

# **Confidential**

# **Reporting Code**

# **(Whistleblowing)**

# **Policy**

<b>Review Date</b>	<b>Reviewer</b>	<b>Review Completed</b>	<b>Adopted</b>	<b>Implementation</b>
	J Barker	October 2016	November 2016	November 2016
July 2018				

## **Introduction**

The North East Learning Trust is committed to the highest possible standards of openness, honesty and accountability. The Trust expects all employees and anyone in contact with either the Trust or any of its Academies who have serious concerns about any aspect of the Trust and/or its' Academies to be able to voice their concerns. Wherever possible, staff are encouraged to use the relevant Trust and Academies to report issues in an open and transparent way, because that is the type of culture we aim to foster. The Trust recognise, however, that some cases may have to proceed on a confidential basis.

The purpose of this policy is to make clear that employees and others can report concerns without fear of victimisation, subsequent discrimination or disadvantage and to encourage and enable employees to raise serious concerns within the Academy and/or Trust rather than overlooking a problem or 'blowing the whistle' outside.

This policy applies to anyone involved with the Trust and/or any of its' Academies including employees, Trustees, Governors, agency staff, contractors and suppliers. These procedures are in addition to the Trust's Complaints Policy and other statutory reporting procedures that apply to some services.

## **Aims**

This code aims to:

- Encourage confidence to enable serious concerns to be raised and to question and act upon concerns about practice;
- Provide avenues for concerns to be raised and to enable feedback to be given on any action taken;
- Ensure that a response is received to any concerns that are raised and that confirmation of further actions that can be taken should the individual not be satisfied;
- Provide reassurance that there will be protection from possible reprisals or victimisation following any disclosure made in the public interest.

## **Scope of the code**

To make a disclosure under this code you must reasonably believe:

- That you are acting in the interests of the Trust, Its' Academies or the public;
- That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
  - criminal offences;
  - failure to comply with an obligation set out in law;
  - miscarriages of justice;
  - endangering of someone's health and safety;
  - damage to the environment;
  - covering up wrongdoing in the above categories;

Examples of the above could include:

- safeguarding concerns, including sexual or physical abuse of children/or vulnerable young people/adults;
- conduct which is an offence or a breach of law;
- health and safety risks, including risks to the public as well as other employees;
- the unauthorised use of public funds;
- negligence;
- unauthorised disclosure of confidential information;
- possible fraud and corruption;
- deliberate concealment of the above matters.

The above list is neither exclusive nor exhaustive.

Therefore, any serious concerns, which are in the public interest, about any aspects of the Trust's business or the conduct of employees, Trustees or Governors or others acting on behalf of the Trust and/or any of its' Academies can be reported under this Confidential Reporting Code.

## **Safeguards**

The Trust recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will act to protect anyone who raises a concern in good faith. This does not mean that if you are already the subject of procedures such as disciplinary, capability, grievance or attendance management, that those procedures will be halted because of a disclosure covered by this code.

Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment because of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment because of your whistleblowing you should contact the CEO/Deputy CEO.

## **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person raising the concern. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

Whilst every effort will be made not to reveal your identity you may be called as a witness if the matter is progressed.

All information will be handled sensitively and used only for its proper purpose.

## **Anonymous allegations**

Allegations can be made anonymously. However, this code encourages individuals to put their name to the allegation, as concerns expressed anonymously are much more difficult to investigate. Anonymous allegations will be considered as far as is practicably possible by the Trust.

### **Untrue allegations**

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person who raised the concern. If, however, allegations are found to be malicious or vexatious, appropriate action may be taken against the individual.

### **How to raise a concern**

As a first step, concerns should normally be raised with your immediate line manager either verbally or in writing. This will depend on the seriousness and sensitivity of the issues involved and who is alleged to be involved in the malpractice. In some cases, it may be appropriate to contact the CEO/Deputy CEO. You may invite your trade union, professional association or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

Concerns regarding the CEO/Deputy CEO should be raised with the Chair of the Trust Board.

The NSPCC offer a free advice and support to professionals with concerns about child protection issues. This is a useful service to enable you to talk through your concerns.

### **How the Trust will respond**

The action taken by the Trust will depend on the nature of the concern and the matters raised may:

- be investigated internally (this is the most likely)
- be referred to the police or other statutory agencies
- be referred to the external auditor

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. Concerns or allegations that fall within the scope of specific procedures e.g. child protection or discrimination issues, will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. Within 10 working days of receiving the concern the CEO/Deputy CEO will write to you:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Confirming whether any initial enquiries have been made; and
- Informing whether further investigations will take place and, if not why not.

The amount of contact between the person raising the concern and the investigating officer will depend on the nature of the matters raised, the potential difficulties involved

and the clarity of the information provided. If necessary, further information may be sought.

When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union or professional representative or work colleague who is not involved in the area of work to which the concern relates. The Trust will take steps to minimise any difficulties that may be experienced as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will advise about the procedure. The Trust acknowledges the need to provide assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

## **How the matter can be taken further**

This policy is intended to provide a mechanism to raise concerns within the Trust and that all concerns raised are resolved to your satisfaction. If you remain dissatisfied, and feel that it is right to take the matter beyond the Trust, you may wish to take advice from your Trade Union representative, your local citizens advice bureau or your legal advisor on the options available to you.

If you do take the matter beyond the Trust, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Trust (e.g. service users) or where you could commit an offence by making a disclosure.

If for any reason you do not wish to use the internal arrangements set out previously, or require additional support and advice, a list of external agencies is given below. This list is not exhaustive and a fuller list can be found in the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 at [www.legislation.hmso.gov.uk](http://www.legislation.hmso.gov.uk)

### **Ofsted**

0300 123 4666

[www.gov.uk/government/organisations/ofsted](http://www.gov.uk/government/organisations/ofsted)

### **NSPCC**

0800 028 0285

Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### **Public Concern at Work**

0207 404 6609

[www.pcaw.org.uk](http://www.pcaw.org.uk)

### **Department for Education**

0370 000 2288

[www.gov.uk/government/organisations/department-for-education](http://www.gov.uk/government/organisations/department-for-education)

