

CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

Policy of	North Hampshire Education Alliance
Policy applicable to	North Hampshire Education Alliance Queen Mary's College, Basingstoke QM Leisure Ltd.
Policy owned by	Mark Henderson – Chief Executive Officer, NHEA also Principal Queen Mary's College
Point of contact (if different to above)	Toni Baldwin – Company Secretary NHEA

Approved	Version 3: 16th October 2024 Board of Trustees Version 2: 9 th December 2021 Board of Trustees Version 1: 7 th Feb 2018 - NHEA Audit focus meeting
Cycle of review	Every three years or with legal changes
Source documents	Public Interest Disclosure Act 1998 Enterprise and Regulatory Reform Act 2013 Whistleblowing: Guidance for Employers and Code of Practice (Department for Business, Innovation and Skills – March 2015) ACAS – Whistleblowing guidance (June 2023)

This Policy is available in larger font upon request

1. Introduction

The North Hampshire Education Alliance (NHEA), which includes Queen Mary's College (QMC) and QM Leisure Ltd., 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 within the NHEA rather than overlooking a problem or 'blowing the whistle' outside of the trust.

The NHEA is committed to ensuring that misconduct, malpractice, fraud or corruption is never tolerated within the NHEA and has therefore adopted the following procedure to enable anyone directly involved in trust activities with serious concerns to voice those concerns and have them fully investigated. Misconduct or unacceptable behaviour should not go unreported through apathy, a fear of reprisal or a fear of being disloyal to colleagues or the trust/college.

This policy applies to workers, employees, volunteers, those in training, and trustees and governors on the college site, also including those working for the trust such as agency staff and contractors. Suppliers and those providing services under a contract with the trust in their own premises are also covered. These individuals are referred to as 'employees' throughout this policy.

This policy covers the trust's responsibilities relating to 'whistleblowing' set out in the Public Interest Disclosure Act 1998 as amended by the Enterprise and Regulatory Reform Act 2013 – referred to as 'the Act' throughout this policy. 'Whistleblowing' 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, the disclosure of which is in the public interest, and which is not appropriate to be dealt with through normal line management channels.

If you are considering raising a concern or 'whistleblowing' you should read this policy first. It explains:

- the type of issues that can be raised,
- how the person raising a concern will be protected,
- how to raise a concern, and
- what the NHEA will do.

2. Aims and Scope of the Policy

This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon any concerns they may have about wrongdoing within the NHEA.
- Provide a structure for individuals to raise those concerns within the trust and receive feedback on any action taken.
- Allow employees to take the matter further outside of the trust if they are dissatisfied with the NHEA's response;
- Reassure employees that they will be protected from reprisals or victimisation for raising concerns or 'whistleblowing'.

Concerns should be raised where in the reasonable belief of the employee making the disclosure, information tends to show one or more of the following:

- Conduct which is an offence and/or a breach of law
- Disclosures relating to miscarriages of justice
- Health and safety risks, including risks to the public as well as employees and students
- Damage to the environment
- The unauthorised use of public funds and/or possible fraud and corruption
- Racial, sexual, disability or other discrimination
- Abuse of students, or other unethical conduct
- Possible contravention of the trust's articles of association or regulations

The NHEA has a wide range of Policies including for example, Health and Safety; Anti-Fraud and Irregularity; and Child Protection, Safeguarding and Prevent. Employees are encouraged to refer to these policies first and use them to report less serious concerns. However, so long as an employee believes their concerns to be correct, are reporting them to the appropriate person and they believe the disclosure to be in the public interest, then allegations or suspicions brought forward by an employee will be treated with due seriousness, in confidence and on a systematic basis. The overriding concern of the trust in response to 'whistleblowing' will be to ensure that misconduct or unacceptable behaviour, if proven, is swiftly corrected, if appropriate, sanctions applied.

2.1 Concerns not within the scope of this Policy

- **If a student or parent of a student wishes to raise a concern or complaint they should contact a member of staff or refer to the process set out in the Complaints Policy**
- **If a member of Staff wishes to raise a grievance related to their employment, they should contact the Director of Human Resources or refer to the process set out in the Staff Grievance Policy**

3. Safeguards and Confidentiality

The NHEA recognises that the decision to report a serious concern can be difficult. Individuals should feel confident that they have nothing to fear in reporting a concern and the trust will take action to protect employees when they raise a concern.

The NHEA will not tolerate harassment or victimisation (including informal pressures). The NHEA will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already in progress.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of those raising concerns. However, it must be appreciated that the investigation process may reveal the source of the information and a statements may be required from members of staff as part of the evidence. Every effort will be made to keep the person who raised the concern informed throughout the process.

Employees raising concerns in good faith, which they reasonably believe to be true, to the appropriate person are protected by the Act.

3.1 Anonymous Allegations

Anonymous allegations are discouraged wherever possible. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the NHEA.

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.

3.2 Malicious or Vexatious Allegations

If an employee makes 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, employees 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 Concern

As a first step, employees should normally raise concerns with their immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved. If your line manager is not appropriate for any reason you should raise your concerns with a member of SLT.

If a concern relates to the CEO/ Principal/ Deputy Principal, **or** if you are in any doubt as to who to raise your concerns with, you should contact the NHEA Company Secretary.

The earlier employees express their concern, the easier it is to take action. Concerns are better raised in writing providing 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 employees do not feel able to put their concern in writing, they can telephone or meet the appropriate member of staff.

Although employees 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.

Individuals making a disclosure may invite a trade union representative or work colleague, who is not involved in the area of work to which the concern relates, to be present during any meetings or interviews in connection with the concerns raised.

4.1 Independent Advice on Raising a Concern

Advice and guidance on how matters of concern may be pursued can be obtained from the UK's independent charity **PROTECT** (protect-advice.org.uk, helpline 020 3117 2520) or from the NHEA Company Secretary

5. How will the Trust Respond?

The NHEA will respond to all concerns. The action taken will depend on the nature and seriousness of the concern. Some concerns may be resolved by agreed action without the need for investigation.

More serious concerns may:

- Be investigated by a member of staff appointed by the CEO/Principal (usually the Deputy Principal or an appropriate senior manager), or through the disciplinary/grievance 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.

External expertise will be brought in if appropriate. Concerns or allegations which fall within the scope of specific procedures, for example discrimination issues, will normally be referred for consideration under those procedures.

The amount of contact between the officers considering the issues and the employee will depend on the nature of the matters raised and if necessary, further information will be sought from the employee. If preferred correspondence can be sent directly to the employee's home address.

Within ten working days, a member of SLT, usually the Principal, will inform the employee of the outcome of the investigation (subject to any legal constraints) as well as how the NHEA proposes to deal with the matter. If the matter is not resolved at this point, the employee will be updated on the progress of investigations and the time it will take to provide a final response. The NHEA accepts that employees need to be assured that the matter that they raised under this policy has been properly addressed.

The trust will take steps to minimise any difficulties that the employee 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. The trust will also provide employees with information on potential support they may be able to access.

All concerns raised under this policy will be reported to the next meeting of the NHEA Finance, Audit and Risk Committee. In addition, the Chair of the Trust will be informed as soon as possible if the matter is serious and has the potential to affect reputation. The Finance, Audit and Risk Committee will be informed of the outcome of any investigation and will monitor the implementation of any resulting actions.

6. Taking the matter further

This policy is intended to provide employees with a set of procedures to raise concerns within the trust with the aim of achieving a satisfactory outcome. However, if the employee is not satisfied with action taken, they may raise it, in confidence with the Chair of Trustees or the CEO/Principal as appropriate.

If this is still not satisfactory, it may be appropriate to take the matter outside of the NHEA, the following are possible contact points:

- The NHEA internal or external auditor (details from the Company Secretary)
- A Trade union representative
- Relevant professional bodies or regulatory organisations (Ofsted, NSPCC, Health and Safety Executive etc.)
- The Police
- The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.gov.uk/contact-dfe
- The Advisory, Conciliation and Arbitration Service (ACAS) <https://www.acas.org.uk/>

Although all employees have a duty of confidentiality to the trust it is understood that a disclosure can be made outside of the trust when it is in the public interest. The Act protects disclosures made in good faith to prescribed bodies where the whistleblower reasonably believes that the information and any allegation in it are substantially true.

Wider disclosures (e.g. to the police, the media, MPs, and non-prescribed regulators) are protected under the Act, if, in addition to the tests for regulatory disclosures, they are reasonable in all circumstances, are not made for personal gain and meet one of the following preconditions.

The whistleblower:

- Reasonably believed they would be victimised if they 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.

Although all employees have a duty of confidentiality to the NHEA it is understood that a wider disclosure can be made when it is in the public interest. If employees do take their concerns outside the NHEA, they should ensure that they do not pre-emptively disclose information which may damage the NHEA.

The NHEA CEO, who is also QMC Principal, has overall responsibility for the maintenance and operation of this policy. The NHEA CEO maintains a record of concerns raised and the outcomes, in a form which does not endanger confidentiality, and will report as necessary to the NHEA Board of Trustees.