



WHISTLE BLOWING POLICY

CONTENTS

1. INTRODUCTION

1.1. NLS ARE COMMITTED TO THE HIGHEST POSSIBLE STANDARDS OF HONESTY AND INTEGRITY, AND WE EXPECT ALL STAFF TO MAINTAIN THESE STANDARDS [IN ACCORDANCE WITH OUR CODE OF CONDUCT]. HOWEVER, ALL ORGANISATIONS FACE THE RISK OF THINGS GOING WRONG FROM TIME TO TIME, OR OF UNKNOWINGLY HARBOURING ILLEGAL OR UNETHICAL CONDUCT. A CULTURE OF OPENNESS AND ACCOUNTABILITY IS ESSENTIAL IN ORDER TO PREVENT SUCH SITUATIONS OCCURRING OR TO ADDRESS THEM WHEN THEY DO OCCUR

1.2. THIS POLICY HAS BEEN IMPLEMENTED FOLLOWING CONSULTATION WITH THE RECOGNISED TRADE UNIONS.

1.3. THIS POLICY DOES NOT FORM PART OF ANY EMPLOYEE'S CONTRACT OF EMPLOYMENT AND IT MAY BE AMENDED AT ANY TIME.

2. SCOPE AND PURPOSE

2.1. THE AIMS OF THIS POLICY

2.2. THIS POLICY APPLIES TO ALL EMPLOYEES OF THE NLS, CONSULTANTS, CONTRACTORS, CASUAL AND AGENCY STAFF AND VOLUNTEERS (COLLECTIVELY REFERRED TO AS STAFF IN THIS POLICY).

3. WHAT IS WHISTLE BLOWING?

3.1. WHISTLE BLOWING IS THE DISCLOSURE OF INFORMATION WHICH RELATES TO SUSPECTED WRONGDOING OR DANGERS AT WORK. THE LAW PROVIDES PROTECTION FOR WORKERS WHO RAISE LEGITIMATE CONCERNS ABOUT SPECIFIED MATTERS OR "QUALIFYING DISCLOSURES". A QUALIFYING DISCLOSURE IS ONE MADE IN THE PUBLIC INTEREST BY A WORKER WHO HAS A REASONABLE BELIEF THAT WRONGDOING OR DANGERS AT WORK.

3.2. A WHISTLE BLOWER IS A PERSON WHO RAISES A GENUINE CONCERN RELATING TO ANY OF THE ABOVE. IF YOU HAVE ANY GENUINE CONCERNS RELATED TO SUSPECTED WRONGDOING OR DANGER AFFECTING ANY OF OUR ACTIVITIES (A WHISTLE BLOWING CONCERN) YOU SHOULD REPORT IT UNDER THIS POLICY.

3.3. THIS POLICY SHOULD NOT BE USED FOR COMPLAINTS RELATING TO YOUR OWN PERSONAL CIRCUMSTANCES, SUCH AS THE WAY YOU HAVE BEEN TREATED AT WORK. IN THOSE CASES YOU SHOULD USE THE GRIEVANCE PROCEDURE [OR ANTI-HARASSMENT AND BULLYING POLICY AS APPROPRIATE].

3.4. IF YOU ARE UNCERTAIN WHETHER SOMETHING IS WITHIN THE SCOPE OF THIS POLICY YOU SHOULD SEEK ADVICE FROM A MEMBER OF THE NLS TEAM.

4. RAISING A WHISTLE BLOWING CONCERN

4.1. WE HOPE THAT YOU WILL BE ABLE TO RAISE ANY CONCERNS WITH LUKE OR SCOTT. YOU MAY TELL THEM IN PERSON OR PUT THE MATTER IN WRITING IF YOU PREFER. THEY MAY BE ABLE TO AGREE A WAY OF RESOLVING YOUR CONCERN QUICKLY AND EFFECTIVELY.

4.2. HOWEVER, WHERE THE MATTER IS MORE SERIOUS, OR YOU FEEL THAT YOUR MANAGER HAS NOT ADDRESSED YOUR CONCERN, OR YOU PREFER NOT TO RAISE IT WITH THEM FOR ANY REASON, OR THEY ARE THE SUBJECT OF THE COMPLAINT, THEN YOU CAN RAISE THE MATTER WITH LUKE SMITH OR SCOTT HARDY. THIS IS THE MEMBER OF THE TEAM WHO IS RESPONSIBLE FOR MANAGING WHISTLE BLOWING COMPLAINTS.

4.3. CONTACT DETAILS ARE SET OUT AT THE END OF THIS POLICY.

4.4. WE WILL ARRANGE A MEETING WITH YOU AS SOON AS POSSIBLE TO DISCUSS YOUR CONCERN. YOU MAY BRING A COLLEAGUE OR UNION REPRESENTATIVE TO ANY MEETINGS UNDER THIS POLICY. YOUR COMPANION MUST RESPECT THE CONFIDENTIALITY OF YOUR DISCLOSURE AND ANY SUBSEQUENT INVESTIGATION.

4.5. WE WILL TAKE DOWN A WRITTEN SUMMARY OF YOUR CONCERN AND PROVIDE YOU WITH A COPY AFTER THE MEETING. WE WILL ALSO AIM TO GIVE YOU AN INDICATION OF HOW WE PROPOSE TO DEAL WITH THE MATTER.



5. CONFIDENTIALITY

- 5.1.** WE HOPE THAT STAFF WILL FEEL ABLE TO VOICE WHISTLE BLOWING CONCERNS OPENLY UNDER THIS POLICY. HOWEVER, IF YOU WANT TO RAISE YOUR CONCERN CONFIDENTIALLY, WE WILL MAKE EVERY EFFORT TO KEEP YOUR IDENTITY SECRET. IF IT IS NECESSARY FOR ANYONE INVESTIGATING YOUR CONCERN TO KNOW YOUR IDENTITY, WE WILL DISCUSS THIS WITH YOU.
- 5.2.** WE DO NOT ENCOURAGE STAFF TO MAKE DISCLOSURES ANONYMOUSLY. PROPER INVESTIGATION MAY BE MORE DIFFICULT OR IMPOSSIBLE IF WE CANNOT OBTAIN FURTHER INFORMATION FROM YOU. IT IS ALSO MORE DIFFICULT TO ESTABLISH WHETHER ANY ALLEGATIONS ARE CREDIBLE. WHISTLE BLOWERS WHO ARE CONCERNED ABOUT POSSIBLE REPRISALS IF THEIR IDENTITY IS REVEALED SHOULD COME FORWARD TO ONE OF THE OTHER CONTACT POINTS LISTED IN PARAGRAPH 4.2 AND APPROPRIATE MEASURES CAN THEN BE TAKEN TO PRESERVE CONFIDENTIALITY. IF YOU ARE IN ANY DOUBT YOU CAN SEEK ADVICE FROM PUBLIC CONCERN AT WORK, THE INDEPENDENT WHISTLE BLOWING CHARITY, WHO OFFERS A CONFIDENTIAL HELPLINE. THEIR CONTACT DETAILS ARE GIVEN AT THE END OF THIS POLICY.
- 5.3.** WHERE WE RECEIVE ANONYMOUS COMPLAINTS WE WILL MAKE A DETERMINATION ABOUT WHETHER TO INVESTIGATE
- 5.4.** WE WILL KEEP A CENTRAL RECORD OF DISCLOSURES MADE UNDER THE WHISTLE BLOWING POLICY.
- 5.5.** WE WILL COMPLY WITH DATA PROTECTION REQUIREMENTS IN TERMS OF ANY RECORDS MADE AND KEPT.

6. EXTERNAL DISCLOSURES

- 6.1.** THE AIM OF THIS POLICY IS TO PROVIDE AN INTERNAL MECHANISM FOR REPORTING, INVESTIGATING AND REMEDYING ANY WRONGDOING IN THE WORKPLACE. IN MOST CASES YOU SHOULD NOT FIND IT NECESSARY TO ALERT ANYONE EXTERNALLY.
- 6.2.** THE LAW RECOGNISES THAT IN SOME CIRCUMSTANCES IT MAY BE APPROPRIATE FOR YOU TO REPORT YOUR CONCERNS TO AN EXTERNAL BODY SUCH AS A REGULATOR. IT WILL VERY RARELY IF EVER BE APPROPRIATE TO ALERT THE MEDIA. WE STRONGLY ENCOURAGE YOU TO SEEK ADVICE BEFORE REPORTING A CONCERN TO ANYONE EXTERNAL. PUBLIC CONCERN AT WORK HOLDS A LIST OF PRESCRIBED REGULATORS FOR REPORTING CERTAIN TYPES OF CONCERN. THEIR CONTACT DETAILS ARE AT THE END OF THIS POLICY.
- 6.3.** WHISTLE BLOWING CONCERNS USUALLY RELATE TO THE CONDUCT OF OUR STAFF, BUT THEY MAY SOMETIMES RELATE TO THE ACTIONS OF A THIRD PARTY, SUCH AS A CONTRACTOR, SUPPLIER OR SERVICE PROVIDER. THE LAW ALLOWS YOU TO RAISE A CONCERN WITH A THIRD PARTY, WHERE YOU REASONABLY BELIEVE IT RELATES MAINLY TO THEIR ACTIONS OR SOMETHING THAT IS LEGALLY THEIR RESPONSIBILITY. HOWEVER, WE ENCOURAGE YOU TO REPORT SUCH CONCERNS INTERNALLY FIRST. YOU SHOULD CONTACT YOUR LINE MANAGER OR ONE OF THE OTHER INDIVIDUALS SET OUT IN PARAGRAPH 4.2 FOR GUIDANCE.

7. INVESTIGATION AND OUTCOME

- 7.1.** ONCE YOU HAVE RAISED A CONCERN, WE WILL CARRY OUT AN INITIAL ASSESSMENT TO DETERMINE THE SCOPE OF ANY INVESTIGATION. WE WILL INFORM YOU OF THE OUTCOME OF OUR ASSESSMENT. YOU MAY BE REQUIRED TO ATTEND ADDITIONAL MEETINGS IN ORDER TO PROVIDE FURTHER INFORMATION.
- 7.2.** IN SOME CASES WE MAY APPOINT AN INVESTIGATOR OR TEAM OF INVESTIGATORS INCLUDING STAFF WITH RELEVANT EXPERIENCE OF INVESTIGATIONS OR SPECIALIST KNOWLEDGE OF THE SUBJECT MATTER. THE INVESTIGATOR(S) WILL COLLATE FINDINGS ON THE MATTER AND MAY MAKE RECOMMENDATIONS FOR CHANGE TO ENABLE US TO MINIMISE THE RISK OF FUTURE WRONGDOING. THIS WILL BE SENT TO GARETH DEGENHART FOR ACTIONING.
- 7.3.** WE WILL AIM TO KEEP YOU INFORMED OF THE PROGRESS OF THE INVESTIGATION, ITS LIKELY TIME SCALE AND OUTCOME. HOWEVER, SOMETIMES THE NEED FOR CONFIDENTIALITY MAY PREVENT US GIVING YOU SPECIFIC DETAILS OF THE INVESTIGATION OR ANY DISCIPLINARY ACTION TAKEN AS A RESULT. YOU SHOULD TREAT ANY INFORMATION ABOUT THE INVESTIGATION AS CONFIDENTIAL.
- 7.4.** IF WE CONCLUDE THAT A WHISTLE BLOWER HAS MADE FALSE ALLEGATIONS MALICIOUSLY, OR WITH A VIEW TO PERSONAL GAIN, THE WHISTLE BLOWER MAY BE SUBJECT TO DISCIPLINARY ACTION.



8. IF YOU ARE NOT SATISFIED

8.1. WHILE WE CANNOT ALWAYS GUARANTEE THE OUTCOME YOU ARE SEEKING, WE WILL TRY TO DEAL WITH YOUR CONCERN FAIRLY AND IN AN APPROPRIATE WAY. BY USING THIS POLICY YOU CAN HELP US TO ACHIEVE THIS.

8.2. IF YOU ARE NOT HAPPY WITH THE WAY IN WHICH YOUR CONCERN HAS BEEN HANDLED, YOU CAN RAISE THIS TO IT WITH ONE OF THE OTHER KEY CONTACTS IN PARAGRAPH 4.2. ALTERNATIVELY OUR EXTERNAL AUDITORS. CONTACT DETAILS ARE SET OUT AT THE END OF THIS POLICY.

9. PROTECTION AND SUPPORT FOR WHISTLE BLOWERS

9.1. IT IS UNDERSTANDABLE THAT WHISTLE BLOWERS ARE SOMETIMES WORRIED ABOUT POSSIBLE REPERCUSSIONS. WE AIM TO ENCOURAGE OPENNESS AND WILL SUPPORT STAFF WHO RAISE GENUINE CONCERNS UNDER THIS POLICY, EVEN IF THEY TURN OUT TO BE MISTAKEN.

9.2. STAFF MUST NOT SUFFER ANY DETRIMENTAL TREATMENT AS A RESULT OF RAISING A GENUINE CONCERN. DETRIMENTAL TREATMENT INCLUDES DISMISSAL, DISCIPLINARY ACTION, THREATS OR OTHER UNFAVOURABLE TREATMENT CONNECTED WITH RAISING A CONCERN. IF YOU BELIEVE THAT YOU'VE SUFFERED ANY SUCH TREATMENT, YOU SHOULD INFORM ONE OF THEN CONTACT PEOPLE IN PARAGRAPH 4.2 IMMEDIATELY. IF THE MATTER IS NOT REMEDIED YOU SHOULD RAISE IT FORMALLY USING OUR GRIEVANCE PROCEDURE.

9.3. STAFF MUST NOT THREATEN OR RETALIATE AGAINST WHISTLE BLOWERS IN ANY WAY. ANYONE INVOLVED IN SUCH CONDUCT WILL BE SUBJECT TO DISCIPLINARY ACTION.

9.4. [A CONFIDENTIAL SUPPORT AND COUNSELLING HOTLINE IS AVAILABLE TO WHISTLEBLOWERS WHO RAISE CONCERNS UNDER THIS POLICY. THEIR CONTACT DETAILS ARE SET OUT AT THE END OF THIS POLICY.]

10. REVIEW OF POLICY

10.1. THIS POLICY IS REVIEWED [EVERY YEAR } BY LUKE SMITH AND SCOTT HARDY. WE WILL MONITOR THE APPLICATION AND OUTCOMES OF THIS POLICY TO ENSURE IT IS WORKING EFFECTIVELY.

11. CONTACTS



1. INTRODUCTION

1.1. NLS are committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards [in accordance with our Code of Conduct]. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2. This policy has been implemented following consultation with the recognised trade unions.

1.3. This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. SCOPE AND PURPOSE

2.1. The aims of this policy are:

a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

b) To provide staff with guidance on how to raise concerns.

c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2.2. This policy applies to all employees of the NLS, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3. WHAT IS WHISTLE BLOWING?

3.1. Whistle blowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that wrongdoing or dangers at work. This may include:

- Criminal activity;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Bribery;
- Financial fraud or mismanagement
- Negligence;
- Breach of our internal policies and procedures (including our Code of Conduct);
- Conduct likely to damage our reputation;
- Unauthorised disclosure of confidential information;
- Other unethical behaviour
- The deliberate concealment of any of the above matters.

3.2. A whistle blower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistle blowing concern) you should report it under this policy.

3.3. This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure [or Anti-harassment and Bullying Policy as appropriate].

3.4. If you are uncertain whether something is within the scope of this policy you should seek advice from a member of the NLS team.

4. RAISING A WHISTLE BLOWING CONCERN

4.1. We hope that you will be able to raise any concerns with Luke or Scott. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

4.2. However, where the matter is more serious, or you feel that your manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with Luke Smith or Scott HArdy. This is the member of the team who is responsible for managing whistle blowing complaints.



4.3. Contact details are set out at the end of this policy.

4.4. We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

4.5. We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

5. CONFIDENTIALITY

5.1. We hope that staff will feel able to voice whistle blowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

5.2. We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistle blowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistle blowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.

5.3. Where we receive anonymous complaints we will make a determination about whether to investigate based on:

- a) the seriousness of the issue raised
- b) the credibility of the concern; and
- c) the likelihood of confirming the allegation from other sources

5.4. We will keep a central record of disclosures made under the Whistle blowing policy.

5.5. We will comply with data protection requirements in terms of any records made and kept.

6. EXTERNAL DISCLOSURES

6.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrong doing in the workplace. In most cases you should not find it necessary to alert anyone externally.

6.2. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Public Concern at Work holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

6.3. Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

7. INVESTIGATION AND OUTCOME

7.1. Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

7.2. In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to Gareth Degenhart for actioning.

7.3. We will aim to keep you informed of the progress of the investigation, its likely time scale and outcome. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

7.4. If we conclude that a whistle blower has made false allegations maliciously, or with a view to personal gain, the whistle blower may be subject to disciplinary action.



8. IF YOU ARE NOT SATISFIED

8.1. While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

8.2. If you are not happy with the way in which your concern has been handled, you can raise this to it with one of the other key contacts in paragraph 4.2. Alternatively our external auditors. Contact details are set out at the end of this policy.

Your trade union

The Citizen's Advice Bureau

Ofsted

A relevant voluntary organisation

The Police

The Local Government Ombudsman

Nottinghamshire Racial Equality Council

Equality and Human Rights Commission

9. PROTECTION AND SUPPORT FOR WHISTLE BLOWERS

9.1. It is understandable that whistle blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

9.2. Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you've suffered any such treatment, you should inform one of then contact people in paragraph 4.2 immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

9.3. Staff must not threaten or retaliate against whistle blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

9.4. [A confidential support and counselling hotline is available to whistle blowers who raise concerns under this policy. Their contact details are set out at the end of this policy.]

10. REVIEW OF POLICY

10.1. This policy is reviewed [every year } by Luke Smith and Scott Hardy. We will monitor the application and outcomes of this policy to ensure it is working effectively.

11. CONTACTS

Whistle Blowing Officer	Luke Smith and Scott Hardy
Public Concern at Work (Independent whistle blowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
OFSTED	Telephone: Whistle Blowing Hotline (0300 1233155). It is staffed from 8am – 6pm, Monday – Friday. Email: whistleblowing@ofsted.gov.uk Post: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.
NSPCC - Hotline	0808 800 5000