Whistleblowing Policy

Approval Arrangements

Approved by: Trust Board	Trustee Board	**Date:** September 2024
Last reviewed on:	September 2024	
Next review due by:	September 2026	

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Part A - Policy

1. Policy Statement

DEALT (The Trust) is committed to achieving the highest possible standards of probity and integrity regarding its practices.

The Trust recognises that it is important for all employees to have means by which they can raise serious concerns about any aspect of the operation of the Trust, or the academies within it. The Trust further acknowledges its obligations under the Public Disclosure Act (1998) to ensure mechanisms are in place through which concerns relating to matters of public interest can be raised.

The Trust encourages employees to raise any concerns internally at the earliest opportunity rather than disregarding issues or raising the matter externally.

The Trust will take concerns seriously and undertake as much investigation as is necessary given the circumstances to address those concerns – this may include referral to external agencies.

The Trust will endeavour to advise an employee of any actions/outcomes arising from a concern where appropriate, and where to do so would not breach statute or impair any criminal proceedings.

The Trust will provide reasonable support to an employee who raises a concern in good faith.

The Trust will ensure that where a concern is raised, an employee will be protected from detriment, harassment and victimisation. It is recognised that in certain cases it may be appropriate to consider concerns raised on a confidential or anonymous basis.

This policy and procedure explains:

- The mechanism for raising concerns
- The range of responses the Trust, or individual academy may take upon receipt of concerns
- The support and protection available to employees.

2. Scope

This Policy and Procedure applies to all employees of DEALT, whether employed on a Trust-wide, or individual academy basis. (This policy also applies to agency workers, volunteers, contractors and others working on Academy or Trust premises).

Public Concern at Work defines whistleblowing as:

'The raising of a concern either within the work place or externally, about a danger, risk, malpractice or wrong doing which affects others.'

The Whistleblowing Procedure provides a means for employees to raise concerns about conduct or situations which they believe are inappropriate. Concerns may include, but are not limited to:

- Conduct which is, has been or is likely to be an offence or breach of law
- Conduct that has occurred, is occurring or is likely to occur - as a result of which an academy or The Trust fails to comply with a legal obligation
- Acts or potential acts of fraud / corruption or the misuse of public funds / resources
- Past, current or likely health and safety risks
- Concerns about any aspect of service provision
- Concerns of a safeguarding / child protection nature
- Unethical or unprofessional conduct that causes concern
- The deliberate concealment of information relating to concerns listed above

Concerns relating to an individual's own employment should be raised through the Trust's grievance procedures. This policy is not a mechanism for challenging decisions, policies and practices with which you disagree.

Employees may raise concerns about the practice of anyone who works for or on behalf The Trust including:

- All employees
- Members of the Board of Trustees
- Members appointed to Local Governing Bodies
- Volunteers
- Contractors

Concerns that employees have can be raised either individually or collectively. If collective concerns are raised each member of staff should be prepared to give their own account during any investigation, should this be required.

There is no time limit for raising a concern – however employees are encouraged to do so at the earliest opportunity since it may be difficult to address a matter if a significant time has elapsed.

3. Responsibilities of the Trust

- To foster a culture where employees can feel confident in raising concerns
- To ensure concerns are fully considered, investigated as necessary and action taken as appropriate
- To ensure that employees raising concerns receive feedback on any action taken where appropriate
- To make employees aware how they can take matters further if they are not satisfied
- To reassure employees that they will be protected against detriment and reprisal should they raise a concern

4. Responsibilities of the employee

- To raise concerns only where there is reasonable suspicion for doing so
- Not to knowingly raise a false allegation with malicious or vexatious intent

- To engage with internal / external actions to address any concerns – by attending meetings and / or participating in any investigation

5. Trade union representation

Employees may wish to consult and seek guidance from their trade union representative before making a disclosure under this procedure.

Employees may be accompanied to any meeting by a trade union representative or workplace colleague who is not involved in the area of work to which the concern relates.

6. Responsible Officer and monitoring of concerns

The Board of Trustees has overall responsibility for the maintenance and operation of this policy and procedure.

The Chief Executive Officer, or delegate will ensure the effective implementation of the whistleblowing arrangements, providing training as appropriate, and reviewing whistleblowing arrangements.

The CEO will keep a log and report at least annually to the Board of Trustees on any concerns or disclosures made under the whistleblowing policy and the action that was taken. Any reporting will not identify the parties to the concern.

The Chief Executive Officer's report on whistleblowing will consider:

- The number and types of concerns raised and the outcomes of the investigations
- Feedback from individuals who have used the arrangements
- Any concerns of victimisation
- Any concerns of failures to maintain confidentiality
- Any relevant litigation
- The level of staff awareness, trust and confidence in the arrangements

Part B – Procedure

7. Raising a concern

Wherever possible employees should initially raise concerns openly with their line manager or the Headteacher.

In instances of serious concern or where the concern involves the line manager or Headteacher concerns should be raised with the Chief Executive Officer, or where those concerns relate to a financial matter, the Chief Financial Officer.

Should the Chief Executive Officer or Chief Financial Officer be the subject of concerns – these should be raised with the Chair of the Board of Trustees.

If there is a concern with the CEO and Chair of Trustees, the DFE should be contacted.

Please refer to Appendix 1 for the appropriate internal contacts.

Concerns may be raised verbally or in writing. Where a concern is raised in writing it should:

- Set out the background and history of the concern - giving names, dates and places where possible
- Give the reason why the employee is particularly concerned about the situation
- For clarity it would be helpful for the employee to state that they wish their concerns to be addressed under the whistleblowing procedure.

An employee is not expected to prove the validity of their concern, however they will need to demonstrate that there is a reasonable suspicion for their concern.

An employee may invite a trade union representative to support them in raising a concern or raise the matter on their behalf or at a subsequent meeting to explore the complaint.

8. How the Trust will respond

Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the employee who has raised the concern.

On occasion it may not be appropriate for the person who receives the concern to progress the concern and the matter may be referred to another individual within the academy, The Trust or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation.

Where it is not possible to resolve the matter informally, the action taken by the academy or The Trust will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Referral to the Trust's auditors
- Referral to another regulatory authority
- Referral to the Police
- Referral to the local authority

Within 10 working days of receipt of any concern the person progressing the matter will write to the

- Acknowledge that the concern has been received
- Indicate how and through whom The Trust proposes to address the matter including whether further investigation or referral to another organisation will be made
- Give an estimate of how long the investigation will take
- Indicate whether further information will be sought from the employee and the arrangements for obtaining this where known

The form of further contact between the employee and the person progressing the concern will depend on the nature of the matter raised and the follow up action required.

In instances where an investigation is prolonged or referral to an external agency takes place, arrangements will be made to provide the employee with regular situational updates as far as is practicable.

On occasion the person considering the concern may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred
- The matter is / has been the subject of internal proceedings under another Academy or Trust policy
- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- A false malicious or vexatious concern has been raised

9. Notification of the outcome of the concern

The Trust recognises that an employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the concern, wherever possible.

In some circumstances however it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the employee will be advised that the matter has been addressed or concluded as far as is practicable.

Where a matter is not to be considered further the employee who raised the concern will be advised of this in writing.

10. How the matter may be taken further

This procedure is intended to provide employees with a mechanism to raise concerns internally within the Trust or its constituent academies.

Should this process be exhausted and the employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of The Trust.

Appropriate contacts are listed at Appendix 1.

An employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of The Trust, an employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

11. Protection and support for employees

The Trust will take reasonable measures to support and protect employees who raise concerns.

Protection from Detriment

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an employee believe they have been subject to detriment or retribution they should report this in the first instance to the CEO who may address the matter in accordance with the academy's disciplinary procedure.

No action will be taken against an employee where concerns raised in good faith are subsequently unproven. However disciplinary action may be taken against individuals who knowingly make false, malicious and/ or vexatious allegations.

Should an employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) – protection from detriment may be lost and the employee may be subject to the Trust's or academy's disciplinary procedures.

Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for The Trust to assess and investigate the issue. However, it is recognised that there may be some circumstances where an employee would prefer to raise a concern in confidence. Employees should make the Trust aware of this when raising their concern.

Where appropriate every effort and consideration will be given to arrangements to maintain the employee's confidentiality – including off site meetings where appropriate.

Every effort will be made not to reveal the employee's identity, without their prior consent, if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the concern is subject to an external / police investigation where disclosure is required. An employee will be advised should there be a possibility that their confidentiality cannot be maintained.

Anonymous concerns

To facilitate a full and thorough investigation of concerns, employees are encouraged to put their name to any allegation where possible.

Anonymous allegations will be considered and investigated at The Trust's discretion.

In exercising the discretion, the following factors may be considered:

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

It should be noted that it may be more difficult to address the concern, support an employee or advise them of the outcome where a concern is reported anonymously.

Support

Employees who raise a concern may wish to make use of the confidential counselling service provided by The Trust, if appropriate.

Employees may also wish to consult their professional association or trade union if they are a member.

Other sources of support are provided in Appendix A.

Should an employee be required to give evidence in criminal or disciplinary proceedings – consideration will be given to appropriate support.

12. Other concurrent processes

Where a concern is raised under the whistleblowing procedure this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy. However, each case will be considered on its merits to ensure that The Trust is acting reasonably.

13. Contacting the media

Should an Employee be considering contacting the media they are strongly advised to seek guidance from their Trade union representative and where possible discuss the matter with the Headteacher / Chief Executive Officer.

13. Record keeping

Notes may be taken of all meetings with the employee held under this procedure. Where notes are taken a copy will be made available to the employee, who will be given the opportunity to check and offer amendments to those notes.

All records will be treated as confidential and processed in accordance with the Data Protection legislation which provides individuals with the right to request and have access to certain data.

Line managers or Headteachers who receive whistleblowing concerns must ensure the concern is recorded, with a summary of the concern raised, action taken and the resulting outcome.

Appendix A: Contact Details

It is the usual expectation that an employee will have endeavoured to raise the concern internally within their academy, or Trust department before referring the matter to an external organisation.

Internal reporting

In the first instance concerns should be raised with your line manager, or the Headteacher in your own academy. Alternatively you may approach the following Trust contacts:

Contact	*Email*
Chief Executive Officer Jo Hygate	headteacher@kingsdown-ringwould.kent.sch.uk
Chair of the Board of Trustees Roger Walton	r.walton@dealt.org.uk
Chief Financial Officer Dave Myatt	d.myatt@dealt.org.uk

Or in writing to the above named at the following address:

Dealt Central Services **Team** Northbourne Primary School, Northbourne, **Deal**, CT14 0LP.

External reporting - Kent

KCC's Whistleblowing Helpline on 03000 414 500 or by emailing internalaudit@kent.gov.uk

External reporting – General

Contact	***Telephone Number***	***Email / Website***
Public Concern at Work	020 7404 6609	whistle@pcaw.org.uk www.pcaw.org.uk;
Department for Education	0370 000 2288	www.education.gov.uk;

Ofsted	0300 123 3155	whistleblowing@ofsted.gov.uk;
Local Government Ombudsman	0300 061 0614	www.lgo.org.uk;
Office of Qualifications & Examinations Regulation	0300 303 3346	Public.Enquiries@ofqual.gov.uk;

Employees may also wish to raise a concern with:

- An elected member of the local authority
- Relevant trade union or professional association where the employee is a member
- A solicitor
- For criminal matters, the Police

Support for employees

- Education Support Partnership – 08000 562561 https://www.educationsupportpartnership.org.uk/helping-you
- Trade Union or professional association where the employee is a member

Citizen's Advice Bureau www.citizensadvice.org.uk