

# Trust Policy

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## Confidential Reporting and Whistleblowing Policy



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**This Trust Policy provides guidance on:**

- Legislation and guidance
- Raising a concern
- Procedure



# Confidential Reporting and Whistleblowing Policy

## Policy/Procedure management log

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# Confidential Reporting and Whistleblowing Policy

## 1.0 Introduction

Nova Education Trust is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

It is important for staff to know that Nova Education 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 school's or Trust'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.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

## 2.0 Legislation and guidance

The Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 provide legal protection, in certain circumstances, to workers making disclosures in the public interest about malpractice. The legislation 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 legislation.

## 3.0 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 employees 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 the public interest.

The Nova Education 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.

## 4.0 Scope 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 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;

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.

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

The provisions of the policy apply to all:

- Employees of the Trust
- Employees of contractors working for the Trust, e.g. agency staff
- Employees of suppliers
- Voluntary workers within the Trust
- Members, Directors and Governors of the Trust

### 4.2 What should be reported?

**Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures [including our Code of Conduct];
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- other unethical behaviour
- the deliberate concealment of any of the above matters.

A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

If you are uncertain whether something is within the scope of this policy you should seek advice from the Director of HR or the Director of Governance & Compliance.

## **5.0 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 the public interest.

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

Throughout the process the member of staff:

- will be given full support from the leadership of the trust
- will have their concerns taken seriously
- will be supported by the trust which will do all it can to help them throughout the investigation.

Employees are directed to the charity Public Concern at Work which offers 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.

Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform, as appropriate, your Head of School/CEO/Chair of Governors/Chair of Directors or the HR Director immediately. If the matter is not remedied you should raise it formally using the trusts Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

## **7.0 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.

## 8.0 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.

## 9.0 Untrue Allegations

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

## 10.0 Raising a concern

### 10.1 Who 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, Executive Head or CEO.

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 or the Chair of Directors.

If an employee is not confident that the nominated person will deal with their concerns properly, then they may raise the issue with the Chair of Directors.

### 10.2 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 union. 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) people who have had the same experience or concerns.

They may invite their trade union representative or a work colleague to be present during any meeting or interviews in connection with the concerns they have raised.

## 11.0 How the Nova Education 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.

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 or grievance procedures;
- 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 Trust proposes 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 asked to attend a meeting to ensure that their disclosure is fully understood.

A meeting can be arranged away from the workplace, if desired, and a trade union representative or a work colleague may accompany them to provide support.

The Trust will do what it can to minimise any difficulties that staff may experience as a result of raising a concern. 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.

## 12.0 The responsible officer

The Nova Chair of the Directors has overall responsibility for the maintenance and operation of this policy. They 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 Nova Board will report to the Directors and relevant Governing Bodies as necessary.

## 13.0 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. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. 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 external. Public Concern at Work holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or the HR Director for guidance.

Disclosures may also be made to the ESFA about education providers. Under the Public Interest Disclosure Act (PIDA) workers may be protected where the person who make a disclosure to a [prescribed person or body](#) reasonably believes that:

- the disclosure falls within the remit of the prescribed person or body
- the information and any allegations are substantially true

This means in certain circumstances, specifically where the disclosure is a public interest concern (as per the definition above), the same protections may apply as they would if whistleblowing directly to their employer. This means you would be protected from [dismissal](#) or [detriment](#) (unfair action taken by your employer, including punitive action) as a result of making a disclosure.

If you are unsure whether the Public Interest Disclosure Act will protect you, you can contact [Public Concern at Work](#) (tel: 020 7404 6609).

### How to make a disclosure to ESFA

To complain or make a disclosure about an academy trust or free school, please use the [contact form](#).

To complain or make a disclosure about a post-16 education or training provider, please email [ESFA's Customer Service Team](#) or send a letter to:

Customer Service Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT



## **14.0 Record keeping and data protection**

The trust will keep a central record of disclosures made under the Whistleblowing Policy. This will help the trust 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