



Adopted:	April 2019
Next review:	April 2021
Approved by:	NSAT Trust Board
Responsibility:	Director of Compliance

Northern Star Academies Trust Whistleblowing Policy

Contents

1. Legal framework	1
2. Definitions	1
3. Aims and Scope of the Policy.....	1
4. Responsibilities	2
5. Employee Co-operation and Safeguards	3
6. Good practice principles.....	3
7. How to Raise a Concern – Step 1	5
8. How the Trust will Respond – Step 2	6
9. The Outcome – Step 3.....	6
10. Malicious Accusations.....	7
11. Unfair treatment	7

INTRODUCTION

The greatest deterrent to a genuine malpractice or wrongdoing concern is that when reported a vigorous and thorough investigation will take place, individuals are accountable, appropriate, relevant actions implemented and a prompt conclusion reached. This policy is, therefore, intended as a clear statement that any malpractice by NSAT employees which is reported will be swiftly and thoroughly investigated. The investigation will also look at ways to ensure that such malpractice or wrongdoing can be prevented for the future.

1. Legal framework

1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

The policy also has due regard to the following guidance documents:

- GOV.UK (2015) 'Whistleblowing for employees'
- DfE (2014) 'Whistleblowing procedures for maintained schools'
- Sir Robert Francis (2015) 'Freedom to speak up report'

2. Definitions

2.1. Whistleblower – is an employee (including contractors, casual and agency staff) who reports certain types of wrongdoing (this will usually be something seen at work). The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. the general public.

2.2. A whistleblower is protected by law (Public Interest Disclosure Act 1998) – they should not be unfairly treated or lose their job because they 'blow the whistle'. A concern can be raised at any time about an incident that happened in the past, is happening now, or it is believed will happen in the near future.

For the avoidance of doubt, voluntary workers do not have legal protection under PIDA. This includes members, trustees (directors), governors and trainees.

3. Aims and Scope of the Policy

3.1. This policy aims to provide all NSAT employees with:

- avenues to raise concerns and receive feedback on any actions taken.
- reassurances that they will be protected from reprisals or victimisation for whistleblowing in good faith.

3.2. Set out below is a list, which illustrates examples of malpractice or wrongdoing under the Whistleblowing policy:

- (a) Any unlawful act, whether criminal or a breach of civil law;

- (b) Maladministration, as defined by the Local Government Ombudsman;
 - (c) Breach of any statutory Code of Practice;
 - (d) Breach of or failure to implement or comply with any policy determined by the academy/Trust or any Committee or Sub-Committee of the academy/Trust;
 - (e) Failure to comply with appropriate professional standards;
 - (f) Corruption or fraud including obtaining money (e.g. grants) without entitlement;
 - (g) Misuse of assets, including stores, equipment, vehicles, buildings, computer hardware and software;
 - (h) Actions that are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property;
 - (i) Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the academy/Trust or would otherwise seriously prejudice the academy/Trust;
 - (j) Abuse of power or the use of the Trust's or academy's powers and authority for any unauthorised or ulterior purpose;
 - (k) Unfair discrimination in the Trust's employment or services.
- 3.3. This Whistleblowing policy supplements, rather than replaces, the existing grievance procedures as laid down in NSAT policy whereby employees of the Trust may already raise complaints or matters of genuine concern with the Trust or academy. It is designed to provide a channel for those instances where the person reporting the matter feels that, for any reason, they cannot make use of those existing complaints procedures.
- 3.4. For complaints about governors the Trust's Complaints Policy should be followed.

4. Responsibilities

- 4.1. NSAT has responsibility for maintaining fair, consistent and objective procedures relating to Whistleblowing.
- 4.2. The Headteacher has overall responsibility for the internal organisation, control and management within each academy.
- 4.3. For central NSAT employees the CEO has overall responsibility for the internal organisation, control and management.

5. Employee Co-operation and Safeguards

- 5.1. In many cases it is the employees of the Trust who are likely to be in the best position to learn of any malpractice or wrongdoing within the Trust or an academy and to identify something that falls below the standards which the Trust and its customers are entitled to expect. The Trust expects the fullest co-operation of all its employees in securing the highest standards of service. This means that, where employees of the Trust are aware of or suspect malpractice, the Trust will expect them to report these suspicions. Where employees fail to report their suspicions, they become themselves implicated in the wrongdoing, and the Trust will treat failure by an employee to report such matters as a serious matter.
- 5.2. The Trust will respect the confidentiality of any whistleblowing complaint received, where the employee requests that confidentiality. However, it must be appreciated that it will be easier to follow up and to verify complaints if the employee is prepared to give his/her name, and unsupported anonymous complaints and allegations will have to be treated with caution. It must be noted that there may be certain circumstances where information has to be disclosed in law. If a situation arises where the Trust is unable to resolve the issue without revealing the employee's identity, the Trust will discuss with the employee how the matter should proceed.
- 5.3. Any reporting system will be of little effect if those who should use it are afraid that, as the result of making their report, they may experience recriminations, victimisation or harassment. The Trust will not tolerate any attempt on the part of any employee to take reprisals against any person who has reported any serious and genuine concern that they may have at any apparent malpractice. The Trust will treat any such recriminations, victimisation or harassment by any employee as a serious matter.
- 5.4. The Trust and its academies are proud of its reputation for having the highest standards of probity. It will ensure that the necessary resources are put into investigating any complaints that it receives. As a consequence of this it will view very seriously any false or malicious allegations which it receives, and will regard the making of any deliberately malicious or vexatious allegations by any employee or as a serious disciplinary offence.

6. Good practice principles

The Trust will implement the core whistleblowing principles, as outlined in the 'Freedom to Speak Up Review', to ensure that whistleblowing procedures are fair, clear and consistent.

- 6.1. The Trust will implement a culture of change by ensuring the following principles are reflected in its ethos and values – there will be a culture:
 - Of safety in the Trust and academies within the Trust.
 - Where people feel confident with raising concerns.
 - Free from bullying.

- Of visible leadership.
 - Of valuing staff.
 - Of reflective practice.
- 6.2. By providing a clear procedure for mediating and resolving cases, the Trust will ensure that all cases are efficiently handled. This procedure includes:
- How to raise and report concerns
 - How investigations will be conducted
 - How the Trust will mediate and resolve disputes
- 6.3. The Trust will implement measures to support good practice by ensuring we adhere to the following principles:
- Offering relevant training to staff
 - Providing the necessary support to staff
 - Providing support to staff who are seeking alternative employment
 - Being transparent
 - Being accountable
 - Conducting an external review of any concerns raised, where necessary
 - Undertaking regulatory action as required
- 6.4. We will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:
- Ensuring non-permanent staff have access to and training on the same principles as permanent staff
 - Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
 - Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
 - Ensuring staff are empowered and protected, enabling them to raise concerns freely

7. How to Raise a Concern – Step 1

- 7.1. Concerns within an individual academy should be expressed in writing to the Headteacher of the academy. If the concern/s involve the Headteacher then this should be raised with either the Trust CEO or Chair of the Board of Directors (Trustees). Where there is a concern that having made a report and it is believed that there is inappropriate action, it should be brought to the attention of Chief Executive Officer of the Trust or Chair of the Directors (Trustees).
- 7.2. For employees within a central Trust team concerns should be raised with the CEO or Chair of the Board of Directors (Trustees).
- 7.3. The employee should set out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. The employee has the right to have the matter treated confidentially.
- 7.4. Although whistleblowers are not expected to prove the truth of an allegation, they will need to demonstrate to the person they choose to contact that there are sufficient grounds for concern.
- 7.5. The Headteacher/CEO/Chair of the Board of Directors will arrange an investigation into the matter, either by investigating the matter themselves or delegating to a senior employee. Any investigation will be carried out in accordance with the principles set out above.
- 7.6. The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the Trust. In most cases, employees should not find it necessary to alert anyone externally and employees are strongly advised to seek advice before reporting a concern in this way. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:
 - The Trust's internal auditors via the Whistleblowing hotline on 01609 760067
 - The Department for Education
 - HM Revenue and Customs
 - The Financial Services Authority
 - The Office of Fair Trading
 - The Health and Safety Executive
 - The Environment Agency
 - The Director of Public Prosecutions
 - The Serious Fraud Office
 - The Education and Skills Funding Agency
 - The National College for Teaching and Leadership
- 7.7. Employees should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

8. How the Trust will Respond – Step 2

- 8.1. In order to protect individuals, NSAT and its academies, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.2. Some concerns may be resolved by agreed action without the need for investigation.
- 8.3. Within ten working days of a concern being received, the investigator will write to the whistleblower:
 - acknowledging that the concern has been received;
 - indicating how it proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - stating whether any initial enquiries have been made, and
 - stating whether further investigations will take place, and if not, why not.
- 8.4. The amount of contact between the investigator considering the issues and the whistleblower 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 whistleblower.
- 8.5. When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by a Union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.
- 8.6. The Trust will take steps to minimise any difficulties that the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Trust will give advice about the procedure.
- 8.7. The Trust accepts the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, information about the outcomes of any investigations will be given.

9. The Outcome – Step 3

- 9.1. Within ten working days of the meeting, the investigator will recommend to the whistleblower's line manager one or more of the following:
 - The matter be investigated internally by the academy or the Department for Education
 - The matter be investigated by an external person appointed by the academy or the Department for Education

- The matter be reported to the Department for Education
 - The matter be reported to the Police
 - The matter be reported to another appropriate external organisation
 - No further action be taken.
- 9.2. The grounds on which no further action is taken may include:
- The investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
 - The matter is already (or has been) the subject of proceedings under one of the Trust's/academy other procedures or policies;
 - The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority.
- 9.3. Should it be alleged that the Headteacher is involved in the alleged malpractice, the investigator's recommendation will be made to the CEO or Chair of Board of Directors (Trustees).
- 9.4. The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the investigator.
- 9.5. The conclusion of any agreed investigation will be reported by the investigator to the employee who raised the concern in writing within twenty eight days and a copy passed to the Chief Executive Office if they are not acting as investigator.
- 9.6. If the employee reporting the concern has not had a response within the above time limits, he or she may appeal to the Company Secretary, but will inform the investigator before doing so.
- 9.7. The employee reporting the concern may at any time disclose the matter on a confidential basis to a solicitor or trade union representative for the purpose of taking legal advice.
- 9.8. A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the Trust's Records Management Policy and Data Protection Policy.

10. Malicious Accusations

- 10.1. Deliberately false or malicious accusations made by an employee will be dealt with under the NSAT disciplinary procedure.

11. Unfair treatment

- 11.1. An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

- 11.2. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.
- 11.3. Any claims of unfair dismissal needs be made within three months of the investigation ending.
- 11.4. The Trust will ensure the employee raising the concern is protected from any form of victimisation or discrimination.

References

- Freedom to Speak Up Report: freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_web.pdf
- Whistleblowing procedure for maintained schools www.gov.uk/whistleblowing-procedure-for-maintained-schools
- Whistleblowing www.gov.uk/whistleblowing
- Whistleblowing to Ofsted about safeguarding in local authority children's services (April 2014) www.safeguardingschools.co.uk/ofstedwhistleblowing
Whistleblowing in 2013 (Full Report)
www.safeguardingschools.co.uk/pcaw2013