

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

Policy of	North Hampshire Education Alliance
Policy applicable to	North Hampshire Education Alliance Queen Mary's College, Basingstoke
Policy owned by	Alison Foss – Chief Executive Officer, NHEA
Point of contact (if different to above)	Sally-Ann Spooner – Director: Human Resources and Commercial Operations, QMC

Approved	Version 1: 7th Feb 2018 - NHEA Audit focus meeting
Cycle of review	Every three years or with legal changes
Source documents	Public Interest Disclosure Act 1998; Department for Business, Innovation and Skills – Whistleblowing: Guidance for Employers and Code of Practice (March 2015); ACAS – Whistleblowing guide.

This Policy is available in larger font upon request

1. Introduction

- 1.1 “Whistleblowing” is making a disclosure in the public interest. The term is used to describe the disclosure by an employee of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace and which is not appropriate to be dealt with through normal line management channels or the financial irregularity procedures.
- 1.2 The North Hampshire Education Alliance [NHEA] is committed to ensuring that malpractice, fraud or corruption is never tolerated within the NHEA and has therefore adopted the following procedure to enable any employee who has concerns about malpractice to raise these concerns and have them fully investigated. Please note this procedure should not be used for raising grievances about a personal employment situation.
- 1.3 Employees are often the first to realise that there may be something seriously wrong within the NHEA. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the NHEA. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.4 The NHEA is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the NHEA’s work, to come forward and voice those concerns. It is recognised that certain cases may have to proceed on a confidential basis.
- 1.5 The NHEA is committed to protecting workers from detrimental treatment as a result of their protected disclosure. A disclosure will be protected if the individual believes what they are reporting is correct, the person who they are reporting it to is the appropriate person and if they believe the disclosure is in the public interest.
- 1.6 This policy document is intended to encourage and enable staff to raise serious concerns within the NHEA rather than overlooking a problem or ‘blowing the whistle’ outside. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It seeks to bring into the open concerns of the staff and public relating to issues concerning dishonesty involving the NHEA.
- 1.7 This policy applies to all workers, employees, agency staff, contractors, self employed individuals and suppliers of services. This also includes regular volunteers and those in training for example PGCE placements.
- 1.8 This policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998, incorporated into the Employment Rights Act 1996, and amended by the Enterprise and Regulatory Reform Act 2013.

2. Aims and Scope of the Policy

- 2.1 This policy aims to:
 - Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - Provide avenues for staff to raise those concerns and receive feedback on any action taken;
 - Allow staff to take the matter further if they are dissatisfied with the NHEA’s response;
 - Reassure staff that they will be protected from reprisals or victimisation for whistleblowing.

- 2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of that procedure.
- 2.3 Such concerns may include:
- Criminal activities or failing to comply with a legal obligation;
 - Disclosures related to miscarriages of justice;
 - Health and safety risks, including risks to the public as well as to other employees;
 - Corruption or bribery;
 - Fraud;
 - Financial irregularities including the unauthorised use of public funds;
 - Damage to the environment;
 - Abuse of students or staff;
 - Actions which are contrary to Codes of Conduct for staff, Trustees etc.

(This list is not exhaustive.)

- 2.4 Any serious concerns that you have about any aspect of service provision or the conduct of employees of the NHEA, NHEA Trust Directors or NHEA Members or others acting on behalf of the NHEA can be reported under this Whistleblowing Policy.
- 2.5 The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.
- 2.6 Although all employees have a duty of confidentiality to the NHEA it is understood that a disclosure can be made when it is in the public interest.

3. Safeguards

Harassment or Victimisation

- 3.1 The NHEA 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 NHEA will not tolerate harassment or victimisation (including informal pressures) and will take action to protect staff when they raise a concern in good faith. The NHEA will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.
- 3.2 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already in progress.

Confidentiality

- 3.3 All concerns will be treated in confidence and every effort will be made to protect a staff member's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by staff may be required as part of the evidence.
- 3.4 Further to this every effort will be made to keep the person who raised the concern informed throughout the process.

Anonymous Allegations

- 3.5 This policy encourages staff to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the NHEA.
- 3.6 In exercising this discretion, the factors to be taken into account would include:

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

Untrue Allegations

3.7 If staff make an allegation in good faith, but it is not confirmed by the investigation, it is unlikely disciplinary action will be taken against them. If, however, staff make malicious or vexatious allegations, raise allegations for personal gain or where they are known to be untrue, disciplinary action may be taken against them.

4. How to Raise a Complaint

4.1 As a first step, staff should normally raise concerns with their immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If your line manager is not appropriate for any reason you should raise your concerns with the Deputy Principal or Deputy Senior Manager. If a concern relates to the Principal/Deputy Principal/Senior Manager, or you are in any doubt as to who to raise your concerns with, you should contact the NHEA Company Secretary.

4.2 Concerns are better raised in writing. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing, they can telephone or meet the appropriate officer.

4.3 The earlier staff express the concern, the easier it is to take action.

4.4 Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient and reasonable grounds for the concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Public Concern at Work helpline on 020 7404 6609 or via email helpline@pcaw.co.uk or from the NHEA Chief Executive.

4.6 Staff may invite a trade union representative or work colleague to be present during any meetings or interviews in connection with the concerns raised.

5. How will the NHEA Respond

5.1 The NHEA will respond to all concerns. Any investigations will be conducted by an Investigating Officer (usually the Deputy Principal or an appropriate senior manager) appointed by the CEO. The action taken by the NHEA will depend on the nature of the concern and where appropriate, the matters raised may:

- Be investigated by an Investigating Officer, or through the disciplinary process;
- Be referred to the Police;
- Be referred to the external auditor;
- Be referred to any other professional advisor;
- Form the subject of an independent inquiry.

The Investigating Officer may, in consultation with the Academy Principal or Business Unit Senior Manager, bring in any expertise as considered appropriate.

5.2 In order to protect individuals and the NHEA, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. All such decisions will be

reported to the next meeting of the Trust Audit Committee. Concerns or allegations which fall within the scope of specific procedures, for example discrimination issues, will normally be referred for consideration under those procedures.

- 5.3 Some concerns may be resolved by agreed action without the need for investigation and staff will be involved in those discussions.
- 5.4 If urgent action is required this will be taken into account before any investigation is conducted.
- 5.5 If an investigation is required, the Investigating Officer will write to the member of staff who raised the concern, within ten working days:
- Acknowledging that the concern has been received;
 - Indicating how the NHEA proposes to deal with the matter;
 - Giving an estimate of how long it will take to provide a final response;
 - Telling them whether any initial enquiries have been made;
 - Telling them whether further investigations will take place and if not, why not;
 - Supplying information on staff support mechanisms.

If preferred correspondence will be sent directly to the staff member's home address.

- 5.6 The amount of contact between the officers considering the issues and the staff member 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 the staff member.
- 5.7 When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or work colleagues who is not involved in the area of work to which the concern relates.
- 5.8 The NHEA will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the NHEA will arrange for them to receive advice about this procedure.
- 5.9 The NHEA accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation. In addition, they will be informed as to what action has been taken to correct working practices that have been found to be at fault by the investigation.
- 5.10 The Investigating Officer will report on the outcome of any investigation to the Audit Committee of the trust who will monitor the implementation of any recommendations of the investigation.

6. Exceptionally Serious Matters

- 6.1 If the concern raised is very serious or complex, a formal inquiry may be held.
- 6.2 The NHEA recognises the contribution the trade union(s) can make to such an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. The NHEA recognises that in many cases it will be desirable that a trade union representative will be appointed to the panel of the inquiry, subject to there being no conflict of interest.
- 6.3 The Investigating Officer will report on the outcome of any inquiry to the Audit Committee who will monitor the implementation of the conclusions of the inquiry.

7. How the matter can be taken further

7.1 This policy is intended to provide staff with an avenue to raise concerns **within** the NHEA. The NHEA hopes staff will be satisfied. If they are not, and feel that it is right to take the matter outside the NHEA, the following are possible contact points:

- The Public Concern at Work helpline on 020 7404 6609 or email helpline@pcaw.co.uk
- The external auditor
- Trade union
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Relevant voluntary organisations
- The Police

8. Regulatory Disclosures

8.1 The Public Interest Disclosure Act (1998) protects disclosures made in good faith to prescribed bodies such as the Health and Safety Executive, the Inland Revenue and the Financial Services Authority, where the whistleblower reasonably believes that the information and any allegation in it are substantially true.

Wider Disclosures

8.2 Wider disclosures (e.g. to the police, the media, MPs, and non-prescribed regulators) are protected if, in addition to the tests for regulatory disclosures, they are reasonable in all circumstances and they meet one of the preconditions.

8.3 Provided they are not made for personal gain, these preconditions are that the whistleblower:

- Reasonably believed he would be victimised if he raised the matter internally or with a prescribed regulator;
- Reasonably believed a cover-up was likely and there was no prescribed regulator;
- Had already raised the matter internally or with a prescribed regulator.

8.4 If staff do take this matter outside the NHEA, they should ensure that they do not pre-emptively disclose information which may damage the NHEA.

9. The Responsible Person

The NHEA Chief Executive has overall responsibility for the maintenance and operation of this policy. The NHEA Chief Executive maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Trust Board.