



NEU Whistleblowing Procedures - Model policy checklist

This checklist should be used alongside the NEU's model policy on whistleblowing procedures to help you negotiate a policy acceptable to the union. Non-negotiable points (ie those required by law or union policy) are highlighted in red. You may not be able to secure everything on this checklist – if that is the case, you will need to consult members on whether the proposed policy is sufficiently positive to be acceptable.

What is whistleblowing?

Does the policy define whistleblowing and the categories of wrongdoing?

Does the policy explain that a disclosure can only be made if the employee believes they are acting in the public interest?

Employer's commitment

- Does the policy state that the employer will encourage a culture of co-operation, integrity and accountability?
- Does the policy encourage open dialogue between the employer and employees?
- Does the procedure state that both parties (the person making the disclosure and the person whom the disclosure is about) have the right to be accompanied and/or represented by their trade union representative or by a work colleague at any stage of the process?
- Does the policy state that training on whistleblowing will be available for all staff?

Aims and scope of the policy

Does the policy explain what rights employees have under the relevant sections of the law relating to whistleblowing?

How to raise a concern

- Does the policy state that the concern should initially be raised internally within the organisation?
- Is it clear that the person raising the concern can do so outside of the workplace where they are employed but to someone else in the organisation?
- Does the policy clearly state the process and with whom the employee should raise their concern?

How the employer will respond

- Does the policy set out how the disclosure will be investigated and by whom?
- Does the policy state that the investigator will write to the employee to tell them how the matter will be dealt with?
- Does the policy state that the employee making the disclosure will receive information about the outcome of any investigation?
- Does the policy explain what should happen if the employee is not satisfied with the outcome of the employer's response?

Blowing the whistle to someone outside of the school or trust

- Does the policy clearly state that the internal procedure should be exhausted before an employee blows the whistle to an external body?
- Does the policy explain the term 'prescribed person' and does it explain that any disclosure to a prescribed person will still be covered by whistleblowing rights under the law on whistleblowing?
- Does the policy explain that an employee who approaches the media before they have gone through the internal procedure and contacted a prescribed person is unlikely to be protected by whistleblowing law?

Harassment and victimisation

- Is the policy clear that harassment and victimisation as a result of whistleblowing will not be tolerated by the employer?
- Does the policy explain that an employee can take their case to an employment tribunal if they feel they have been treated unfairly as a result of making a disclosure?

Confidentiality

Does the policy make it clear that confidentiality will be maintained as far as possible but the law may require the identity of the employee to be made known?

Anonymous allegations

- Is the policy clear that anonymous complaints, while possibly more difficult to investigate, will still be investigated?
- Does the policy explain that an employee can make a disclosure via their trade union representative to ensure anonymity? And that it will be treated as if it were a disclosure to the employer? The employee making the disclosure will be protected by the workers' legal right to make a protected disclosure and the trade union representative will, by extension, be afforded the same protection.

Malicious allegations

Does the policy explain that an employee making a malicious or vexatious complaint may be disciplined under the employer's disciplinary policy?

Monitoring

- Is the equality monitoring of the policy undertaken annually or, at the very least, biennially?
- Will the results of equality monitoring be shared with the recognised trade unions?

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