

# Whistle Blowing Policy

Reviewed September 2022



**The Stour Academy Trust**

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# Part A - Policy

## 1 Policy Statement

The Stour Academy Trust is committed to achieving the highest possible standards of openness, probity and accountability. If employees and others working with us (including volunteers) have concerns regarding any aspect of our organisation, we encourage them to come forward and voice their concerns. In some instances, concerns may need to be expressed on a confidential basis.

The Trust recognises that it is important for all Employees to have a means by which they can raise serious concerns about any aspect of the operation of the Trust. 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 individuals to raise any concerns internally at the earliest opportunity rather than disregarding issues or raising the matter externally.

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

The Trust will endeavour to advise an individual of any actions / outcome arising from a complaint where appropriate.

The Trust will provide reasonable support to an individual who raises a concern.

The Trust will ensure that where a concern is raised, an individual 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 may take upon receipt of concerns
- The support and protection available to Employees

## 2 Scope

The Whistle Blowing Policy applies to all employees, agency workers, volunteers and those contractors working on The Stour Academy Trust premises (e.g. cleaners, builders and drivers, etc.) Suppliers and those providing services under a contract with the Trust in their own premises are also covered by the policy.

Protect (the Whistleblowing charity) 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 the Academy or Trust fails to comply with a legal obligation

- Acts or potential acts of fraud / corruption / bribery or the misuse of public funds / resources
- Miscarriages of justice
- Past, current or likely health and safety risks
- Concerns about any aspect of service provision
- Concerns of a safeguarding / child protection nature
- Failure to have due regard to the need to prevent people from being drawn into terrorism (the 'Prevent Duty')
- Unethical or unprofessional conduct that causes concern
- The deliberate concealment of information relating to concerns listed above
- Other concerns regarding the conduct (including breaches of known standards or the Trust's policies) of officers or the Trust or others acting on behalf of the Trust.

The Trust's Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

If individuals wish to raise a concern regarding issues relating to their own employment, the Trust's Fairness at Work Policy should be used.

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

- All Employees
- Directors / Members
- Volunteers
- Contractors

Concerns that individuals have may be raised individually or collectively. If collective concerns are raised individuals 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 individuals 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 Adoption Arrangements and Date**

This procedure was adopted by the Board of Directors of The Stour Academy Trust on 11<sup>th</sup> October 2022

This policy will be reviewed by The Board of Directors annually or earlier if there is a need.

### **4 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

### **5 Responsibilities of the Employee**

- To raise concerns only where there is a 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

## **6 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.

## **7 Responsible Officer and Monitoring of Complaints**

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

The Head teacher of each Academy/School will ensure the effective implementation of the whistleblowing arrangements, providing training as appropriate.

The Head teacher will consider:

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

Any reporting will not identify the parties to the complaint.

## Part B – Procedure

### 8 Raising a Concern

Wherever possible Employees should initially raise concerns openly with their line manager or the Head teacher

In instances of serious concern or where the complaint involves the line manager or Head teacher complaints may be raised with the CEO

Should the Head teacher have concerns – these should be raised with the CEO in the first instance.

Should anyone have concerns about a member of the Board of Directors this should be raised with the CEO in the first instance.

Please refer to Appendix A for the appropriate internal contacts.

Concerns may be raised verbally or in writing.

A concern raised in writing 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 are sufficient and reasonable grounds for their complaint. Further investigation may be hampered if there is only limited evidence to support the concern raised.

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.

### 9 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 complaint to progress the concern and the matter may be referred to another individual within the Academy / School 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 / School will depend on the nature of the concern and may include:

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

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

- Acknowledge that the concern has been received
- Indicate how and through whom the Academy / School 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 Individual and the person progressing the complaint 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 situational updates as far as is practicable.

On occasion the person considering the complaint 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 Trust policy
- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- A false and malicious or vexatious complaint has been made

## **10 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 complaint, 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 complaint will be advised of this in writing.

## **11 How the matter may be taken further**

This procedure is intended to provide Employees with a mechanism to raise concerns internally within the Trust.

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 A.

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.

## 12 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 to the CEO who may address the matter in accordance with the Trust disciplinary procedure.

No action will be taken against an Employee where concerns raised 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 disciplinary procedures.

### Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for the Academy / School 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 Academy/ School 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

Employees are encouraged to put their name to any allegation where possible.

Anonymous allegations will be considered and investigated at the Academy's / 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.

### **13 Other Concurrent Processes**

Where a complaint 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.

### **14 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.

All records relating to the management of whistleblowing disclosures will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulations and Data Protection Act (2018). In certain limited circumstances information may be shared by the Academy/Trust for the purpose of managing the disclosure.

Please refer to the Trust's Data Protection Policy and Privacy Notice for further details.

A central record of whistleblowing will be maintained by the Board of Directors. This record will include, a summary of the concern raised, action taken and the resulting outcome. Senior staff or Directors who receive whistleblowing concerns must ensure the concern is recorded.

## Appendix A: Contact Details

It is the usual expectation that an Employee will have endeavoured to raise the concern internally within the Academy before referring the matter to an external organisation.

### Internal

<i>Contact</i>	<i>Telephone Number</i>	<i>Email</i>
Rachael Howell (CEO)	01227 931560	<a href="mailto:rachael.howell@stouracademytrust.org.uk">rachael.howell@stouracademytrust.org.uk</a>
Fiona Trigwell (Chair of The Board of Directors)	Clerk to the Board of Directors 01227 931560	c/o <a href="mailto:clerk.trust@stouracademytrust.org.uk">clerk.trust@stouracademytrust.org.uk</a>

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

Rachael Howell (CEO)  
The Stour Academy Trust  
Park View  
Sturry  
CT2 0NR

Fiona Trigwell (Chairperson)  
c/o Clerk to the Board of Directors  
The Stour Academy Trust  
Park View  
Sturry  
CT2 0NR

### External

<b>Contact</b>	<b>Telephone Number</b>	<b>Email / Website</b>
Protect (formerly Public Concern at Work)	020 3117 2520	<a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>
Department for Education	0370 000 2288	<a href="http://www.gov.uk/contact-dfe">www.gov.uk/contact-dfe</a> ;
Ofsted	0300 123 3155	<a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> ;
Local Government Ombudsman	0300 061 0614	<a href="http://www.lgo.org.uk">www.lgo.org.uk</a> ;
Office of Qualifications & Examinations Regulation	0300 303 3344	<a href="mailto:whistleblowing@ofqual.gov.uk">whistleblowing@ofqual.gov.uk</a> ;
National Child Abuse Whistleblowing Advice Line	0800 028 0285	<a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a> ;

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
- The police

### Support for Employees

- Confidential Counselling Service is available by calling 0870 240 2530 offered by Health Assured, via The Education Broker, which is available to all staff within our Trust and is totally confidential, should you wish to use this service.
- Teachers Support Line [www.teachersupport.info](http://www.teachersupport.info);
- Trade Union or Professional Association where the employee is a member
- Citizen's Advice Bureau [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal the individual's identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the individual is required to come forward as a witness.

### Anonymous Allegations

Concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at the Trust's discretion. In exercising the discretion, the factors to be taken into account would include:

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

### Untrue Allegations

Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

### Bribery Act 2010

The Stour Academy Trust has a zero tolerance approach to acts of bribery and corruption (see Anti-Corruption and Bribery Policy). Any instances of suspected bribery and corruption must be reported. If you do not feel able to report your concerns to your line manager, the Whistle Blowing Procedure can be used to confidentially raise this matter.

**The named person for The Stour Academy Trust for staffing is Rachael Howell (CEO) and any whistleblowing against the CEO is reportable to Fiona Trigwell (Chair of the Board of Directors).**

*The Board of Directors reviews and approves this policy every two years. It may, however, review this policy earlier than this if the government produces new regulations, or if it receives recommendations on how this policy might be improved.*

**Next review September 2024**