Kingsbridge
EDUCATIONAL TRUST

WHISTLEBLOWING POLICY

Adoption and amendments to the Whistleblowing Policy

Section	Board of Directors Meeting or Committee
Whole Document	Board - 15/12/2016
Whole Document	Board – 13/12/2018
Whole Document	Board – 15/12/2020
Whole Document	Board – 12/10/2022

Changes made to current version (September 2022)	
Page Number:	**Change made:**
Throughout	Malpractice concern changed to concern
4	Point added regarding low level concerns as per KCSIE

Introduction

This policy provides a process that gives anyone with a concern about The Trust, or the schools operated by it, the confidence to bring that concern to the attention of Senior Managers.

The whistleblowing process is designed for those persons who fear victimisation or harassment if they raise a concern or feel that their concerns raised through other processes have not been properly addressed.

The contact details provided in this policy highlight individuals who can be contacted to discuss the most appropriate process for any concerns that you may have.

Kingsbridge Educational Trust operates within specific legal requirements and regulations and expects its employees to co-operate in this by adhering to all relevant laws, regulations, policies and procedures. Any employee, becoming aware of inappropriate conduct, is obliged and encouraged to report this activity. This policy also applies to contractors, consultants, partners, Governors and agency staff.

Individuals with a concern may fear that they will be victimised or harassed if they raise the concern. In these circumstances it may feel easier to ignore the concern rather than report what may be only a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, The Trust encourages any person with serious concerns about any aspect of The Trust's work to come forward and voice their concerns. This process is commonly referred to as 'whistle blowing'.

It is recognised that certain cases will have to proceed on a confidential basis but, in accordance with the Freedom of Information Act, this policy seeks to provide a transparent method for dealing with concerns. Whistleblowers can have confidence that they have the fullest protections afforded by the Public Interest Disclosure Act 1998. Further information can be obtained at https://www.gov.uk/whistleblowing.

The code of practice set out in this policy makes it clear that staff and others can make reports without fear of reprisals and sets out what protections are in place under this policy. This code is intended to encourage and enable concerns to be raised within The Trust and its schools so that they can be directly addressed and acted upon.

All staff have a responsibility to protect The Trust and its schools' interests and reputation through the proper adherence to this policy.

Aims and Scope of this Policy

This Policy aims to:

- Encourage and enable any person to feel confident in raising a possible concern;
- Provide avenues for any person to receive feedback on any action taken;
- Ensure everyone making a referral receives a response to their concerns;
- Describe how to progress the matter, if dissatisfied with the response;

- Reassure anyone making a referral in good faith that they will be protected from reprisals or victimisation.

There are separate procedures in place to enable staff to lodge a grievance relating to their own employment and stakeholders to complain about the service they receive. This Whistleblowing policy should not normally be used to air such concerns.

A concern may be about:

- Sexual, physical or emotional abuse of individuals;
- Action that is contrary to Keeping Children Safe in Education, including low-level concerns even if your concern is a sense of unease or a 'nagging doubt' that an individual may have acted in a particular way;
- Conduct which is an offence or a breach of law;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public, as well as employees and pupils;
- Damage to the environment;
- Unauthorised use of public funds;
- Action that is contrary to The Trust's financial procedures or contract regulations;
- Possible fraud, corruption or financial irregularity;
- Action that is against The Trust's policies;
- Other improper or unethical conduct.

The concern may be something that makes a person feel uncomfortable in terms of known standards, their experience or the standards to which they believe The Trust subscribes.

This policy incorporates the provisions that are required from the Public Interest Disclosure Act (1998).

How to Raise a Concern

When an individual wishes to raise a concern, he or she will need to identify the issues carefully. They must be clear about the standards against which they are judging practice. The questions set out below are not exhaustive, but provided to assist anyone with a concern and indicate how they can properly articulate this:

- Is your concern that The Trust or its partners are acting illegally?
- Is it against Government guidelines?
- Is it against The Trust's guidelines?
- Is it about one individual's behaviour or one particular incident or is it about general working practices?
- Did you witness a particular incident that causes concern?
- Did anyone else witness the incident at the same time?

The above questions are given to aid someone with a concern to set out coherently the nature of the issue and to guide that person as to the most appropriate procedure to use.

Who to tell:

- Concerns from staff should normally be raised with their immediate manager in the first instance;
- Non-employees (e.g. agency staff or contractors) should raise a concern in the first instance with their contact within The Trust, usually the person to whom they directly report;
- In some cases, the nature or sensitivity of the concern may mean that this is not appropriate. If a person feels they cannot raise their concern with their immediate manager, they are able to go directly to a member of the Senior Leadership Team of each school. They may also do so if, having raised a concern with the immediate manager/contact, they feel there has not been an appropriate response.

Concerns may be raised verbally or in writing. Anyone who wishes to make a written report should give the background and history of the concern (giving relevant dates if possible) and the reason why they are particularly concerned about the situation.

If the individual wishes, they may ask for a private meeting with the person to whom they wish to make the complaint and can be accompanied if they wish. An employee may invite their trade union or professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns they have raised.

When making a complaint verbally, the individual should first write down any relevant information and date it. They should keep copies of all correspondence and relevant information.

It should be noted that, often, the earlier a concern is expressed, the easier it is to take appropriate action.

The individual should ask the person to whom they are making the complaint what the next steps will be and whether anything more is expected from them.

Although a person is not expected to prove the truth of an allegation that is made, it will be necessary to demonstrate that there are sufficient grounds for concern. It is not necessary for any person to conduct investigations prior to contacting The Trust, as this may undermine any ultimate action needing to be taken.

Advice and guidance on how specific matters of concern may be pursued may also be obtained from trade union representatives, or professional associations, as appropriate.

Staff may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

Where a person feels that they cannot approach anyone in The Trust or its schools, they may wish to report their concerns through the external independent reporting scheme called Public Concern at Work. PCAW are an independent charity providing a legal advice service designated by the Bar Council and information provided to PCAW is protected under the Public Interest Disclosure Act 1998. Their helpline number is 020 3117 2520. Their email as whistle@protect-advice.org.uk.

The Trust and all employees have a responsibility for the safeguarding of children. If any employee in the course of their work, or outside work, becomes aware of a child who is being maltreated, or who is or is likely to suffer significant harm, that employee has a duty to report their concern to children's social care (01908 253169). If, after a concern has been reported, an employee remains concerned about the safety of a child and believes these concerns are not being appropriately responded to, the employee should follow the process set out in this Whistleblowing policy.

Supporting the individual to raise a concern
Harassment or Victimisation

The Trust recognises that the decision to raise a concern can be difficult, not least because of the fear of reprisals.

The Trust will not tolerate harassment or victimisation and will take action to protect individuals who raise concerns in good faith. This does not mean that, if the individual is already the subject of disciplinary or redundancy processes, these procedures will be halted as a result of raising a concern under this policy.

Those individuals who liaise with whistle blowers will not release information to identify a whistle blower to any individuals and will only release those details to a proper person outside The Trust when there is a legal requirement to do so e.g. a court order. The only exception to this shall be where the whistle blower themselves gives written permission to do so.

If anyone is found to have victimised or harassed someone who has made a referral under this policy, which would normally be considered:

- A matter of Gross Misconduct if committed by an employee of The Trust;

- A matter for The Trust to consider termination of a contract if done by, or at the request of, a contractor.

Confidentiality
All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person highlighting the concern, if that is their wish.

Individuals are encouraged to put their name to any allegation. The Trust will do its best to protect the individual's identity when they do not want their name disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence for formal action.

Anonymity
Concerns expressed anonymously are much less powerful, but will be considered at the discretion of The Trust. In exercising this discretion, the factors to be taken into account would include:
- Seriousness of the issue;
- Credibility of the concern;
- Likelihood of being able to obtain the necessary information.

Untrue allegations
Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action taken against them and will continue to have protection under this policy from victimisation or harassment.

If, however, an individual makes malicious or vexatious allegations, action will be taken against them under the Trust's disciplinary policy.

How The Trust will respond

The action taken by The Trust will depend on the nature of the concern. Where appropriate, the matters raised may:

- Be investigated by management, governors or other appropriate persons;
- Be referred to the external auditor;
- Be referred to the police;
- Form the subject of an independent enquiry;
- Be referred to the EFA.

In order to protect individuals and The Trust, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of the specific procedures (e.g. child protection or discrimination issues), will normally be referred for consideration under those procedures.

It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally, some issues may be investigated without the need for initial enquiries. If urgent action were required, this would be taken before any investigation is conducted.

The person raising the concern will be written to within 10 school days:

- Acknowledging that the concern has been received;
- Indicating how the matter will be dealt with;
- Giving an estimate of how long it will take to provide a final response;
- Telling the person whether any initial enquiries have been made;
- Supplying the person with information on staff support mechanisms;
- Telling the person whether further investigations will take place and, if not, why not.

Every effort will be made to resolve the matters raised as soon as possible, in the interests of The Trust, the person raising the concern and the person(s) being investigated.

The amount of contact between those considering the issue and the person raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.

Where any meeting is arranged, staff have the right, if they so wish, to be accompanied by a trade union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

The Trust will take appropriate steps to minimise any difficulties which a person may experience as a result of raising a concern and provide advice and support, should they be required to give evidence e.g. at a disciplinary hearing.

The Trust accepts that the person raising a concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible as the investigation progresses.

How the matter can be taken further

This policy is intended to provide an avenue to raise concerns within The Trust and its schools. The Trust hopes that those using this process will be satisfied with the way their concerns are treated and any investigations are carried out. However, if they are not satisfied and feel it right to take the matter outside The Trust, the matter can be raised with the external auditors, if a financial concern:

Alex Bottom
Hillier Hopkins LLP
Radius House
Watford WD17 1HP Tel: (0330) 024 3200

Alternative possible contact points are:

- Relevant professional bodies or regulatory organisations;
- A solicitor;
- The police.

In taking a matter of concern outside The Trust or its schools, a person must ensure that, so far as possible, it is raised without confidential information being divulged and, other than in exceptional circumstances, they would be expected to have exhausted the internal routes.

Roles and Responsibilities

The responsibility for the operation of this policy rests with the Governors and Senior Leadership Team of each school and the Board of Directors of the Trust.

Investigations will be undertaken by appropriate persons with relevant skills, expertise and experience, dependent upon the issue raised.

The Chair of the Finance, Audit & Human Resources Committee (FAHRCT) will lead on all financial referrals, including those where there are significant financial implications to an allegation, even if this is not explicit within the referrals. All concerns raised will be formally logged centrally.

The Headteacher of each school will lead on allegations regarding to misconduct of their staff.

The CEO of the Trust will lead on allegations relating to personnel employed within the Central Function.

The Chair of the Local Governing Body will lead on allegations relating to the Headteacher of each school.

The Chair of the Board of Directors will lead on allegations relating to the CEO.

Employees – in all contracts of employment there is an implied contract of mutual trust and confidence between the employer and the employee. All employees, therefore, have a responsibility to raise concerns about work and they may do so in the manner described in this policy.

Line Managers must create an open and fair culture within their area of responsibility and ensure that staff concerns are listened to and action taken where necessary. Line managers are responsible for ensuring that there is a safe environment for staff to raise their concerns and that there is no retribution as a result of someone raising their concerns.

The Board of Directors are responsible for ensuring that the risks across The Trust are being identified and managed. It is, therefore, responsible for ensuring that this policy is robust in identifying concerns and that the identified risks are addressed. It is also responsible for ensuring that the principles within this policy are upheld.

How the policy will be monitored

The Trust has a responsibility for registering the nature of all concerns raised and recording the outcome. These will be reported to the Board of Directors at each meeting.

This policy will be publicised, on each school's database and website.

Kingsbridge Educational Trust Contacts

Mrs Jane Lear – HR Director
hr@ket.education

Chair of the Finance, Audit & Human Resources Committee of the Trust
c/o Julie.gale@ket.education or write in confidence via the Trust address

Chair of the Board of Directors
c/o Julie.mason@ket.education or write in confidence via the Trust address

Kingsbridge Educational Trust
September 2022

Annex A

Procedure for Contractors/Agency Staff

As a first step, contractors should normally raise concerns with their manager, who will then inform the person who is dealing with their contract. If contractors do not have a manager, they should raise their concerns directly with their contact within each school. This depends on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If the concern relates to financial irregularities or failures of financial controls, the person receiving the report will also immediately notify the Chair of FAHRCT.

Concerns may be raised verbally or in writing. Individuals who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates);
- The reason why the individual is particularly concerned about the situation.

It should be noted that, often, the earlier a concern is expressed the easier it is to take appropriate action.

Advice and guidance on how specific matters of concern may be pursued can be obtained by getting confidential advice from their trade union or professional association.

Contractors may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

Contractors may invite their trade union or professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns they have raised.