

*Working in partnership*

**CONFIDENTIAL REPORTING/WHISTLEBLOWING POLICY**

**INTRODUCTION**

Nottingham University Samworth Academies Trust (NUSAT) is committed to providing its students with the very best start in life. Academy staff will inspire students enabling them to get the most out of their education by making learning enjoyable and by setting challenging goals and high standards of achievement. Within NUSAT children come first, with each member of the school community valued and respected. NUSAT's long-term partnership agreement with the Torch Academy Gateway Trust (TAG) places these aspirations at its heart and will help us to achieve them through the day to day operational management of NUSA on behalf of the NUSA Trust.

The Directors of the Trust and the Governors recognise that a member of staff may be the first to realise if something is wrong within the academy. However, the staff member may not want to express their concerns because they feel that speaking up would somehow be disloyal to their colleagues or to the academy.

It is important for staff to know that the Trust is committed to the highest possible standards of openness, probity and accountability. Part of meeting that commitment is to encourage employees and others with concerns about any aspect of the academy's work to feel able to come forward and voice those concerns. The Trust recognises the need for confidentiality and the fact that the majority of cases will have to proceed on a confidential basis.

**SCOPE OF THIS POLICY**

**Aims of the Policy**

The policy is designed to ensure that staff can raise their concerns about wrongdoing or malpractice within the Trust without fear of victimisation, subsequent discrimination or disadvantage. It is also intended to encourage and enable them to raise serious concerns within the Trust rather than ignoring a problem or 'blowing the whistle' outside.

This policy aims to:

- encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
- provide avenues for them to raise those concerns and receive feedback on any action taken;

- ensure that they receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

NUSA's staff conduct policy sets out our expectations of behaviour, and employees should ensure they are fully aware of their obligations to avoid any wrongdoing in the first place.

### **Range of the Policy**

The policy is intended to enable those who have concerns regarding wrongdoing or malpractice to report those concerns at the earliest possible opportunity so that they can be properly investigated. The policy is not, however, intended to replace existing procedures, for example:

- if the concern relates to someone's own treatment as a member of staff, they should raise this under the existing grievance or harassment procedure, as appropriate;
  - if a parent or other user of the school has a concern about services provided, they should raise this as a complaint to the school;
  - some areas of service have their own specific procedures, e.g. Child Protection procedures.

Where concerns are raised, the subsequent investigation may take the form of any appropriate procedure, either internal or external, e.g. an internal audit enquiry or a Police investigation.

The person who has raised the concerns will ordinarily be kept informed of progress and of the outcome of any investigation.

### **Who can raise a concern under this Policy?**

The provisions of the policy apply to all:

- Employees of NUSA
- Employees of contractors working for the Trust, e.g. agency staff
- Employees of suppliers
- Voluntary workers within NUSA

### **What should be reported?**

Staff should report any concerns that they have about service provision or about the conduct of Employees, Directors or Governors of the school or others acting on behalf of the school that:

- make them feel uncomfortable in terms of known standards, or
- are not in keeping with NUSA's regulations and policies, or
- fall below established standards of practice, or

- constitute improper behaviour

These concerns might relate to:

- conduct which is an offence or a breach of the law
- miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public/school funds
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct

Employees should raise the matter as soon as possible when they have reasonable suspicion of wrongdoing, to avoid delays in investigating the matter.

## **SAFEGUARDS**

### **The Legal Framework**

The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice. The Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

### **Harassment or Victimisation**

The Trust is committed to good practice and high standards and to being supportive of its staff.

We recognise that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the Trust, their colleagues and those for whom they are providing a service.

The Trust will not tolerate any harassment or victimisation (including any informal pressures) and will take the appropriate action to protect staff when they raise a concern in good faith.

### **Support for the Person Raising Concerns**

Throughout the process the member of staff:

- will be given full support from the senior management of NUSA
- may be assured that their concerns should be taken seriously
- may be assured that the Trust will do all it can to help them throughout the investigation e.g. provide access to advocacy services where the individual has no access to Trade Union Support.

Employees are directed to the charity Public Concern at work which offer advice and guidance in relation to disclosures and Whistleblowing (see contact details below).

The Trust also owes a duty of care to employees who are accused of wrongdoing and who are the subject of an investigation so appropriate support mechanisms will also be provided to them.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the member of staff who raises concerns, should that be their wish.

If disciplinary or other proceedings are to follow an investigation it may be that it is not possible to take the appropriate action on the disclosure without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If they agree to this, they will be offered the appropriate advice and support.

### **Anonymous Allegations**

This policy encourages staff to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Directors of the Trust. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

### **Untrue Allegations**

Some concerns raised may, when investigated, prove to be groundless. If a concern is raised or an allegation made in good faith by someone reasonably believing it to be true and their concerns are not confirmed by investigation, they should have nothing to fear as the school will recognise their genuine motives. However, it needs to be stated, should someone make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## **RAISING A CONCERN**

### **Whom should a concern be raised with?**

As a first step, staff should normally raise concerns with their immediate line manager. This might depend, however, on the seriousness and sensitivity of the issues involved and who is

suspected of the wrongdoing. If the concern is about a senior member of staff the individual should raise the issue with their Head of School or Executive Headteacher.

If this is not appropriate, for example, if the first point of contact may be the person or persons about whom the concerns relate, staff should raise their concerns with the Chair of Governors.

If they are not confident that they will deal with their concerns properly, then they may raise the issue with the Chairman of the Board of Directors and ask them to investigate on the school's behalf.

### **How to raise concern(s)**

Staff may raise their concern by telephone, in person or in writing. In the interests of confidentiality, staff may raise concerns via their Trade Associations. The earlier they express their concern, the easier it is to take action. They will need to provide the following information:

- the background and history of the concern (giving relevant dates);
- the reason why they are particularly concerned about the situation.

Although they are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

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

They may invite their Trade Union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns they have raised.

### **HOW THE TRUST WILL RESPOND**

The Trust will take concerns raised seriously and will respond to them without undue delay depending on the nature and scope of the issue.

In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form that investigation should take.

Where concerns or allegations do not fall within the scope of this policy, the matter would normally be referred for consideration under the appropriate procedures. As a result of this, where appropriate, the concerns raised may:

- be investigated by Leadership, internal audit or through the discipline/grievance/harassment process;
- be referred to the external auditors;
- be referred and dealt with under the established child protection procedures

- form the subject of an independent inquiry.

Where concerns do fall within the scope of this policy, within ten working days of your concern being raised the Head of School (or whichever Director the complainant referred the concern to) will write to the person raising the concern:

- acknowledging that their concern has been received;
- indicating how the school propose to deal with the issue;
- telling them whether any further investigations will take place (and if not, explaining why this is the case);
- supplying them with information on staff support mechanisms.

The amount of contact between the person raising the concern and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the person raising concern will be interviewed to ensure that their disclosure is fully understood.

A meeting can be arranged away from the workplace, if desired, and a union or professional association representative or a friend may accompany them in support.

The Trust will do what it can to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the Trust will arrange for them to receive appropriate advice and support. The Trust understands the need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.

### **THE RESPONSIBLE OFFICER**

The Chair of the Trust Board has overall responsibility for the maintenance and operation of this policy. He or she will maintain a record of concerns raised and the outcomes. Records will be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns.

The Chair of the Trust Board will report to the Directors and Local Governing Body as necessary.

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

The aim of the policy is to provide staff with an appropriate internal mechanism to raise their concerns, investigating and remedying any wrongdoing within the workplace. Hopefully, they will be satisfied with any action taken as a result of their raising issues. However, should this not be the case and they feel it necessary to take the matter outside the school, our prescribed contacts are:

- the Secretary of State following the DfE's Academy complaints procedures
- the Internal Auditor (Responsible Officer for Finance)
- the External Auditor
- the relevant Trade Union
- the Police

This does not prevent staff from seeking their own legal advice.

If the member of staff raises their concerns outside the academy, they should ensure that it is to one of the above prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy, and may initiate a disciplinary process.

Employees should not disclose information that is confidential to the school or to anyone else, such as a client or contractor of the school, except to those included in the list of prescribed contacts.

## **RECORD KEEPING AND DATA PROTECTION**

We will keep a central record of disclosures made under the Whistleblowing policy. This will help them to monitor the effectiveness of the policy. Information will include:

- the date on which the concern was raised;
- the part of the organisation to which the concern relates;
- the nature of the concern and its key elements;
- any action that the organisation has taken;
- any feedback that has been provided to the discloser; and
- whether or not the discloser has any wishes with regards to confidentiality.

We will comply with data protection requirements in terms of any records made and kept. This means that personal data will be accurate and up to date, and kept for no longer than is necessary

## **CONTACTS:**

Chair of Board of Directors	Mr Brian Stein
<b>Public Concern at Work</b> (Independent Whistleblowing charity)	Helpline: 020 7404 6609 Email: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

## **REVIEW OF POLICY**

Directors will review the policy on an agreed date or as necessitated by legislative changes.

## **Equality Duty**

*This policy has been reviewed in the context of Equality Impact and assessed as: Neutral*

*This policy was last reviewed In: February 2013*

*Name of reviewer: BJ/J Taylor*