out to be unfounded but was raised in good faith. The Trust will not take action against the individual in these circumstances. If an allegation was unfounded and it was clear that it had been raised frivolously, maliciously or for personal gain, then that individual may face disciplinary action under the terms of the Disciplinary Policy.

NCL, its schools, its board and its local governors are committed to treating claims of impropriety seriously irrespective of who the alleged perpetrators are. In all cases the Trust/school will seek the most appropriate sanction against individuals that it considers guilty of malpractice. This includes dismissing employees, taking civil legal action and, in conjunction with the law enforcement agencies, instituting criminal proceedings.

The aim of the Whistleblowing Policy is to enable staff members to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the school and especially to the media (see 'External Disclosures' below).

Staff have a duty of confidentiality towards the school. It is a serious matter to disclose confidential information.

2.4. How we handle concerns when they are raised

2.4.1. Step one – how to raise a concern

There are a number of agreed contacts for staff to raise concerns with under the Whistleblowing Policy. This enables the staff member to choose the person to whom they wish to make the disclosure.

Staff who have a concern about any wrongdoing should normally raise their concerns with their line manager. If, however, you feel unable to raise the matter with your line manager, for good reason, you may raise the concern with your Headteacher or another senior member of school staff. If you feel unable to raise your concern with any member of the school management you may raise it with a member of the Trust's Central Team, or with the local governing body. The names of all school governors, and their positions, are published on our school websites. Concerns raised by members of staff in the Trust Central Team should raise these with the CEO or, if they feel unable to do so, with the Chair of Trustees.

Where your concern is regarding potential poor or unsafe practice or potential failures in the Trust's or school's safeguarding regime, you should raise this initially with the Designated Safeguarding Lead or their Deputy at your school. Full details (updated in September every year and as and when required) of the Safeguarding Teams are available on our school websites and are listed as annexes in the Trust Policy.

Concerns may be raised orally or in writing. Make it clear if you want to raise the matter in confidence. The person with whom you raised the concern may have a preliminary meeting with you to discuss the most appropriate route. You may bring a friend/union representative to any meeting that is arranged in connection with the concern you have raised as long as the friend/union representative is not involved in the matter, and the friend/union representative agrees to maintain confidentiality.

If you are raising a concern about any Headteacher, you should contact the Trust's CEO. If you not able to do so, you should raise it with another member of the Trust's Central Team, or with the Chair of the local governing body.

If you are raising a concern about the CEO, you should contact the Chair of the NCL Trust Board, or with the local LADO (Local Authority Designated Officer).

If you are raising concerns as a local school governor you should speak to the Chair of the local governing body. If you feel unable to raise the matter with them for good reason, you should, in the first instance, make contact with the Chair of the NCL Trust Board (details as published on the Trust website).

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

2.4.2. Step two – what happens once a concern has been raised?

Once you have raised your concern, the person receiving the whistleblowing allegation will be responsible for ensuring that it is investigated properly themselves or by appointing someone appropriate. The nature of the investigation will depend upon the concern raised. You may be required to attend additional meetings in order to provide further information of the concerns you have raised.

The person receiving your whistleblowing concern is responsible for ensuring you receive feedback on progress and its likely timescale, subject to any issues of confidentiality that may be necessary. It may not be possible to inform you of the precise action undertaken where this would infringe a duty of confidence owed by the school to another party. You are required to treat any information about the investigation as strictly confidential.

If the Trust concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may (where they are an employee) be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.

2.5. Safeguards

The Trust and its schools recognise that the decision to report a concern can be a difficult one to make. The Trust and its schools will take appropriate action to safeguard you from recrimination or victimisation as a result of raising a genuine concern. Individuals who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating your concern to know your identity, the Trust will discuss this with you first. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered support.

You are encouraged to put your name to your concern wherever possible. Concerns expressed where the complainant wishes to remain anonymous are much less powerful and proper investigation may be much more difficult or impossible. It is also much more difficult to establish

whether any allegations are credible and to protect your position or to give feedback on the outcome of investigations. The Trust and its schools will consider anonymous concerns on a case by case basis, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

2.5.1. If you are not satisfied

Whilst the Trust cannot always guarantee the outcome you are seeking, the Trust will try to deal with the concern fairly, professionally and in an appropriate way. If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts outlined above.

2.5.2. External disclosures

NCL hopes that this policy gives you the reassurance you would need to raise concerns internally. The Trust would expect that in almost all cases, raising the concern internally would be the most appropriate course of action and you should not find it necessary to alert anyone externally. However, it recognises that there may be circumstances where progressing through the internal route has failed or is not appropriate and you can only properly report your concern to external bodies who have responsibilities to monitor the Trust and its schools' compliance to their own standards and legal obligations. If you reasonably believe the information and any allegations are substantially true, the law recognises that in some circumstances it may be appropriate for you to report your concern to another prescribed person, such as a regulator or professional body. It will very rarely if ever be appropriate to alert the media.

We strongly encourage you to seek advice before reporting a concern to anyone externally. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed people and bodies for reporting certain types of concern (see "Further Information" below).

Where your concern is regarding safeguarding practices within the Trust or School, and you feel unable to raise it internally or have concerns about the way your concern is being handled by the Trust, you can contact the NSPCC (see further information below).

2.6. Independent advice and helpline

If you are unsure whether to use the school's Whistleblowing Policy, or you want independent advice at any stage, you may contact the independent whistleblowing charity called Protect (formerly Public Concern at Work). This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy. Their contact details are:

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Protect

Helpline: **020 3117 2520**

(Independent whistleblowing charity)

E-mail: whistle@protect-advice.org.uk

Website: www.pcaw.org.uk

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