



# Brook Learning Trust

## Whistleblowing Policy & Procedure

### Introduction

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

Consultation on this policy has taken place with those Trade Unions recognised by Brook Learning Trust.

### Purpose

Brook Learning 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 a means by which they can raise serious concerns about any aspect of the operation of the Trust and its academies. 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:

- Address concerns seriously and undertake as much investigation as is necessary given the circumstances – this may include referral to external agencies
- Endeavour to advise an employee of any actions / outcome arising from a complaint, where appropriate
- Provide reasonable support to an employee who raises a concern
- 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. The Trust urges employees not to insist on anonymity.

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.

### Scope

This policy and procedure applies to all employees of Brook Learning Trust and also applies to agency workers, volunteers, contractors and others working on Trust or academy premises.

Protect charity – Formally Public Concern at Work – formed to offer advice and support to whistleblowers 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.'*

This Whistleblowing Policy and 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:

## **Matters that qualify for disclosure under the Public Interest Disclosure Act:**

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate concealment of information tending to show any of the above five matter

## **Concerns may also 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 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.

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless the particular case is in the public interest.

Employees may raise concerns about the practice of anyone who works for or on behalf the Trust including all employees, those responsible for governance, volunteers and contractors.

Concerns may be raised by employees either individually or collectively. If collective concerns are raised, 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.

## **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.

## **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.

## **Trade Union Representation**

Employees who are members of a Trade Union 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. Meetings will be re-arranged once to accommodate the availability of representatives or workplace colleagues.

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

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

The CEO, as the responsible officer, will ensure the effective implementation of the whistleblowing arrangements and undertake an annual audit of the whistleblowing arrangements, reporting the outcome to the Trust Board. The CEO 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 for the purposes of auditing will not identify the parties to the complaint.

## **Raising a Concern**

Wherever possible employees should initially raise concerns openly with their line manager. If this is not appropriate, academy staff should raise concerns with the Principal and Trust staff, the CEO.

In instances of serious concern or where the complaint involves the line manager or Principal / CEO, complaints may be raised directly with the CEO, or for complaints involving the CEO, the Chair of the Trust Board.

Should the CEO have concerns, these should be raised with the Chair of the Trust Board in the first instance.

Please refer to **Appendix 1** 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 Policy and 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.

Whilst where possible concerns should be raised internally, employees can raise concerns externally to prescribed persons and be protected from detrimental treatment or victimisation, if in the public interest, the blow the whistle on the wrongdoing.

### **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 Trust or academy, or an external organisation.

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

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

- Undertaking an internal management or disciplinary investigation
- Referral to an external auditor
- 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 employee to:

- 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 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.

### **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 within 10 working days.

### **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 academy.

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.

### **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 Chair of the Trust Board who may address the matter in accordance with the Trust's disciplinary procedure.

No action will be taken against an employee where concerns raised are subsequently unproven. However knowingly false, malicious, and/or vexatious allegations may be dealt with under the disciplinary procedure.

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 and Conduct Policy and Procedure.

#### 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

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's Employee Assistance Scheme.

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 1**.

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

### **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.

### **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 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 Trust Clerk who will submit monitoring reports to the Trust Board on an annual basis. This record will include, a summary of the concern raised, action taken and the resulting outcome. Senior staff, Trustees or Members who receive whistleblowing concerns must ensure the concern is recorded.

## **POLICY REVIEW AND RATIFICATION**

Policy reviewed bi-annually and ratified by the BLT Board in May

This review by the HR Manager: April 2020

Summary of amendments to this iteration:

- Policy rewritten to more closely follow guidance issued by Kent County Council
- Clarification of Governance, Responsible Officer and recording responsibilities

Ratified by BLT Board                      May 2020

Summary of amendments to this iteration:

- Reference to protection being viable if employee decides to raise externally in first instance

Ratified by BLT Board                      October 2020

Next review                                      May 2022

## Appendix 1: Contact Details

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

### Internal Contact Details

Position	Name	Telephone	Email
Interim CEO / Executive Principal	Nic Taylor	01580 712754	<a href="mailto:taylor@brooklearningtrust.org.uk">taylor@brooklearningtrust.org.uk</a>
Principal	Gurjit Kaur Shergill	01322 623100	<a href="mailto:shergillg@theebbsfleetacademy.kent.sch.uk">shergillg@theebbsfleetacademy.kent.sch.uk</a>
Chair of the Trust Board	Jeanette Batten	c/o Cheryl Kuit, Trust Clerk 01580 712754	c/o <a href="mailto:kuitc@brooklearningtrust.org.uk">kuitc@brooklearningtrust.org.uk</a>

### Kent County Council Contact Details

Matt Dunkley  
Corporate Director – Children, Young People and Education  
Kent County Council  
Sessions House  
County Road  
Maidstone ME14 1XQ

Via KCC's Whistleblowing Helpline on 03000 414 500 or by emailing [internalaudit@kent.gov.uk](mailto:internalaudit@kent.gov.uk)

### External Contact Details

Contact	Telephone Number	Email / Website
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>

A comprehensive listing of 'prescribed persons and bodies' to which external disclosures may be made, including details for The Health and Safety Executive and The Office of Qualifications and Exam Regulations can be found at: [www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies)

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: [www.care-first.co.uk/employee-assistance-programmes](http://www.care-first.co.uk/employee-assistance-programmes)
- Trade Union or Professional Association where the employee is a member
- Citizen's Advice Bureau: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk).