

# WHISTLEBLOWING POLICY (Statutory)



## 1. Preamble

1.1 Nunthorpe Multi Academy Trust (NMAT) is committed to achieving the highest possible standards of service and ethical standards and this policy will enable staff to raise their concerns of serious wrongdoing without fear of reprisal.

1.2 This policy applies to all individuals working for NMAT academies at all levels and grades, whether they are employees, contractors, and casual or agency staff.

1.3 Whistleblowing is distinct from the grievance procedure which should be used if you have a complaint relating to your personal circumstances in the workplace. Concerns about wrongdoing within Trust academies such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Trust / Governing Body or by fellow employees should be raised using this procedure.

1.4 This policy has been introduced in line with the Public Interest Disclosure Act 1998 (which you can consult at [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk)) to enable workers to raise issues of concern in an appropriate manner.

1.5 The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#) and Keeping Children Safe in Education (KCSIE) guidance 2020.

## 2. Scope of this Policy

2.1 This policy may be used by all workers at an academy to raise concerns where the wellbeing of others or the academy itself is at risk.

2.2 The term worker broadly includes employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the academy.

2.3 The Whistleblowing policy is designed to sit alongside the Trust Staff Concerns Policy and the Trust Complaints Policy. As a guideline, concerns, which should be raised through these routes, are as follows.

2.4 The whistleblowing procedure must always be applied fairly and in accordance with employment law and the Trust's Equal Opportunities Policy.

2.5 NMAT is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.

2.6 The Executive Principal has overall responsibility for the internal organisation, control and management of each academy.

Requirements for academies - In addition to having this policy, and publishing it on our website, our trust must also: Appoint at least 1 trustee and 1 member of staff who other staff can contact to report concerns. Please contact Steven Dawson, Governance Professional and Compliance Lead by emailing [sdwsonhr@nunhorpe.co.uk](mailto:sdwsonhr@nunhorpe.co.uk)

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if you have any concerns to raise.

### 3. Purpose of this Policy

3.1 This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern;
- allow employees to take the matter further if they are dissatisfied with the either Trust's or Governing Body's response.

### 4. Definitions of whistle blowing

4.1 A whistle blower is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) s/he should report it under this policy.

4.2 The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest, which are as follows:

- That a crime has been committed, is being committed, or is likely to be committed
- That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject,
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health and safety of an individual has been, is being, or is likely to be endangered
- That the environment has been, is being or likely to be damaged
- That information tending to show any of the above has been concealed or is likely to be deliberately concealed.

4.3 Particular concerns that may fall within the terms of this policy include, for example, breach of a code of conduct, wilful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that disclosure will most likely relate to the actions of employees, contractors, and casual or agency staff, but they may also relate to the actions of a third party.

### 5. Assurances / Safeguards

5.1 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 employees when they have a genuine concern.

5.2 Employees have the right to disclose a concern/issue if the academy does not deal with the matter. However,

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the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Trust fails to properly consider or deal with the issue.

5.3 If an employee requests that their identity is protected, the Trust will not disclose it unless required to do so in law. If the situation arises where the Trust is unable to resolve the concern without revealing the worker's identity (for instance because the employee's evidence is needed in court), the Trust will discuss with the employer how the matter should proceed.

5.4 Accordingly, while the Trust will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously. If an employee chooses not to disclose their identity it will be much more difficult for the Trust to look into the matter or, to protect their position or provide feedback.

5.5 Anonymous allegations will be considered at the discretion of the Trust Board. In exercising the 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.

5.6 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.

5.7 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust Board deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

5.8 If an employee makes an allegation where s/he has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

## 6. How to raise a concern

### 6.1 The Notification

6.1.1 As a first step, employees should normally raise the concerns with their Line Manager or a member of SLT. This depends, however, on the seriousness and sensitivity of the issues and who is involved. However, if the matter is particularly sensitive or serious, or it is suspected that management are involved, the concern should be raised with the Trust's Governance Professional and Compliance Lead.

6.1.2 If the Line Manager or a member of SLT believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, the manager should contact the Trust's Governance Professional and Compliance Lead regardless of whether the employee is based in an academy or not. The Trust's Governance Professional and Compliance Lead will either act as Assessor or will appoint another Assessor who is not implicated.

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6.1.3 Should it be alleged that the Trust's Governance Professional and Compliance Lead is involved in the alleged malpractice; the Chair of Trustees should be contacted in place of the Trust's Governance Professional and Compliance Lead.

6.1.4 Alternatively, an employee can contact the Chair of the Board of Trustees directly by emailing ChairofTrustees@nmat.co.uk. In which case please refer to section 6.3.3 below.

6.1.5 Concerns are best raised in writing and should give the background and history of the concern, giving names, dates and places where possible, and the reason why you are concerned about the situation. Where an employee feels that they cannot put the concern in writing it is possible that the concerns can be raised by telephone or meeting with the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.

6.1.6 Employees are not expected to prove the truth of their allegation, but will need to demonstrate, to the person contacted, that there are reasonable grounds for their concerns.

6.1.7 In some instances it may be appropriate for an employee to ask their professional association to raise a matter on the employee's behalf.

6.1.8 Employees may invite their professional association representative or a colleague to be with them during any meetings or interviews in connection with the concerns raised. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

## 6.2 The meeting

6.2.1 The Assessor (appointed) will interview the employee within ten working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury and will:

- Obtain as much information as possible from the employee about the grounds for the belief of malpractice;
- Consult with the employee about further steps which could be taken;
- Inform the employee of appropriate routes if the matter does not fall within the Trust's Whistleblowing Procedure;
- Report **all** matters raised under this procedure to Executive Principal.

6.2.2 At the interview with the Assessor may be accompanied by a note taker.

## 6.3 The outcome

6.3.1 Within ten working days of the meeting, the assessor will recommend to the Executive Principal, one or more of the following:

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- Internal investigation by management be it, Trust, Academy or departmental;
- Referral to the External or Internal Audit;
- Referral to the Department of Education;
- Referral to the Police;
- No further action be taken.

6.3.2 The grounds on which no further action is taken may include:

- The Assessor 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 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.

6.3.3 Should it be alleged that the Executive Principal is involved in alleged malpractice, the assessor's recommendation will be made to the Chair of Trustees.

6.3.4 The recipient of the recommendation/s (Executive Principal or Chair of Trustees) 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 next meeting Board of Trustees and to the Assessor.

6.3.5 The conclusion of any agreed investigation will be reported by the Assessor to the employee in writing within twenty eight days and a copy passed to the Trust's Governance Professional and Compliance Lead if they are not acting as Assessor.

6.3.6 If the employee has not had a response within the above time limits, he or she may appeal to the Chair of Trustees, but will inform the Assessor before doing so.

6.3.7 The employee 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.

## 7. Timings

7.1 The whistleblowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

## 8. Raising concerns outside the Trust

8.1 The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body such as a regulator. It will very rarely if ever be

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appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Trust's response, the assessor should ensure that s/he is made aware with whom s/he may raise the matter externally:

- 'Public Concern at Work' Tel no: **0207 404 6609** or **020 3117 2520\***;
- Recognised Trade Union;
- Senior LA Officer;
- External Auditor;
- Relevant professional bodies or regulatory organisations;
- Solicitor.

8.2 The assessor should stress to the employee that if they choose to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

*\*Public Concern at Work is a registered charity set up to give free independent advice to employees who contact them with concerns about poor practice at work. UK advice line: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)*

8.3 Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 0285 from 8.00am – 8.00pm Monday – Friday or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk) and/or contact <https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>

8.4 In addition to the procedures as outlined above, any member of the public may make a complaint against the Trust by contacting:

**The Local Government Ombudsman**  
PO Box 4771, Coventry, CV4 0EH  
Tel **0300 061 0614**Page 6 of 6

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