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| <b>Policy Title</b> | <b>Whistleblowing Policy for and about NCS Trust employees</b> |
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| <b>Supersedes</b>                                     | CIC Whistleblowing Policy  |

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|---------------------------|--|
| <b>Originating Person</b> | Kate Wood, Chief People Officer  |
| <b>Contact Email</b>      | <a href="mailto:katewood@ncstrust.org.uk">katewood@ncstrust.org.uk</a> |

|                       |  |
|-----------------------|--|
| <b>Updated Person</b> | Simon Sharkey Woods, Chief People Officer (interim)                                      |
| <b>Contact Email</b>  | <a href="mailto:simonsharkeywoods@ncstrust.org.uk">simonsharkeywoods@ncstrust.org.uk</a> |

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## 1. Introduction

- 1.1 The Whistleblowing Policy sets out the framework for reporting and dealing with allegations of illegal and improper conduct for and about NCS Trust employees
- 1.2 NCS Trust is committed to the highest standards of regularity, propriety, transparency, probity, integrity and accountability.
- 1.3 This policy is intended to provide a means of making serious allegations on or about NCS Trust employees' standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those who reasonably believe the allegation to be true and make the allegation in the reasonable belief that it is in the public interest to do so, from being victimised, discriminated against or disadvantaged, regardless of whether those allegations are ultimately substantiated.
- 1.4 This policy does not replace other policies and procedures such as the Grievance Policy and other specifically laid down statutory reporting procedures.
- 1.5 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases whistleblowers should not find it necessary to alert anyone externally.

## 2. Scope

- 2.1 The Policy covers whistleblowing from NCS Trust employees or is about NCS Trust employees including people working directly for NCS Trust in its offices.
- 2.2 This policy does not form part of any employee's contract of employment or the contractual arrangement with workers, officers, contractors and volunteers and we may amend it at any time.
- 2.3 While volunteers are not afforded the same protection as other workers under the current whistleblowing legislation, volunteers are also encouraged to use the mechanism provided in this policy.
- 2.4 This policy does not replace other NCS Trust policies or procedures. For example, if an employee has a grievance about their working conditions they should use the Grievance Policy. If an individual is unsure about the appropriate policy under which to raise an issue, they should consult with their immediate manager or People Business Partner.
- 2.5 This policy applies to allegations which relate to suspected wrongdoing or dangers at work and may include, but is not limited to, allegations about any of the following (**whistleblowing incidents**):
  - Conduct which is an offence or breach of the law
  - Failure to comply with legal obligations
  - Miscarriages of justice

- Serious health and safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees
- Abuse of authority
- Damage to the environment
- Breach of NCS Trust policies and procedures
- Other unethical conduct
- Deliberately concealing Information which falls within any of the above categories

**2.6** It is imperative that any matters relating to a young person's welfare are dealt with under our Safeguarding procedures in the first instance. The safeguarding procedures have their own whistleblowing mechanisms in section 15 of the safeguarding policy.

**2.7** For further details please refer to the safeguarding section of the intranet where you can find the [Safeguarding Policy](#) and the [Crisis and Incident Reporting Guide](#).

### **3. Reporting a Whistleblowing incident on or about NCS Trust employees**

**3.1** A whistleblower is a person who raises a genuine concern relating to any of the matters listed at paragraph 2.5 above with a reasonable belief that it is in the public interest to do so.

**3.2** Whistleblowing incidents on or about NCS Trust employees can be raised with your immediate manager in the first instance or by writing to the Director of People (interim), who as per the employee handbook, is ultimately responsible for dealing with most whistleblowing matters. Where you prefer not to raise a whistleblowing incident with your immediate manager or the Director of People (interim) for any reason, section 7.1 of this policy sets out alternative options.

**3.3** NCS Trust recognises that the decision to make an allegation can be difficult. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to the NCS Trust, the Department for Digital, Culture, Media and Sport (DCMS) and ultimately those to whom we provide a service.

**3.4** NCS Trust will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

**3.5** If anyone outside NCS Trust wishes to raise a whistleblowing matter on or about NCS Trust employees they are encouraged to write to the Director of People (interim). Any employee who are made aware of such a matter should direct the whistleblower to the Director of People (interim).

## **4. Confidentiality**

- 4.1** All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests. However, there may be circumstances where the need for confidentiality will be reviewed. For example, if the matter is subsequently dealt with through other NCS Trust policies such as the Disciplinary Policy or NCS Trust is required to disclose such information in relation to any proceedings or regulatory investigation.
- 4.2** If the need for confidentiality is being reviewed, this will be discussed with the whistleblower and NCS Trust will not, without the whistleblower's consent or unless required by law to do so, disclose the identity of a whistleblower to anyone other than persons involved in the investigation/allegation.

## **5. Anonymous Allegations**

- 5.1** This procedure encourages whistleblowers to put their name to an allegation on or about NCS Trust employees wherever possible. This is because anonymous allegations are often difficult to substantiate or prove because proper investigation may be more difficult or impossible if we cannot obtain further information from the whistleblower. However, anonymous allegations will be considered at the discretion of the Director of People (interim).
- 5.2** In deciding whether to exercise discretion and accept an anonymous allegation on or about NCS Trust employees the factors to be taken into account are:
- The seriousness of the issue raised;
  - The credibility of the allegation; and
  - Whether the allegation can realistically be investigated from factors or sources other than the whistleblower.
- 5.3** If a whistleblower wishes to remain anonymous then those handling the allegation will not attempt to uncover the identity of the whistleblower.

## **6. Untrue Allegations on or about NCS Trust employees**

- 6.1** No disciplinary or other action will be taken against a whistleblower who reasonably believes the allegation to be true and makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation.
- 6.2** However, NCS Trust Disciplinary Policy will be followed and it's possible that disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is true and/or in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

## **7. Procedure for Making an Allegation on or about NCS employees**

- 7.1** It is preferable for allegations to be made to an individual's immediate manager in the first instance who will immediately liaise with the People Team or the Director of People (interim) where appropriate. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them.
- 7.2** If the whistleblower does not feel comfortable raising the allegation with their immediate manager or the Director of People (interim), they may raise the matter to the Chair of the appropriate Board Committee. This will be the Chair of the People Committee for whistleblowing allegations on or about NCS Trust employees.
- 7.3** Whether a written or oral allegation is made it is important that relevant information is provided including:
- The name of the person making the allegation and a contact point (unless the allegation is made anonymously).
  - The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
  - The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.
- 7.4** Someone making an allegation may be accompanied by an NCS Trust employee during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another policy the right to be accompanied will at that stage be in accordance with the relevant policy.

## **8. Receipt of an Allegation on or about NCS Trust employees and Next Steps**

### **8.1 Action on receipt of an Allegation**

As far as possible, within 5 week days of receipt of an allegation, the person who received the allegation will record details of the allegation, gathering as much information as possible including:

- The record of the allegation;
- The acknowledgement of the allegation;
- Any documents supplied by the whistleblower

- 8.2** The person who received the allegation will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

**8.3** If the allegation relates to fraud, potential fraud or other financial irregularity the Director of People (interim) will contact the Chief Financial Officer (CFO) and together they will determine whether the allegation should be investigated and the method of investigation including if the police should be called.

**8.4** If the allegation discloses evidence of a criminal offence it will immediately be reported to the Chair of the People Committee and potentially the Chair of the Board and other Chairs of the Committee.

### **8.5 Timetable**

- An acknowledgement of the allegation will be given to the whistleblower in writing, as far as possible, within 5 week days containing:
  - An indication of how NCS Trust proposes to deal with the matter
  - An estimate of how long it will take to provide a final response
  - An indication of whether any initial enquiries have been made
  - Information on whistleblower support mechanisms
  - Indication whether further investigations will take place and if not, why not

**8.6** Where the allegation has been made internally and anonymously, the responsible person appointed by the Director of People (interim) to lead on the whistleblowing allegation on or about NCS Trust people will be unable to communicate what action has been taken.

**8.7** If the whistleblower is not satisfied with the conclusion of the investigation they should contact the independent whistleblowing charity, Public Concern at Work.

## **9. Support**

**9.1** The Director of People (interim) will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings the Director of People (interim) will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

**9.2** NCS Trust accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to the law, we will inform those making allegations of the outcome of any investigation. However, sometimes the need for confidentiality may prevent us giving the whistleblower specific details of the investigation or any disciplinary action taken as a result.

## **10. Responsibility for the Policy**

The Director of People (interim) has overall responsibility for the implementation and operation of this Policy on or about NCS Trust employees, including determining the administrative processes to be followed and the format of the records to be kept.

## 11. Monitoring and Reporting

**11.1** A Register will be kept by the Director of People (interim) which will record the following details:

- The name and status (e.g. employee) of the whistleblower, if given
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

**11.2** The Register will be confidential to the NCS Trust People Business Partners and the Head of People Systems, MI and Services and the Director of People (interim). A weekly summary of the number of cases is provided to the Chief Executive and the Chair of the People Committee. If further details are requested the Director of People (interim) will consider releasing the information while complying with the law e.g The National Audit Office.

**11.3** An annual summary of all whistleblowing matters on or about NCS Trust employees raised to the Chair of the People Committee will be presented annually to the Audit and Risk Committee and the Impact and Safeguarding Committee to allow them to consider any implications. The report will be in a form which does not identify whistleblowers. It will be the responsibility of the Director of People (interim) to provide this report.

**11.4** The Director of People (interim) will give consideration as to whether any individual whistleblowing incidents raised should be reported to the Chair of NCS Trust Board, Chair of Impact and Safeguarding Committee and the Chair of Audit and Risk Committee. In addition the Director of People (interim) will consider whether DCMS need to be informed.

**11.5** If the Chair of the People Committee feels conflicted or potentially conflicted by a matter they can direct the matter to the Chair of the Audit and Risk Committee, the Chair of NCS Trust Board or Chair of Impact and Safeguarding Committee.

## 12. Policy Compliance

**12.1** In line with the NCS Trust disciplinary policy, **any employee or associated person who is suspected of involvement in activities which contravene this and related policies may be suspended immediately pending a full investigation.** In some cases it may also be necessary to suspend other people in order to conduct a proper investigation.

**12.2** Suspension is not a disciplinary sanction and does not imply a finding of misconduct. It is a neutral act to allow an effective investigation to take place, to allow the person to consider their defence and to ensure the alleged serious act is not repeated. Suspension will normally occur within one working day of the start of a disciplinary investigation, and be for as short a period as possible.

**12.3** However, given the potentially serious nature of allegations raised through the whistleblowing route, the Trust reserves the right to suspend an employee or associated person at any stage of a disciplinary investigation or where conduct of the investigation is being, or may be, affected by the presence at work of the employee. Suspension may also be considered in circumstances where the disciplinary investigation is causing distress to the employee or associated person.

## 13. Policy Review Process

The policy will be reviewed by the People Committee on an annual basis.

## 14. Contact Details

- The Chief People Officer (interim)  
**Email:** [simonsharkeywoods@ncstrust.org.uk](mailto:simonsharkeywoods@ncstrust.org.uk) or  
**write to:** Strictly confidential - for the attention of the addressee only  
Simon Sharkey Woods  
Chief People Officer (interim)  
NCS Trust  
The Pembroke Building  
Kensington Village  
Avonmore Road  
London  
W14 8DG
- The Chair of the People Committee (for whistleblowing matters on or about NCS Trust employees)  
**Email:** [ashley.summerfield@egonzehnder.com](mailto:ashley.summerfield@egonzehnder.com) or  
**write to:** Strictly confidential - for the attention of the addressee only  
Ashley Summerfield  
Chair of the People Committee, NCS Trust,  
C/o Egon Zehnder  
Nova South  
160 Victoria Street  
London  
SW1E 5LB