

Confidential Reporting Code (Whistleblowing) Policy

Review Date	Reviewer	Consulted on with recognised trade unions	Adopted
September 2020	D Piggett	Sep/Oct 2020	December 2020

Revision History

Issue No	Date	Description
3	September 2020	Full Policy Review

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1. Introduction

The North East Learning Trust ("the 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 concerns about any aspect of the Trust and/or its Academies to be able to voice their concerns.

Wherever possible, staff are encouraged to raise any concerns with their line manager in an open and transparent way, because that is the type of culture we aim to foster. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. The Trust recognises, however, that some cases may have to proceed on a more formal 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, except if they are genuinely self-employed.

The policy is non contractual and may be amended by the Trust at any time following, where appropriate, consultation with Trade Unions

These procedures are in addition to the Trust's Complaints Policy, Grievance Procedure and other statutory reporting procedures that apply to some services.

This policy is intended to cover concerns that are made in the public interest. If the matter is of an individual or personal nature it should be pursued through the Trust's Grievance Procedure. Complaints relating to discrimination, victimisation or harassment should also be dealt with through the Trust's Grievance Procedure.

If you are uncertain whether something is within the scope of this policy, you should seek advice from the Director of Human Resources or the Governance Manager.

All policies referred to can be accessed via the Trust's HR advice page

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2. 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 confirmation of further actions that can be taken should the individual not be satisfied with the response.
- Provide reassurance that there will be protection from possible reprisals or victimisation following any disclosure which has been raised as a result of a genuine concern.

3. Scope of the code

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

- That the disclosure tends to show past, present, or likely future wrongdoing or dangers at work, which may fall within one or more of the following categories:
 - criminal activity.
 - failure to comply with an obligation set out in law or regulatory requirements.
 - miscarriages of justice.
 - endangering of someone's health and safety.
 - damage to the environment.
 - bribery.
 - financial malpractice, impropriety or fraud.
 - serious failure to comply with any codes of practice or ethical rules covering the Trust and;
 - attempts to conceal any of the above.

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, fraud, tax evasion or financial mismanagement.
- negligence.
- unauthorised disclosure of confidential information.
- corruption.
- deliberate concealment of any of the above matters.

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The above list is neither exclusive nor exhaustive.

Therefore, any serious concerns, 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.

4. Safeguards

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of potential reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will act to protect anyone who raises genuine concerns under this policy, even if they turn out to be mistaken.

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 Chief Executive Officer (CEO), Deputy CEO or the Director of Human Resources.

5. Confidentiality

Any disclosure made under this policy will be treated as far as reasonably practicable in a confidential and sensitive manner. If confidentiality is not reasonably practicable, for instance, because of the nature of the information, this will be explained to the person making the disclosure.

We hope you will feel comfortable to voice any concerns openly, however, you may make a disclosure anonymously. Concerns expressed anonymously cannot be dealt with as effectively as open disclosures as they are often more difficult to investigate.

Whilst every effort will be made not to reveal your identity, if it is deemed necessary for anyone investigating your concern(s) to know your identity, we will discuss this with you.

All information will be handled sensitively and used only for its proper purpose, in accordance with data protection legislation.

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6. Anonymous allegations

We do not encourage individuals to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. However, if you want to raise your concern confidentially, we will make all reasonable efforts to keep your identity secret

7. Untrue allegations

It is understandable that individuals are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

If an allegation is based upon a genuine concern, 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 disciplinary action may be taken against the individual.

8. 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 or Director of Human Resources. You may invite your trade union, professional association, or a work colleague to be present during any meetings or interviews in connections 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.

9. 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

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To protect individuals and the Trust, initial enquires 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.

As soon as reasonably practicable after receipt of the concern(s) the CEO/Deputy CEO will write to you:

- Acknowledging that the concern has been received
- Indicating how it is proposing 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.

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.

10. 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 are dissatisfied with the outcome of the investigation, you should notify the Director of HR giving the reasons for your dissatisfaction. He/she will respond in writing notifying you of his/her acceptance or rejection of the need for further investigation and the reasons for this.

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.

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Protection and Support for whistle-blowers:

It is understandable that whistle-blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistle-blowers must not suffer any detrimental treatment as a result of raising a 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 the Director of HR immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

You must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

A confidential support and counselling hotline is available to whistle-blowers who raise concerns under this policy. Their contact details are set out below:

Contacts

Director of HR	Deborah Piggett Telephone: 07484 087478 E-mail: Deborah.piggett@nelt.co.uk
Employee Assistance Programme (Independent confidential 24 hour free counselling hotline service)	Health Assured Helpline: 0800 028 0199 Website: healthassuredeap.com
Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

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