

Nishkam School Trust



NST Whistleblowing Policy

Approved by:	Directors	Date: December 2019
Last reviewed on:	December 2019	

Contents

1. Introduction.....	3
2. Scope	3
3. Legislation	3
4. Principles	3
5. Raising the concern	4
6. Internal investigation	5
7. The Inquiry Report	5
8. Taking the Matter Further	6
9. Contacting the Media	6
10. Confidentiality	6
11. Anonymous Allegations	6
12. Malicious Allegations	7
13. Review and Monitoring	7

1. Introduction

Nishkam School Trust (NST) is committed to the highest possible standards of openness, probity and accountability. NST encourages individuals working at the Trust to come forward to raise and express serious concerns about any aspect of NST's services.

Whistleblowing is when an individual knows, or suspects, that there is some wrongdoing occurring within the Trust and alerts the employer or the relevant authority accordingly. Whistleblowing is also known as making a disclosure in the public interest.

The purpose of this policy is to ensure individuals are:

- Encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provided with avenues through which to raise concerns and given feedback on any action taken
- Aware of how to pursue a serious concern if he/she is unsatisfied with the outcome
- Reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith

2. Scope

The whistleblowing policy applies to all NST employees, contractors and volunteers. Staff who have questions regarding this policy or require more detailed guidance are advised to contact the Principal / Headteacher.

3. Legislation

The Public Interest Disclosure ACT 1998 (PIDA)

4. Principles

The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out with concerns about conduct or practice within and outside the Trust which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice. This policy covers whistleblowing relating to alleged:

- Unlawful conduct
- Unethical conduct
- Miscarriages of justice in the conduct of statutory processes
- Failure to comply with a statutory or legal obligation
- Potential maladministration, misconduct or malpractice
- Serious health and safety issues
- Action that has caused or is likely to cause serious danger to the environment or school property
- Abuse of authority
- Unauthorised use of public or other funds
- Fraud, bribery or corruption, including breaches of financial regulations or policies
- Mistreatment of any person
- Action that has caused or is likely to cause physical danger to any person

- Incidences of sexual, physical or emotional abuse of members of staff or pupils
- Unfair discrimination or favouritism
- Racist incidents or acts, or racial harassment
- Any conduct which may damage nst's reputation
- Any attempt to prevent disclosure of any of the issues listed

NST will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any employee who victimises or harasses an individual as a result of having raised a concern in accordance with the whistleblowing policy will be dealt with under NST's disciplinary procedures.

Allegations concerning Child Protection issues. All employees have a duty to report concerns about the safety and welfare of pupils/students.

5. Raising the concern

This procedure is not designed to replace or be used as an alternative to the grievance or complaints procedure, which should be used where an employee is only aggrieved about his/her own situation.

As a first action your matter of concern as defined in this policy should be raised to the Principal / Headteacher. Where the issue concerns the Principal / Headteacher or, having made your report, you believe he/she has failed to take appropriate action, you should then raise your concern to the Chair of Governors.

If an individual (other than the Principal / Headteacher) is approached by a colleague on a matter of concern as defined in this policy, he/she should be advised to take the matter to the Principal / Headteacher, unless the concerns relates to the Principal / Headteacher, which should then be raised to the Chair of Governors.

5.1 Details of the concern

If possible put your concern in writing and set out the background of the concern; giving names, dates and places where possible, alongside explaining the reason for your concerns.

If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person.

When a concern is raised verbally, a note of the meeting will be taken which all parties must sign as representing a true record of the meeting including details of the concern raised.

5.2 Addressing the concern

All disclosures raised will be taken seriously and will be dealt with by appropriately trained senior leaders, fairly, consistently and professionally.

In certain circumstances, some concerns may be resolved by agreed action without the need for investigation. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form of action should be taken. The action taken will depend on the nature of the concern. If urgent action is required it will be taken before any investigation is conducted.

Within **10 working days**, the Principal / Headteacher or Chair of Governors will write to you (except in the case of anonymous allegations):

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Advising whether any enquiries have been made and whether further enquiries will take place
- Maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous; and
- Providing timescales of how long it will take to address the concern

The concerns raised may:

- Be investigated internally by the Principal / Headteacher and/or the Chair of Governors
- Be referred to the police
- Be referred to the schools DSP to lead on child protection concerns
- Be referred to LEA officer or the local authority's designated social services manager; or
- Be referred to the External Auditor.

6. Internal investigation

The responsible officer will look into the allegation - seeking evidence and interviewing witnesses as necessary.

The amount of contact between the people considering the issues 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 meetings may be arranged to receive additional information relating to the concern raised and you will have the right to be accompanied by a trade union representative, or work colleague not involved in the area of work to which the concern relates.

NST will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will advise or arrange for you to receive advice about the procedure.

Where appropriate employees who have raised concerns will also have access to support in the form of mentoring and where necessary counselling. NST may offer mediation and dispute resolution support, to help rebuild trust and relationships in the Trust.

7. The Inquiry Report

Following completion of the internal investigation process the Principal / Headteacher will make a written inquiry report of the concern raised and submit to the Chair of Governors normally **within 5 working days**. The report will not contain your name unless you have expressly stated that you wish to be named.

Following receipt of the inquiry report, the Chair of Governors will convene a committee with at least one other governor and an independent person from outside the governing body, to

consider the inquiry report and decide on the action to be taken. This will normally take place **within 10 working days** of receipt of the inquiry report.

Following notification of the committee's decision, the Chair of Governors will notify you of the outcome normally **within 5 working days** (except in relation to anonymous allegations), setting out the action to be taken, or that no further action is to be taken and the reasons why. Whilst the purpose of this policy is to enable possible malpractice to be investigated and to take appropriate steps to deal with it, you will be given as much feedback as permissible. Please note, however, that it may not be possible to tell you the precise action being taken where this would infringe a duty of confidence owed to another party.

8. Taking the Matter Further

If you are not satisfied with the response, you are entitled to contact a relevant external body to express the concerns. In doing this, the individual should:

- Have a reasonable belief that the allegation is based on correct facts
- Make the disclosure to a relevant body
- Have a reasonable belief it is in the public interest to make the disclosure

A "relevant body" is likely to be a regulatory body (e.g. Health and Safety Executive, or the Financial Services Authority).

9. Contacting the Media

The media is not a relevant external body. Where an employee chooses to contact the media with their concerns, they will most likely lose their whistleblowing law rights.

10. Confidentiality

NST recognises that individuals may want to raise concerns in confidence and will do its utmost to protect the identity of people who do not want their name to be disclosed. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

11. Anonymous Allegations

Employees should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under the whistleblowing policy, especially when concerns relate to the welfare of children.

In relation to determining whether an anonymous allegation will be taken forward the governing body will take the following factors into account:

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

12. Malicious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken.

If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the governing body will consider taking disciplinary action against the member of staff.

13. Review and Monitoring

A general review of the policy will take place every two years.