

# NCG Whistleblowing and Disclosure Policy



<b><u>Policy Title</u></b>	NCG Whistleblowing and Disclosure Policy
<b><u>Policy Category</u></b>	Compliant
<b><u>Owner</u></b>	Assistant Director of Governance
<b><u>Group Executive Lead</u></b>	Executive Director of Governance, Assurance & Risk
<b><u>Date Written</u></b>	26 <sup>th</sup> June 2019
<b><u>Considered By</u></b>	Executive
<b><u>Approved By</u></b>	Corporation
<b><u>Date Approved</u></b>	July 2019
<b><u>Equality Impact Assessment</u></b>	The implementation of this policy is not considered to have a negative impact on protected characteristics
<b><u>Freedom of Information</u></b>	This document will be publically available through the Groups Publication Scheme.
<b><u>Review Date</u></b>	June 2022
<b><u>Policy Summary</u></b>	<p>This policy applies to all staff employed by NCG under a Contract of Employment, volunteers, all agency staff and all independent contractors and consultants working within NCG, including subcontractors. In addition, it provides the framework for member of the public to raise concerns relating to NCG.</p> <p>The purpose of this Policy and the associated Procedure is to enable any fraud, misconduct or wrongdoing by staff and officers of NCG and subcontractors to be reported and properly dealt with.</p> <p>The aim of this Policy is to provide safeguards to protect staff delivering or working for NCG who raise genuine concerns about malpractice in connection with the organisation. This protection is available to all who have reasonable belief that disclosure is in the public interest.</p> <p>This Policy does not form part of staff's terms and conditions of employment, nor the terms and conditions of any contract between NCG organisations and members of staff.</p>

<b><u>Applicability of Policy</u></b>	<b><u>Consultation Undertaken</u></b>	<b><u>Applicable To</u></b>
Newcastle	No	Yes
Newcastle 6th Form	No	Yes
Carlisle	No	Yes
Kidderminster	No	Yes
Lewisham	No	Yes
Southwark	No	Yes
West Lancashire	No	Yes
Rathbones / InTraining	No	Yes
Group Services	No	Yes

<b><u>Changes to Earlier Versions</u></b>	
<b><u>Previous Approval Date</u></b>	<b><u>Summarise Changes Made Here</u></b>
September 2016	Policy rewrite to reflect sector best practice document issued by the British Universities Finance Directors group
April 2020	Policy update to extend the document to also cover notifications received from unconnected parties who raise concerns re NCG staff or operations. General update of policy to include clearer guidance.

<b><u>Linked Documents</u></b>	
<b><u>Document Title</u></b>	<b><u>Relevance</u></b>
Grievance Policy	Provides guidance that may be more appropriate than this policy.
Disciplinary Policy	
Complaints Policy	
Safeguarding Policy	

## 1. Introduction

NCG is committed to the highest standards of openness, probity, and accountability and seeks to conduct its affairs at all times in a responsible manner, having regard to the requirements of the funding bodies and the standards in public life set out in the reports of the Nolan Committee.

The Public Interest Disclosure Act 1998 (the Act) came into force on 2 July 1999 and gave legal protection to employees against being dismissed or victimised by their employers in consequence of reporting malpractices. Whilst it is a fundamental term of every contract of employment that an employee will faithfully serve his / her employer and not disclose confidential information about the employer's affairs, the Act gives employees the right to make certain types of disclosures and the right to bring legal action in respect of any consequent victimisation.

NCG is determined to ensure that its employees provide the best levels of service and act properly. Whilst NCG has rules, regulations, quality standards and procedures in place to ensure that the highest standards of conduct and commitment to service delivery are followed, it is acknowledged that irregularities, wrongdoing or serious failures in standards could sometimes occur.

This policy applies to all employees, governors, volunteers, agency workers, contractors and suppliers, and for ease, the term "employee" is used throughout the encompass the above.

All concerns will be recorded and investigated promptly. Concerns will, so far as possible, remain confidential and those raising them will be treated fairly.

## 2. Scope and Definition

Any individual, be that a member of the Governing Body, employee or student, who believes that they have evidence of serious malpractice or impropriety, should be encouraged to bring such evidence to the attention of appropriate senior management in the knowledge that NCG would not take any action against them, nor seek in any way to penalise them for so doing, even if they turn out to be mistaken. In addition, NCG has chosen to widen this scope of the Whistle Blowing policy to also include access by any member of the public who have become aware of instances of serious malpractice or impropriety relating to NCG.

Examples of serious malpractice or impropriety might include:

- Financial malpractice, fraud or other impropriety
- Criminal activity
- Failure to comply with legal obligations / regulations or the provision of the Instrument and Articles of Government
- Danger to health, safety and the environment
- Risk to safeguarding
- Professional malpractice

- Improper conduct or unethical behaviour
- Miscarriages of justice
- Corruption, bribery or blackmail
- Properly safeguarded assets
- Research malpractice
- Unauthorised disclosure of confidential information
- Discrimination
- Attempts to conceal any of the above

NCG already has in place a number of policies and procedures, including Grievance, Disciplinary, Safeguarding and Complaints. The policy and procedure on Whistleblowing and Disclosure should not be used where a matter of concern should more appropriately be addressed through other approved NCG policies and procedures and in particular should not be used for complaints relating to an individual's own personal circumstances, such as how they have been treated at work.

Investigation of matters raised under this policy may subsequently lead to the matter being pursued through other approved policies / procedures.

### **3. Protection**

NCG will not tolerate harassment or victimisation and will, where appropriate, take action to protect any individual making disclosures under this policy. If an individual believes that they have suffered detrimental treatment as a result of raising a genuine concern under this policy, they should inform the Executive Director of Governance, Assurance and Risk immediately.

NCG will not tolerate individuals who make false allegations maliciously (or persist with allegations of a vexatious nature) or with a view to personal gain and in such circumstances disciplinary action will normally be taken, where appropriate, against the individuals involved.

### **4. Confidentiality**

All disclosures made in accordance with this policy and procedure will be handled in a sensitive manner. The identity of an individual making a disclosure will, where possible, be kept confidential to the extent that the maintenance of such confidentiality does not hinder or frustrate any related investigation. However, the course of investigation may inevitably lead to the need for the individual making the disclosure to provide a statement as part of the necessary gathering of evidence and could lead to the identity of the individual making the disclosure being revealed.

### **5. Anonymous Allegations**

NCG does not encourage the making of anonymous allegations and it encourages individuals to put their names to any disclosures made. Where allegations are

made on an anonymous basis this may well hinder our ability to fully investigate matters. NCG will only consider anonymous disclosures in exceptional circumstances, and any decision to consider an anonymous allegation will be at the absolute discretion of the Executive Director of Governance, Assurance and Risk. In exercising this discretion, factors to be taken into account will include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

### 6. Procedure for making a disclosure – Initial step

A whistle-blower is a person who raises a genuine concern, which is in the public interests to disclose. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the organisation's activities (a whistleblowing concern), you should report it under this policy.

An individual wishing to make a disclosure may do so in person, by telephone or in writing to the Executive Director of Governance, Assurance and Risk. This will then need to be followed up in writing. The Executive Director of Governance, Assurance and Risk will be responsible for keeping the Chief Executive Officer of NCG and the Chair of the Audit Committee informed, as appropriate.

The initial disclosure should be confirmed by email to [clerk@ncgrp.co.uk](mailto:clerk@ncgrp.co.uk) Please note, this mailbox is accessed and monitored by the Governance Team (Executive Director of Governance, Assurance and Risk, Assistant Director of Governance and Governance Support Officer).

The Executive Director of Governance, Assurance and Risk has day to day operational responsibility for this policy and will maintain a corporate register of the number and nature of the concerns raised and the outcomes (in a way which would not endanger confidentiality), and this will be reported in full to Audit Committee.

Some concerns may be resolved by agreed action, without the need for detailed investigation.

Within 5 working days of a concern being raised, the Executive Director of Governance, Assurance and Risk will, in writing:

- Acknowledge the receipt of the concern
- Indicate the proposed plan to deal with the concern
- Give an estimate of how long it will take to provide a final response
- State whether any inquiries have been made
- State whether any further investigations will take place, and if not, why not

The amount of contact between the Executive Director of Governance, Assurance and Risk and the person raising the concern will depend on the nature of the matters raised and the clarity of the information received. If necessary, further information may be sought.

Although an individual making a disclosure will not be expected to prove the truth of any allegation, sufficient information should be contained in the disclosure to demonstrate that the individual has a genuine concern of suspected wrongdoing.

An employee wishing to make a disclosure has the right to seek the assistance of their trade union and has the right to be accompanied by a trade union representative, or colleague, not involved in the area of NCG activity to which the disclosure relates during any subsequent investigation of the disclosure.

A governor, student or member of the public wishing to make a disclosure has the right to be accompanied as long as the accompanying individual is not involved in the area of NCG activity to which the disclosure relates.

An individual who may need to take legal advice before making a disclosure shall not, in any way, be penalised for having done so.

In all cases involving financial malpractice or impropriety, the Executive Director of Governance, Assurance and Risk shall make the Chief Financial Officer aware, as appropriate.

Where the disclosure is in relation to a member of Group Executive or a College Principal, disclosure should be to the Chair of Corporation. In this case the initial disclosure should be made to the Executive Director of Governance, Assurance and Risk who will make the necessary onwards disclosures.

Where the Chair of the Board of Governors is the subject of disclosure, disclosure should be made Executive Director of Governance, Assurance and Risk who will subsequently share the concern with the NCG's CEO. In addition, the matter will be reported to the Audit Committee.

Upon completion of the investigation of any disclosure the Executive Director of Governance, Assurance and Risk will prepare a report on the outcomes that, where deemed appropriate, will be reported Audit Committee.

Where the Executive Director of Governance, Assurance and Risk is the subject of the disclosure, the disclosure should be made to the Chief Executive Officer.

### 7. Independent Advice

If you are unsure whether to use this policy, please speak to the Executive Director of Governance, Assurance and Risk. Alternatively, you may wish to seek independent advice by contacting:

- Your union
- Your professional body
- The Whistleblowing Charity – Public Concern at Work

### 8. External Disclosure

The aim of this policy is to provide a mechanism for reporting, investigating and remedying any suspected wrongdoing within NCG. In most cases staff or students should not find it necessary to alert anyone externally.



The law does however recognise that in some circumstances it may be appropriate for a staff member to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. NCG encourages members of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity Public Concern at Work, operates a confidential helpline and further information is available at [www.pcaw.org.uk](http://www.pcaw.org.uk) or by telephone on 020 3117 2520. Public Concern at Work also has a list of prescribed regulators for reporting certain types of concern.

Disclosures made under this policy usually relate to the conduct of NCG's staff and / or students, but they may sometimes relate to the actions of a third party, such as a supplier or a service provider. The law allows individuals to raise a concern with a third party directly, where the individual reasonably believes it relates mainly to the third party's conduct or something that is legally their responsibility. However, NCG encourages members of staff to report such concerns internally first following the procedure set out above.

If you do not feel satisfied by the way in which NCG has handled a whistleblowing concern, and you feel it is right to take the matter outside of the organisation, you should contact a prescribed person or body (guidance is available from GOV.UK – Blowing the Whistle: List of prescribed people and bodies). This includes a list of public bodies which can deal with particular areas of concern, for example, Education, Finance etc. You can also make a disclosure to a solicitor or the police.

The NSPCC whistleblowing helpline is available as an alternative route for employees who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way in which a concern is being handled. Employees can call 0800 028 0285 (line available from 8am to 8pm Monday to Friday) or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk).