



Confidential Reporting of Concerns (“Whistleblowing”) Policy

Applicable to:	✓	All individual academies within NEAT
	✗	Specified academies only
	✓	NEAT Trust
	✓	NEAT Active Ltd
Approval body:	NEAT Board of Directors NEAT Active Ltd Board of Directors	

Status:

Statutory policy or document	No but requirement of the Academies Financial Handbook for NEAT
Review frequency	As determined by the Boards
Approval by	As determined by the Boards

Publication:

Statutory requirement to publish on website	No
If not, agreed to publish on website?	Yes

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Central Support Manager (SH)	6 July 2017	1.0	Agreed by Directors for implementation in schools and central team
Changed by	Revision Date	Version	Status
Director of Governance and Corporate Affairs (SH)	3 July 2020	2.0	Agreed by NEAT Active Board of Directors.
	3 July 2020		Agreed by Exec Team on behalf of NEAT Board after review.

Review Date	
Frequency	Next Review Due
Every three years	July 2023 (or earlier if new guidance or legislation issued and/or business need for earlier review identified)

1 Purpose

The purpose of this policy is to promote and protect responsible whistleblowing if concerns about malpractice in the workplace arise. It reflects the NEAT Group's commitment to the highest possible standards of openness, probity and accountability.

2 Scope

This policy applies to both NEAT and its subsidiary company, NEAT Active Ltd (the NEAT Group) including:

- all teaching and support staff employees;
- workers, contractors and agency workers;
- suppliers and those providing a service on the trust's premises or on behalf of the Group at other premises e.g. a pupil's home or a customer's site; and
- volunteers including governors and directors.

3 Roles and responsibilities

- **NEAT and NEAT Active Boards of Directors:** The Boards will monitor the application of this policy and procedure, particularly to ensure that practices comply with it and are not discriminatory. Responsibility for overseeing its implementation is delegated to the CEO.
- **Chief Executive Officer (CEO):** The CEO has day-to-day responsibility on behalf of the Boards for the maintenance and operation of this policy across the Group. They will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and may report as necessary to the relevant Board of Directors, but in such a way that confidentiality is preserved.
- **Head teacher/managers:** The headteacher and other managers are responsible for investigating and responding to concerns raised including keeping the CEO informed as the Group's responsible officer.
- **Directors/local governors:** directors and/or members of a school's Local Governing Committee (LGC) may be involved in investigating and responding to concerns depending on the nature of the matter involved.
- **Trades unions:** Trades union representatives are a useful source of advice for staff. All trade union officials, regardless of whether the union is recognised, may represent their members individually.
- **External agencies:** A range of external agencies can provide advice and support to individuals with a concern. In specific circumstances individuals can use external agencies to raise concerns outside the internal arrangements set out in this policy.

4 Legal considerations

The Public Interest Disclosure Act 1998 (PIDA) protects employees and workers who make a "protected disclosure" in the public interest from being treated badly or being

dismissed unfairly. The law protects most categories of workers with the exception of volunteers and those who are genuinely self-employed.

The disclosure must first be raised with the employer or a prescribed person. If the worker believes evidence would be destroyed or they would be penalised the disclosure can be raised externally.

Whistleblowers do not lose statutory protection simply because they are mistaken. The whistleblower will have protection as long as they have a 'reasonable belief' that malpractice has taken place, is taking place, or is likely to take place and it is in the public interest to disclose this. Importantly, it does not matter if the belief actually turns out to be inaccurate, or that the conduct would not constitute malpractice, as long as the whistleblower's belief is objectively reasonable.

The law does not cover personal grievances (such as bullying, harassment or discrimination), unless the case is considered to be in the public interest.

If the whistleblower commits an illegal act leading to the disclosure they may not be protected and the employer may be able to discipline or dismiss them in the usual way provided that all the requisite procedures are followed. For example, hacking into an IT system in order to demonstrate deficiencies in information security will be regarded as having committed a criminal offence.

The disclosure must usually be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.

5 Policy statement

The NEAT Group is committed to creating an environment of honesty, integrity and openness and to ensuring that all practices are undertaken with the highest standards of openness, probity and accountability. In particular we encourage a free and open culture in dealings with our employees and all people with whom we engage.

We recognise that effective and honest communication is essential, if concerns about breaches or failures are to be dealt with effectively. Therefore, we are committed to creating a climate where an individual with genuine concerns feels able to raise their concern in the confident expectation that the issue will be dealt with confidentially, sensitively and appropriately.

Employees are often the first to realise that there may be something wrong in their place of employment. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than to report what may just be a suspicion of malpractice.

We expect employees and others that we deal with who have concerns about any aspect of the NEAT Group's work to come forward and voice those concerns. We make it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. We encourage and enable employees and other stakeholders to raise concerns within the Group rather than overlooking a problem or "blowing the whistle" outside.

This policy aims to:

- make you feel confident to raise concerns and to question and act upon concerns about practice;
- give you avenues to raise your concerns and receive feedback on any action taken;
- guarantees that you receive a response to your concerns and ensures that you are aware of the process to follow if you are not satisfied;
- reassure you that you will be protected from possible reprisals, detriment or disadvantage or victimisation if you have a reasonable belief that the disclosure is made in the public interest.

There are separate procedures in place if you have a grievance relating to your own employment or consider that you are being discriminated against or harassed (due to a personal characteristic).

You are under a separate legal obligation (as notified to you in the Group's/School's health and safety policy statements) to report to your supervisor or manager any work situation which you consider to represent:

- a danger to the health and safety of yourself, fellow employees or members of the public; or
- a shortcoming in the arrangements for health and safety.

If you are reluctant to raise such health and safety concerns with your supervisor or manager, or if you have raised them and are concerned about the response, then you can raise health and safety concerns with the Clerk to the Directors/Company Secretary or a trade union health and safety representative.

This policy is intended to cover concerns that fall outside the scope of other procedures or where it is considered that the relevant policy or procedure has not been followed e.g.:

- practices which fail to safeguard children or young people including the abuse of pupils or other service users;
- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to pupils/service users/customers and the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- fraud and corruption;
- any attempt to prevent disclosure of any of the above; or
- other conduct which gives you cause for concern.

Any serious concerns that you have about any aspect of service provision or the conduct of staff, local governors or non-executive directors can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the directors or local governors subscribe to;
- is against the relevant articles of association, scheme of delegation of governance or policies, or the Academies Financial Handbook published by the Education and Skills Funding Agency;

- falls below established standards of practice as outlined in the Code of Conduct for Directors and Local Governors or the Code of Conduct for Employees and Volunteers; or
- amounts to improper conduct.

This policy supplements and does not replace the Complaints Procedure, Grievance Procedure and other procedures established to deal with aspects of harassment or health and safety concerns.

6 Safeguards for complainants

6.1 Harassment or victimisation

The NEAT Group is committed to good practice and high standards and aims to be supportive of staff.

We recognise that the decision to report a concern can be a difficult one to make. However uncovering malpractice will be doing your duty to your employer and those for whom you are providing a service.

We will fulfil our responsibilities to ensure that you are not harassed, victimised or otherwise disadvantaged when you raise a concern. Any employee who engages in any form of victimisation or harassment against you as a result of raising a concern may be subject to disciplinary action. Any governor or director who engages in any form of victimisation or harassment against you as a result of raising a concern may be subject to the appropriate sanction.

Allegations by an employee who is the subject of disciplinary investigations or proceedings concerning the conduct of those proceedings can only be raised through the appeals stage of the Disciplinary Procedure.

6.2 Confidentiality

All concerns will be treated in confidence wherever possible and every effort will be made to preserve your anonymity if you so wish. You may need to come forward as a witness and can be supported by a representative of your choice.

6.3 Anonymous allegations

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but they will be considered so far as is possible or practicable.

6.4 Untrue allegations

If you have a reasonable belief that your disclosure was true but that is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken.

7 How to raise a concern

As a first step you should raise concerns with your line manager or headteacher. However this depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

For example:

- if the concern is regarding your head teacher or head of service, you should approach the the CEO;
- if the concern is regarding a member of the school's Local Governing Committee, you should approach the the Chair or Vice Chair of the Local Governing Committee (unless the concern involves both the Chair and the Vice Chair, in which case you should approach the Clerk to the Local Governing Committee);
- if the concern is regarding a non-executive director of NEAT or the CEO, you should approach the Chair or ViceChair of the NEAT Board of Directors (unless the concern involves both the Chair and the Vice Chair, in which case you should approach the Clerk to the Directors);
- if the concern is regarding a non-executive director of NEAT Active Ltd, you should approach the Chair of the NEAT Active Ltd Board of Directors (unless the concern involves the Chair, in which case you should approach the Company Secretary).

The person receiving notification of concerns under this policy will inform the CEO that a confidential report has been received and provide a copy, unless the CEO is involved in the concern in which case the Chair of the NEAT Board of Directors will notify and send a copy to the Clerk to the Directors.

If the concern relates to financial irregularities or failures of financial controls the person receiving the report must also immediately notify the Chief Operating and Financial Officer.

Concerns may be raised verbally or in writing.

The earlier you express the concern, the easier it will be to take action.

Advice and guidance on how matters of concern may be pursued can be obtained from the Clerk to the Directors/Company Secretary. You can get free confidential and independent advice from the charity Protect on 0203 117 2520. Their website is www.protect-advice.org.uk/

You can invite your trade union or professional association representative or a fellow worker to be present during any meetings or interviews in connection with the concerns you have raised.

Concerns can be raised through your trade union or professional association who will advise and support you as appropriate.

8 How your concern will be dealt with

We will respond to your concerns, and it may be necessary to investigate your concerns, although this is not the same as either accepting or rejecting them.

Within 5 working days of a concern being raised, you will be sent a written acknowledgement of the concern which has been raised.

Within 10 working days you will receive a further response:

- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any enquiries have been made; and
- supplying you with information on staff support mechanisms.

Where appropriate, matters raised may:

- be investigated by the school/service or the central team, any internal auditor appointed by the Trust, or through the disciplinary process;
- be referred to the police or other statutory agencies;
- be referred to the external auditor.

In order to protect individuals and those about whom concerns are raised, 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 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. If urgent action is required, this will be taken before any investigation is conducted.

The amount of contact between you and the individual considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officer(s) will seek further information from you.

Where any meeting is arranged, and this can be off-site if you wish, you can be accompanied by a trade union or professional association representative or a fellow worker.

We will take steps to minimise any difficulties which you may experience as a result of realising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Clerk to the Directors/Company Secretary will arrange for you to receive advice about the procedure.

We accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

9 The responsible officer

It is the responsibility of any person who receives a whistleblowing report to liaise with the CEO as the responsible officer as follows:

- copy the report immediately to the CEO;
- copy the initial written response and any further responses to the CEO; and
- inform the CEO of the outcome(s) of any investigation and any actions instigated as a result.

10 How the matter can be taken further

This policy is intended to provide you with an avenue within the NEAT Group to raise concerns. We hope you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential report, you can write to the CEO and ask for the investigation and outcome to be reviewed. If you remain dissatisfied, and you feel it is right to take the matter outside of the Trust, you may wish to take advice from your trade union, your local Citizens Advice Bureau or your legal advisor on the options that are available to you.

In the case of employees, agency staff and other workers you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. It enables you to contact a prescribed person outside of the Group in certain circumstances, usually a regulatory body such as HM Revenue and Customs or the Health and Safety Executive. You should seek advice on the effect of the Act from the advisory bodies referred to above.

If you do take the matter outside of the Group, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Group (e.g. pupils, service users) or where you would commit an offence by making a disclosure. In order to ensure that you do not make any such disclosures you may want to check the position with the relevant prescribed person or body.

A list of prescribed people and bodies you can report malpractice to, other than your employer, is available at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

This includes the NSPCC for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their employer. Staff can call 0800 028 0285 or email: help@nspcc.org.uk.

Further advice

Individuals who:

- are unsure whether to or how to use this procedure;
- want independent advice;
- consider the organisation has an interest in the matter and despite the best efforts of the organisation, employees believe that disclosure within the organisation is inappropriate or has been unsuccessful

may contact the independent charity [Protect](#), the leading authority on public interest whistleblowing, on 0203 117 2520. Their lawyers provide free confidential advice at any stage on how to raise a concern about serious malpractice at work. Disclosures made to an individual's legal advisors in the course of obtaining legal advice will be protected.

Advice about your rights is also available from:

Citizens Advice Newcastle 0191 229 2750
North East Law Centre 0191 2304777

11 Publication of the policy

This policy will be brought to the attention of all staff. It will be available on the website of each school/service and of NEAT and written copies are available on

request from the Clerk to the Directors/Company Secretary.

General

This policy is at the discretion of the employer and can be varied at any time following consultation with staff and recognised trade unions. In the event of any conflict with primary legislation or statutory regulations, the legal provisions will have precedence over this policy in all cases.