



# **Nexus Education Schools Trust**

## **Whistleblowing Policy 2021-22**

**Date: October 2021**

**Review Date: October 2022**

# Whistleblowing Policy and Procedures

## 1. INTRODUCTION

- 1.1 **This Policy is for all staff employed by Nexus Education Schools Trust, centrally or based in individual schools**
- 1.2 Nexus Education Schools Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This policy and procedure should be read in conjunction with the NEST Code of Conduct.
- 1.3 This procedure should be followed where you wish to draw attention to issues of bad practice, possible fraud or corruption or other matters which seem to you to be against the interests of the public, Nexus Education Schools Trust (NEST), its schools or its staff.
- 1.4 The Nexus Education Schools Trust and its employees have a duty to ensure that service users are respected and treated in a proper manner and that the standards of the services it provides are maintained at the highest possible level. Nexus Education Schools Trust also has a duty to ensure that resources (finance and staff) paid for with public money are used effectively and efficiently and without waste. Members of staff have a right to be treated with respect by their colleagues, service users and the Nexus Education Schools Trust as their employer.
- 1.5 The Nexus Education Schools Trust is committed to protecting employees who use the procedure and “blow the whistle” in good faith from victimisation. Employees should therefore never treat another employee of the Nexus Education Schools Trust less favourably because they have reported or may be considering reporting an issue of concern under this procedure.
- 1.6 This procedure needs to be considered in conjunction with legislation which deals specifically with how to combat fraud and corruption.

## 2. PURPOSE

- 2.1 This policy aims to:
  - Encourage workers to feel confident in raising concerns
  - Establish a fair and impartial investigative procedure
  - Provide avenues for workers to raise concerns and receive appropriate feedback
  - Ensure that workers receive a response to concerns and are aware of how to pursue them if they are not satisfied
  - Ensure that workers will be protected from any reprisals or victimisation by the school/Trust, provided there is reasonable belief that the matter disclosed tends to show wrong doing and that the disclosure has been made in an appropriate manner.

## 3. SCOPE

- 3.1 This policy may be used by all workers at a school or centrally to raise concerns where the wellbeing of others or the school/Trust itself is at risk.
- 3.2 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 school/ organisation.

## 4. WHEN TO USE THE PROCEDURE

- 4.1 If you have serious concerns about any aspect of service provision or the conduct of anyone acting on behalf of Nexus Education Schools Trust or its schools, you may not be sure whether there is a case for investigation. In these circumstances it may be helpful to remember that you have a duty both to members of the public and your colleagues. As a guide it might be helpful to ask the questions: -
  - is this situation unacceptable to me?
  - is this wasteful?
  - could this be done better?

If the answer is "yes" then you should follow the procedure set out below even if this could place you in an embarrassing situation with a particular colleague or group of colleagues.

- 4.2 You are expected to raise issues promptly and in good faith and can expect such matters to be investigated properly and fairly.

## 5. INTERNAL PROCEDURE

### 5.1 Stage 1 - Notification

5.1.1 You can raise concerns orally or in writing. Whichever you decide to do, you should make a note so that you have a record for future reference. This note should include what occurred, where and when, and to whom you submitted the complaint and the date. If you decide to raise a matter orally you may be requested to make a written statement at a later stage depending on the circumstances. The seriousness of the issue will influence who you decide to raise it with.

It may be:

- Your immediate line manager
- The Head Teacher
- A Member of the schools Local Committee
- CEO, CFO Central team staff member
- A Member of the Trust Board

5.1.2 If the issue is of a very serious nature, for example concerning mal-treatment of service users, maladministration or an illegal act, you may decide that it is appropriate to contact the Chairman of the Board of Members with statutory responsibility for taking action on illegality or maladministration. If the issue involves possible fraud or corruption you may decide to contact the Department of Education.

5.1.3 If you feel the issue is sufficiently serious for you to put it in writing, you can write directly to one of the people referred to above marking the envelope "Personal". This will be opened by the officer concerned and you will be guaranteed a response within seven days. This can be sent to your home address if you indicate that is what you want.

5.1.4 If someone gives you information which is of concern to them you should treat it seriously in accordance with this procedure and not dismiss it without giving it proper thought.

### 5.2 Stage 2 – The Meeting

5.2.1 An Investigation Officer will be appointed and will interview the member raising concern 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 individual raising concern about the grounds for the belief of malpractice.
- Consult with the individual about further steps which could be taken.
- Inform them of appropriate routes if the matter does not fall within the Whistleblowing Procedure.
- Report all matters raised under this procedure to the Trust's Chief Executive Officer.

5.2.2 At the interview with the Investigation Officer, the individual may be accompanied by a recognised trade union representative or a work colleague. The Investigation Officer may be accompanied by a note taker.

5.2.3 The Investigation Officer will update the Chair of the Local Committee (if they are not acting as the Investigation Officer) and the Chair of the Board of Trustees following the meeting; but will not divulge the personal details of the individual.

### 5.3 Stage 2 – The Outcome

5.3.1 Within **ten** working days of the interview, the Investigation Officer will recommend to the Headteacher, or the person's line manager, one or more of the following:

- The matter will be investigated internally by the Trust
- The matter will be investigated by an external person appointed by the Trust
- The matter will be reported to the Department for Education
- The matter will be reported to the Police.
- No further action will be taken.

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

- The Investigation Officer 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 school'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.

5.3.3 If no further action is to be taken, then this will be reported to the Chief Executive Officer.

5.3.4 Should it be alleged that the Headteacher or Line Manager is involved in the alleged malpractice, the Investigation Officer's recommendation will be made to the Chief Executive Officer.

5.3.5 The recipient of the recommendation (Headteacher or Chief Executive Officer) 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 of the Local Committee (LC) / Board of Trustees and to the Investigation Officer.

5.3.6 The conclusion of any agreed investigation will be reported by the Investigation Officer to the individual raising concern in writing within **ten** days and a copy passed to the Chair of the LCM. A copy will also be sent to the Chair of the Board of Trustees.

5.3.7 If the Individual has not had a response within the above time limits, he or she may appeal to the Chief Executive Officer but will inform the Investigation Officer before doing so.

## **6. PUBLIC INTEREST DISCLOSURE ACT 1998**

6.1 While issues raised anonymously will still be investigated, it is much better for complainants to identify themselves so the matter can be properly dealt with. Everything possible will be done to protect your identity, but you may be requested to act as a witness if disciplinary or other proceedings follow the investigation of the issues you have raised.

6.2 If you raise an issue under this procedure in good faith and believing it to be true the Public Interest Disclosure Act 1998 protects you from any repercussions on your present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain.

## **7. EMPLOYEES WHO ARE THE SUBJECT OF COMPLAINTS**

7.1 If you are the subject of a complaint under this procedure it will be investigated in accordance with the appropriate disciplinary procedure. This means you will have all the rights contained in the procedure such as representation at the investigatory interview.

## **8. EXTERNAL ADVICE**

8.1 This procedure is intended to provide an effective way for you to expose malpractice in the workplace. If you are not satisfied with the procedure and if you have concerns about fraud or corruption you can contact the Academy's External Auditor,

Azets  
Greytown House  
221-227 High Street  
Orpington  
Kent BR6 0NZ

or you can contact the Audit Commission Complaints Unit at

Audit Commission  
3rd Floor  
Fry Building  
2 Marsham Street  
London SW1P 4DF  
0303 444 8330

## **9. MALICIOUS ACCUSATIONS**

9.1 Deliberately false or malicious accusations made by an Individual will be dealt with under the Schools/ Trust's disciplinary procedure.

9.2 The school /Trust will ensure the Individual is protected from any form of victimisation or discrimination

## 10. GENERAL DATA PROTECTION REGULATIONS (GDPR)

10.1 Please note that any documents and data obtained as a result of this procedure, will be stored and retained in accordance with our Data Protection Policy, Privacy Notice for Staff and Retention Policy. Copies of which can be obtained from the NEST website at [www.nestschools.org](http://www.nestschools.org)

10.2 This trust is committed to being compliant with the General Data Protection Regulations (GDPR) May 2018.

## 11. RAISING CONCERN CONTACTS

Name	Contact	Address
Headteacher	Via School Office	School Office
Chair of Local Committee	Via School Office	School Office
Local Authority Designated Officer (LADO)	Gemma Taylor Tel: 020 8461 7669	Child Protection Chairperson Quality Improvement Service Bromley Children's Social Care London Borough of Bromley Civic Centre Stockwell Close Bromley BR1 3UH
Head of HR, Liberata	Nicola French Tel: 020 8603 3516	Liberata 1 <sup>st</sup> Floor, North Block, Civic Centre Bromley BR1 3UH
Chair of Trustees	Paul Chandler Tel: 0208289 4767	Nexus Education Schools Trust Brackley Road Beckenham BR3 1RF
Education Lead	Ann Golding Tel: 020 8289 4767	Nexus Education Schools Trust Brackley Road Beckenham BR3 1RF
CEO for NEST	Paula Farrow Tel: 020 8289 4767	Nexus Education Schools Trust Brackley Road Beckenham BR3 1RF
CFO for NEST	Annick Smith Tel: 020 8289 4767	Nexus Education Schools Trust Brackley Road Beckenham BR3 1RF

Trade Union – National Education Union	Tel: 0345 811 8111	NEU Headquarters: Hamilton House Mabledon Place London WC1H 9BD
Trade Union - NAHT	Tel: 0300 303 0333 <a href="mailto:info@naht.org.uk">info@naht.org.uk</a>	NAHT 1 Heath Square Boltro Road Haywards Heath West Sussex RH16 1BL
Trade Union – GMB	Tel 020 8202 8272 <a href="mailto:info@gmb.org.uk">info@gmb.org.uk</a>	GMB London Region John Cope House 152 Brent Street London NW4 2DP
Trade Union - Unison	Tel: 0800 0857 857	130 Euston Road London NW1 2AY

## Whistleblowing Flowchart

