



Whistle Blowing Policy

EKC Schools Trust

Approval Date: September 2022

~~Next Approval: September 2023~~

WHISTLEBLOWING POLICY AND PROCEDURE

Policy Statement

EKC Schools Trust is committed to the highest standards of openness, honesty and accountability. In line with this commitment we encourage employees and others that we deal with who have serious concerns about any aspect of the Trust's work or environment within each Academy to come forward to voice those concerns on a confidential basis.

The purpose of the Whistleblowing Policy is to enable concerns of malpractice that are in the public interest to be raised confidentially inside, and if necessary, outside the organisation. It is intended to encourage staff to inform management if they are concerned about serious malpractice, fraud or corruption. However, it is not meant to be another mechanism for employees to raise collective or personal grievances. The Grievance Procedure is in place to enable employees to lodge a concern relating to their employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

All staff are protected from victimisation, harassment or disciplinary action as a result of any disclosure, where the disclosure is made in the public interest and is not made maliciously or for personal gain. Where disclosures are made in the public interest, staff will have statutory protection under the Public Interest Disclosure Act 1998. The Trust is also committed to ensuring compliance with the Bribery Act 2010.

The Trust will not tolerate any form of harassment or victimisation and will take appropriate action to protect employees when they raise a concern in the public interest. If in the course of their employment, an employee becomes aware of information which they reasonably believe shows one or more of the following reasons for concern, they must use the Trust's disclosure procedure as set out here. It does not include mismanagement which may arise from, for example, weak management rather than malpractice.

Should a member of the public have a genuine concern then this should be raised directly with the Head teacher of the Academy or Nursery Manager in the first instance. This policy and procedure is designed for the use of workers of the Academies and nurseries within the Trust.

This policy applies to all employees of the Trust, including apprentices, any casual workers, employees of subcontractors and agency workers engaged by the Trust in any of the nurseries or academies. Employees who might be unsure whether it is appropriate to raise their concern under this policy are encouraged to approach the Head teacher or Nursery Manager. Where it is not appropriate to share concerns with the Head teacher or Nursery Manager, concerns should be raised with the CEO of the Trust.

Reasons to raise a concern are, for example:

- That a criminal offence has been committed is being committed or is likely to be committed
- That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they

are subject

- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health & safety of any individual has been, is being, or is likely to be endangered
- That the environment has been, is being, or likely to be damaged
- That the information showing any of the above is being, or is likely to be deliberately concealed
- That the Academy, Nursery, Trust, or any associated person has been, is being, or is likely to be receiving or offering bribes
- That the Trust is breaking the law, for example does not have the right insurance in place

Relevant and Qualifying Disclosure

Importantly, and to guarantee protection under the regulations, a whistleblower must meet specified criteria so that their disclosure can be considered a qualifying disclosure under the Public Interest Disclosure Act 1998. These are as follows:

- The disclosure must be made to an appropriate person.
- The person making the claim must have reasonable belief that the wrongdoing is being or is about to be committed.
- The disclosure must reasonably believe it to be substantially true and that the disclosure is in the public interest.
- The person making the claim should not collect the information to support the allegation improperly

Disclosure Procedure

- Any member of staff wishing to raise a concern should inform the Head teacher or Nursery Manager, either verbally or in writing. If the Head teacher or Nursery Manager is connected with the concern, then the CEO should be informed. If the concern is connection with the CEO, then the Chair of the Trust Board should be informed.
- If the concern is raised verbally, a written note will be made of the full details, a copy of which will be sent to the employee within 2 working days. If the concern is sent in writing, a written acknowledgement will be made within 2 working days of receipt.

- In raising concerns, members of staff have the right to seek advice and be accompanied by a trade union officer or workplace colleague.
- The senior leader informed shall ensure the concern is fully investigated as quickly as possible. This may include the appointment of independent investigators. If there is evidence of criminal activity then the police would also be informed.
- If any significant instance of fraud, irregularity, or major weakness in the accounting or other control framework is suspected or discovered the Chair of the Risk, Audit and Compliance Committee and the Chair of the Trust Board would be informed as soon as practically possible. The Risk, Audit and Compliance Committee then have authority to commission a special investigation if agreed as the most appropriate course of action.
- The informed Senior Leader may call upon the support of senior colleagues, the Local Governing Body, the Trust Board or legal advice where appropriate. Any staff member concerned with the investigation would sign a confidentiality agreement.
- Once the investigation is completed a response will be sent to the employee who raised the matter, in writing, by the Senior Leader to their home address and/or their preferred private email address. There are no rights of appeal against any decisions taken under this procedure however; an employee will have the right to refer any particular case to the Board of Trustees for review if the initial concern has been dealt with by the CEO.
- If the investigation is prolonged, the employee who raised the matter will be kept informed in writing as to the progress of the investigation. Employees will be told, as far as possible and subject to third party rights, what the outcome of their concern is.
- In the event that the investigation confirms the alleged concern the Trust's Disciplinary Procedure would normally be used to address the matter as appropriate. To ensure natural justice it may be necessary to seek the complainant's permission for their statement to be copied to the alleged perpetrator prior to any Disciplinary Hearing. **If it is necessary for anyone to know the 'whistle-blower's' identity, the Trust will discuss this with the member of staff first.**
- If the employee is not satisfied that their concern is being properly dealt with by the Informed Senior Leader they have the right to raise this, confidentially in writing, with either the Local Chair of Governors or the CEO or Chair of the Trust.
- Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. Any investigation into allegations of malpractice will not

influence or be influenced by any disciplinary or redundancy procedures that already affect them.

- Appropriate action will be taken with any staff member that has harassed or victimised any employee following a disclosure.
- An employee making a disclosure may want to confidentially request counselling or other support from the Trust's occupational health service.
- The Trust has a responsibility to ensure that those employees against whom concerns are raised are treated fairly, as any allegation made under this policy is a serious matter. The Trust will take all reasonable steps to provide protection, as necessary. Employees may want to confidentially request counselling or other support from the Trust occupational health service. This will apply to alleged perpetrators and/or those who may be required to give evidence.
- The Trust will keep a record of all concerns raised under this policy (including cases where the Trust deems that there is no case to answer and therefore that no action should be taken) and will report to the Full Local Governing Body and Trust Board on an annual basis as appropriate.

Confidentiality

- The Trust regards the confidentiality of the Whistleblowing process as a matter of uppermost importance. Any employee who raises a concern in conjunction with this procedure will have the right to have the matter treated confidentially and not to have their name disclosed to the alleged perpetrator of malpractice without their prior approval. Any correspondence concerning the matter will be sent to the employee's home address and/or their preferred private email address to ensure confidentiality.
- The Trust will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Trust does not identify the employee making the disclosure without their written consent, or unless the Trust is legally obliged to do so, for the purpose of seeking legal advice. Any departure from this procedure may result in the confidentiality status being lost and therefore it should be followed carefully.
- No formal disciplinary action will be taken against an employee on the grounds of making a disclosure under this policy or procedure. This does not prevent the Trust from bringing disciplinary action against an employee where the Trust has grounds to believe that a disclosure was made

maliciously or vexatiously, or where a disclosure is made outside the Trust without reasonable grounds.

- Employees can also contact the charity Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House
244-254 Cambridge Heath Road
London E2 9DA

<https://protect-advice.org.uk/>

Whistleblowing Advice Line: 020 7404 6609 and 020 3117 2550

Email: whistle@protect-advice.org.uk