



WHISTLEBLOWING POLICY

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Introduction

In light of experience and best practice, the effectiveness of this policy will be monitored and reviewed annually. This mechanism recognises that changes in legislation may prompt a review of the policy before the review stipulated.

We are committed to safeguarding and promoting the welfare of children and young people, and expect all staff, partners and volunteers to share this commitment.

This policy applies to all activities undertaken by the Academy in pursuing its purpose as an educational institution whilst serving its students, community and wider stakeholder interests.

All policies are subject to Equality Impact Assessments. Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of race, gender, disability, age, religion or sexual orientation.

If you require this document in an alternative format and/or language, please contact our Charna Kay (C.Kay@ncdat.org.uk)

We are always keen to hear suggestions regarding Academy policies.

To make suggestions or to see further information please contact:

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Footnote

In an effort to keep costs to a minimum, a conscious decision has been made not to print out this document and it would be appreciated that you refer to the copy and relevant Appendices available on the Website/VLE.

WHISTLEBLOWING POLICY

1. Policy Statement

- 1.1 New College Durham Academies Trust (The Trust) is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment the Trust is keen that activity, which falls below these standards, is reported in order that it can be dealt with promptly.
- 1.2 The Trust acknowledges that employees are often the first to realise that there may be something seriously wrong within their organisation and that the Academy Trust needs to encourage employees and others workers with concerns about any aspect of the Academy Trust's work to come forward and voice those concerns.
- 1.3 Usually these concerns are easily resolved, with line managers. However, when they are about unlawful conduct, financial malpractice or dangers to the public, other staff or the environment, it can be difficult to know what to do.
- 1.4 Whistleblowing covers concerns raised that report wrongdoing that is “in the public interest”. Examples of whistleblowing include (but are not limited to):
 - Criminal offences, such as fraud or corruption
 - Pupils’ or staffs’ health and safety being put in danger
 - Failure to comply with a legal obligation or statutory requirement
 - Breaches of financial management procedures
 - Attempts to cover up the above, or any other wrongdoing in the public interest
 - Damage to the environment
- 1.5 A whistleblower is a person who raises a genuine concern relating to the above. Not all concerns about the trust, or individual academies, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance, which should be dealt with under the Grievance and Resolution policy.
- 1.6 Trust employees, may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling it’s only a suspicion. They may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. They could also fear harassment or victimisation.
- 1.7 Employees may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and they are not sure what to do next.
- 1.8 The Trust has this Whistleblowing Policy to enable employees to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof. The Whistleblowing Policy is intended to encourage and enable you, as an employee, to raise serious concerns within the Trust rather than overlooking a problem or simply reporting it outside. It should be read in conjunction with the Code of Conduct.

- 1.9 If something is troubling employees, which they think the Trust should know about, or look into, this policy should be used. Employees are encouraged not to ignore the concern. This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

2. Aims

2.1 This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected,
- Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the trust,
- Set clear procedures for how the Trust will respond to such concerns,
- Let all staff know the protection available to them if they raise a whistle-blowing concern,
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

3. Scope

- 3.1 This policy may be used by all employees or other workers who provide services to the Trust. This includes permanent and temporary employees of the Academy Trust and Academy Trust employees seconded to a third party. In addition, it includes self-employed consultants or contractors who provide services on a personal basis and agency workers.
- 3.2 It is not intended that this policy, be used to raise concerns which fall within the scope of other Trust procedures where more appropriate procedures are available, for example:
- Grievances (see Grievance & Resolution Policy);
- 3.3 This policy has been written in line with the Academy Trust Handbook as well as the government guidance on whistleblowing, and considers the Public Interest Disclosure Act 1998.

4. Safeguards

4.1 Harassment or Victimisation

- 4.11 The Trust recognises 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 you when you raise a concern in good faith. If you raise a genuine concern under this policy, you will not suffer any detriment in connection with your employment. Therefore, providing you are acting in good faith, it does not matter if you are mistaken.

- 4.12 However, this does not mean that, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your disclosure.

4.2 Confidentiality

- 4.21 The Trust will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent or unless instructed by a Tribunal or Court. If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence) we will discuss with you whether and how we can proceed.

4.3 Anonymous Allegations

- 4.31 This policy strongly encourages you to put your name to your allegation. Concerns expressed anonymously will be much more difficult for us to look into or to protect your position or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Trust.

- 4.32 In exercising discretion, the factors to be considered would include:

- the seriousness of the issues raised;
- the credibility and plausibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

4.4 Untrue or Malicious Allegations

- 4.41 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you. A vexatious complaint is a complaint which has no substance and may be made with ill intent.

5. How to raise a concern within the Trust

- 5.1 As a first step, you should normally raise concerns with your line manager or their superior. It is hoped that the majority of concerns can be resolved through line management/senior management discussions. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

Concerns should be raised with one of the following individuals:

Chief Operating Officer
c/o North Durham Academy
High Street
Stanley
Co. Durham
DH9 0TW

Chief Executive Officer
c/o North Durham Academy
High Street
Stanley
Co. Durham
DH9 0TW

Chair of the Academies Trust Board
c/o New College Durham
Framwellgate Moor Campus
Durham
DH1 5ES

Please say if you want to raise the matter in confidence so the person you contact can make appropriate arrangements.

Should the subject of the disclosure relate to individuals listed above you should contact the HR Department for further advice and guidance.

- 5.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person.
- 5.3 The earlier you express the concern, the easier it is to act. You may also wish to involve your Trade Union representative at this stage.
- 5.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 5.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Trust's HR department.

6. How the Trust will respond

- 6.1 The action taken by the Trust will depend on the nature of the concern. The matters raised may:
 - be investigated internally;
 - be referred to the Police;
 - be referred to the Local Authority Designated Officer
 - be referred for external independent investigators
 - be referred to the Internal Auditor to investigate
 - be referred to the External Auditor.
- 6.2 In order 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

which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

6.3 Some concerns may be resolved by agreed action without the need for investigation.

6.4 Within ten working days of a concern being received, the Trust will write to you:

- acknowledging that the concern has been received;
- indicating, in overall terms, how it proposes to deal with the matter;
- giving, where possible, an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not, why not.

6.5 The amount of contact between the person nominated to investigate and consider the issues raised and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

6.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union colleague or a work colleague not involved in the area to which the concern relates.

6.7 The Trust will take steps to minimise any difficulties, which you may experience 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 you about the procedure.

6.8 The Trust accepts that you need to be assured that the matter has been properly addressed and as such, where possible, the Trust will provide information in this regard.

7. Independent Advice

7.1 If you are unsure whether to use this Policy or you want independent advice at any stage, you may contact:

- if applicable, your Trade Union;
- Protect (the independent charity previously called Public Concern at Work) via their website. (<https://protect-advice.org.uk>) Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

8. How the matter can be taken further

8.1 This policy is intended to provide you with an avenue to raise concerns within the Trust and to give you the reassurance you need to raise such matters internally. The Trust hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:

- the Trust's External Auditor (Wylie Bissett) (0141 5667000);

- your Trade Union
- Advisory, Conciliation and Arbitration Service (Acas)
- Protect (Whistle-blowing charity) [Protect - Whistleblowing Charity](#)
- Public Concern at Work whistle@pcaw.org.uk (0207404 6609)
- A prescribed person or body. [Gov.uk - Prescribed Persons - Bodies](#)
- Durham County Council's Local Authority Designated Officer (03000260000)
- Ofsted (03001231231)

8.2 We would rather you raised a matter with the appropriate regulator or outside body than not at all. You may raise a concern with any of the above provided that:

- a) you make the disclosure in good faith;
- b) you reasonably believe that the information disclosed, and any allegation contained in it, are substantially true;
- c) you do not make the disclosure for the purposes of personal gain. Appropriate legal advice should be sought prior to raising a matter externally.

8.3 If you do take the matter outside of the Trust you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Please see the Code of Conduct.

9. Monitoring and Review of the Policy

9.1 The Trust's Chief Operating Officer has overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Chief Operating Officer will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Chief Executive Officer and The Academy trust, where appropriate.

9.2 The Policy will be reviewed on an annual basis to ensure the Policy remains up to date and to ensure it remains effective.