

Whistleblowing Policy

Person responsible for this document:	
HR Department	
Reviewed by:	Date:
Penny Walshe	September 2022
Approved by:	Date:
Trustees	October 2022
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Summary of amendments

Below is a summary of amendments that have been made to this policy.

Where is the update	What is the update
Throughout document	Terminology update – She/He to They/Them
Section 1	Confirmation that this policy was written in the spirit of guidance supplied by the Government’s Whistleblowing code of practice and guidance document
Language throughout	Language throughout this policy has been amended to a more reader friendly format, but the spirit and meaning of each section remains the same.
Grammar throughout	Minor amendments to grammar that do not impact on the spirit and meaning of the policy

Please be reminded that whilst this summary is designed to assist staff in identifying updates to policies, it remains the expectation that staff fully read and familiarise themselves with the full contents of each policy.

If you have any questions, please do not hesitate to contact your HR team at HR@universityofkentacademiestrust.org.uk

1. Introduction

The University of Kent Academies Trust (UKAT) is committed to tackling acts of fraud, corruption, unethical conduct and malpractice regardless of who commits them or where in the Trust they are committed. This way we can be sure that the services we provide are used in the best interests of the stakeholders.

The Trust wants everyone to feel confident about raising a concern regarding any such conduct or action and that this will be properly dealt with at the earliest opportunity and not overlooked or ignored. This policy was written in the spirit of the government's <https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

To encourage and enable you to do this the Trust will ensure that anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment or victimisation regardless of:-

- a) the content of the concern you raise
- b) with whom you raise the concern and
- c) whatever the outcome of raising the concern.

There are several individuals within the Trust with whom you can raise a concern.

The Whistleblowing Policy provides an opportunity for your concern to be dealt with internally, after all that is where the solutions will be found, or through an agreed external body. Even so there is always a temptation to take a concern directly to the media.

Airing a concern through the media however does not always mean that the issues raised are appropriately addressed and often fails to protect innocent parties. You should remember that you have a duty of confidence to your employer and that unauthorised disclosure of information may be a disciplinary offence. You should therefore not contact the media unless you have exhausted all the options available to you through this policy. The best advice before you decide on what action to take is to seek the advice of your line manager.

2. Who can raise a concern?

If you undertake work for the Trust, whether you are an employee, a contractor, or a paid or unpaid volunteer, you can use this procedure to raise a concern.

3. Who can concerns be raised about?

You can raise a concern about the practice of anyone who undertakes work for, or on behalf of, the Trust. This includes employees of the Trust, contractors or volunteers.

Trust Based staff

You would normally raise a concern with your direct line manager. If this was inappropriate then the Chief Executive Officer, Executive Principal, Principal, Trust HR Manager or Chair of Trustees should be contacted. UKAT has a legal responsibility to deal with any issues raised under the Whistleblowing Policy.

4. Is there anything that should not be raised through the whistleblowing policy?

The policy should not be used to raise a concern about terms and conditions of employment which would be covered by the Grievance procedure or matters that can be dealt with through another procedure. It is also possible that after raising a concern you might be advised about other agreed Trust policies or procedures which may be more appropriate to the nature of the concern. However, if in any doubt this policy can be used as a starting point for your concerns.

5. Misuse of the whistleblowing policy

Raising a concern unreasonably, with malicious intent or for personal gain or the gain of others is not acceptable and for any employees of the Trust may lead to disciplinary action under the Trust's Disciplinary Policy.

6. Confidentiality

The Trust accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might, however, be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the Police. If there is any possibility that your confidentiality cannot be protected you will be told why this is the case and will be offered appropriate advice and support.

7. Anonymously raised concerns

Concerns expressed anonymously will be investigated based on their merits. However, an investigation may be hampered by the inability to gain further information and the Trust would encourage you to provide some method of contacting you in case further information is required.

8. Scope of the policy

A concern can relate to any unethical or unprofessional conduct within the Trust. The policy not only covers acts that have occurred but also potentially unethical or unprofessional conduct. Below are some examples but please remember this is by no means exhaustive: -

- a) an actual or potential breach of the law,
- b) possible or actual miscarriages of justice,
- c) the actual or possible abuse (sexual or physical) of young people in the Academy's care,
- d) potential or actual acts causing damage to the environment,
- e) acts or potential acts of fraud and corruption or the misuse of public funds,
- f) acts that could have a detrimental effect on the health and safety of employees, students or the public,
- g) actual or potential acts of harassment or bullying of, or by, someone working for the Trust,
- h) actual or potential acts of racial or sexual discrimination,

- i) any unethical conduct that causes concern or brings the reputation of the Trust into disrepute,
- j) the deliberate concealment of information that would indicate any of the above.

If you are in any doubt as to whether to raise a concern then confidential advice can be sought from the HR Manager or your Trade Union Representative.

Note: - If, when disclosing a concern you commit a criminal offence, you may lose your rights to protection from detriment. Again, if in any doubt seek advice from the sources named above.

9. What to consider when expressing a concern

To enable your concerns to be dealt with in a proper and effective manner here are some guidelines for you to consider: -

- a) Be as clear as possible about what the concern is and who and what it relates to. You may also want to discuss the concern with others to see if it is shared.
- b) Be as clear as possible about who may be involved, when and where actions may have taken place etc. Make sure the facts are recorded i.e., record the dates and times in a diary. This way you can be clear about what has been heard or seen and when, rather than rely on memory or hearsay.
- c) Make sure you ask for your concerns to be dealt with under this procedure.

10. How to raise a concern

No matter with whom you raise your concern it will be dealt with under this procedure. If the person with whom you raise the concern feels it necessary, they may want to refer your concern on to either the Chief Executive Officer, Executive Principal, Academy Principal, Trust HR Manager or the Chair of Trustees, whichever is appropriate. If this is the case, you will be contacted first and can discuss any issues this may raise.

As a First Point of Contact

A concern would normally be raised initially with your line manager or supervisor. However, this may not always be possible, dependent on the nature of the concern and who is involved.

Alternatively

If you feel unable to raise the matter with your line manager or supervisor you may wish to contact the Chief Executive Officer, Executive Principal, Academy Principal or Trust HR Manager.

11. Concerns against Trustees

If a concern against a Trustee is received, then this will be treated in the same way as any other concern. The concern will be raised by the Chief Executive Officer and with the Chair of Trustees who will decide how it should be dealt with.

If the concern is against a Chair of Trustees, then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Chief Executive Officer who will seek further advice. In the normal circumstances such a concern would be referred to the Department for Education for action.

Any concern raised through Whistleblowing that is against a Trustee and concerns any safeguarding matter, the LADO will be informed.

12. The procedure to be followed

To ensure that all concerns raised are taken seriously and are fully investigated the Trust has agreed a procedure to be followed in all cases.

If, at any stage of the procedure, you are asked or wish to meet with someone addressing the concerns you have raised you have the option to be accompanied by a workplace colleague, trade union representative or representative from a professional body.

When you first raise a concern:

- a) However, you wish to express your concern, by telephone or in person, you will receive an acknowledgement of your concerns from the person to whom you have expressed them. This will be sent to you within 5 working days of being notified of your concern and, if you wish, can be sent to your home address.

The person to whom you have reported your concern will then decide how to progress. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue but will help to assess the gravity of the complaint and establish the facts. It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

- b) Within 10 working days of making your concerns known you will either: -
 - i. have a confidential meeting with the relevant person to further discuss your concerns, or
 - ii. have received, in writing, an outline of how the relevant person intends to deal with the concerns raised.
- c) Dependent on the nature of the concerns you may have subsequent meetings with the relevant investigating persons. These can be held “off-site” if desired.

13. The outcome of your concern

Having raised the concern the Trust recognises that you will need to be assured that the issues have been dealt with. You will be kept informed on a regular basis of what actions are being taken and the results of any investigations.

In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However, the reasons for this will be explained at that time.

14. Taking your concern further

If you have gone through all these channels and you still have concerns or feel that the issues have not been fully or appropriately addressed, you can contact the Chair of Trustees direct, or have them contacted on your behalf, to discuss your concern in confidence.

However, you should not refer the matter outside the organisation without first ensuring that all other possible avenues have been exhausted.

- Where you feel unable to raise an issue with the Trust, or feel that your genuine concerns are not being addressed, other whistleblowing can be found via: <https://www.gov.uk/whistleblowing/who-to-tell-what-to-expect>
- The <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/> is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk
- [Please click here for the latest KCSIE keeping children safe in education policy.](#)

15. And finally

If you have a concern about the conduct of the Trust or the actions of anyone who provides work for the Trust be they employees, contractor or volunteers we want you to feel confident that you can bring it to the attention of others.

Only when people are prepared and feel able to report such concerns without the fear of reprisals can we have confidence in the integrity and honesty of the Trust.