NEW COLLEGE DURHAM ACADEMIES TRUST

WHISTLEBLOWING POLICY

Policy Title	Whistleblowing Policy
Version	2.3
Date of Publication	September 2019
Approved By & Date	Corporate Services Group – 26 September 2019
Review Date	September 2020
Lead Person	Iain Herdman

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 to the Trust in order that it can be dealt with promptly.

The Trust acknowledges that workers are often the first to realise that there may be something seriously wrong within their organisation and that the Trust needs to encourage workers and others with concerns about any aspect of the Trust's work to come forward and voice those concerns.

Usually these concerns are easily resolved. 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. Specific examples could include:

- a criminal offence (e.g. fraud, corruption etc.) may have or has been committed;
- a miscarriage of justice has been or is likely to occur;
- the health or safety of an individual has been or is likely to be endangered;
- public funds are being used in an unauthorised manner;
- the environment has been or is likely to be damaged;
- the Trust's Constitution (e.g. Code of Conduct, Contract Procedure Rules, Financial Procedure Rules) has been or is being breached by members and / or workers;
- abuse (e.g. physical, sexual) of any worker or service recipient is taking place;
- discrimination to any worker or service recipient, e.g. disability, race etc.;
- information relating to any of the above is being deliberately concealed.

1.2 You, as a Trust employee, may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may also fear harassment or victimisation.
You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.3 The Trust has introduced this revised Whistleblowing Policy to enable you 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 a worker, 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 already issued to workers.

1.4 If something is troubling you, which you think we should know about, or look into, please use this policy. Don't ignore the concern. If, however, you have a grievance about your own personal position or employment, please use the Trust's Grievance Procedure - which you can get from Human Resources, or from the Intranet. 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 workers to feel confident in raising serious concerns;
- reassure workers that, when they raise any concerns in good faith and reasonably believe them to be true, i.e. “whistleblow”, they will be protected from reprisals or victimisation;
- provide avenues for a worker to raise concerns and receive feedback on any action taken;
- ensure that workers get a response to the concerns they have raised from the Trust and, if not satisfied, shows how they may take the matter further if they are dissatisfied with the response;

3. Scope

3.1 This policy may be used by all workers in the Trust. This includes permanent and temporary employees of the Trust, agency workers, home workers and Trust employees seconded to a third party.

3.2 It is not intended that this policy, and its associated procedures, 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 & Mediation Policy);

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 take action 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 taken into account 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.

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. 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:

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

Chief Operating Officer
c/o Consett Academy
Ashdale Road
Consett
Co. Durham
DH8 6LZ

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 both 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 take action. 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.

5.6 You may also invite your trade union or professional association to raise a matter on your behalf.

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 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 union;
- the independent charity Public Concern at Work on 020 7404 6609. 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) (0191 460 2022);
- the Police;
- the Information Commissioner (01625 545 700);
- Audit Commission Public Interest Disclosure line (0845 052 2646);
- The list above is not exhaustive and other possible parties to contact may be:
- relevant professional bodies or regulatory organisations;
- your solicitor.

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. Again appropriate legal advice should be sought prior to raising a matter externally.

8.3 If you do take the matter outside the Trust, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Please see Section 2 of the Code of Conduct for Employees which has already been issued to you.

9. Monitoring and Review of the Policy

9.1 The Trust's Corporate Director (Human Resources) has overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Director 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 Executive Principal and 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.