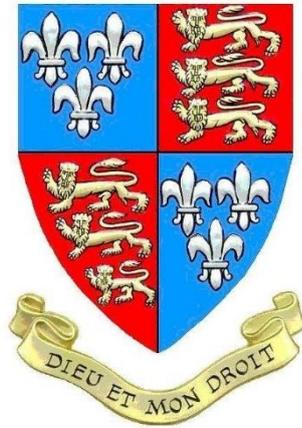


# The KEVIET Trust



## Whistleblowing

## Policy

## V2

Author: Mr. J. Lascelles

Designation: CEO

Date: November 2016

Date approved : 23<sup>rd</sup> November 2016

Committee Chair : Andrew Harrison

Next review Date : September 2019

## **Scope of Policy**

This policy is designed to enable employees of King Edward VI Education Trust (KEVIET) to raise concerns or disclose information at a higher level which the individual believes shows malpractice.

A number of policies and procedures are already in place including grievance, discipline, complaints and guidelines for dealing with harassment. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the using of such procedures.

### **1. Purpose**

KEVIET is committed to the highest standards of openness, probity and accountability. In line with this commitment, KEVIET encourages employees with serious concerns about the KEVIET's work to come forward and voice those concerns. This also applies to concerns about the activities of staff, governors and external organisations in their dealings with the Trust.

Members of staff may be the first to spot anything that is seriously wrong within the KEVIET. However, they might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised. Members of the public (for example, parents of students) may also share some of these concerns.

KEVIET is committed to being open, honest and accountable and this policy aims to make sure that if a member of staff wants to raise any concern, they can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

### **2. What types of action are covered by the policy?**

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following.

- a) Fraud and corruption
- b) Children or students being mistreated
- c) Unauthorised use of public money
- d) An unlawful act
- e) Any danger to health and safety
- f) The environment being damaged (for example, by pollution)
- g) A person abusing their position or any unauthorised use of their position for personal gain
- h) A person deliberately not keeping to a KEVIET policy, an official code of practice, any law or regulation, or any procedures agreed by the Local Governing Body
- i) A person failing to meet appropriate professional standards
- j) A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexuality, class or home life

### **3. To whom does this policy apply?**

This policy applies to all staff working for KEVIET, as well as contractors working on KEVIET premises (for example, agency staff, builders and drivers). It also covers suppliers and people who provide services to the Trust.

These procedures build upon KEVIET complaints procedure and other reporting procedures applying to various departments. The CEO and other senior managers are responsible for making all relevant people aware of these procedures.

### **4. What is not covered?**

This policy cannot be used to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:

- a) Staff's complaints about their employment. These complaints are dealt with through the Grievance Procedure.
- b) Parent/Carer complaints about the provision of KEVIET. These complaints are dealt with through KEVIET's Complaints Procedure.

### **5. Protecting Staff**

If an employee's allegation is true, they have nothing to fear; KEVIET understand that deciding to blow the whistle is not easy. If the employee raises a concern which they believe is true, the Trust will take appropriate action under the Public Interest Disclosure Act 1998 to protect the employee from any harassment, victimisation or bullying.

KEVIET will keep the employee's concerns confidential if this is what they want. In this case KEVIET will not reveal the employee's name or position without their permission unless KEVIET have to do so by law, the employee has acted maliciously, or on a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice. KEVIET would explain this at the time a concern is raised so the employee can decide whether or not to proceed.

If the employee works for KEVIET, s/he should also know that any allegation s/he makes will not influence, or be influenced by, any unrelated disciplinary action against the employee or any redundancy procedures that may affect him/her.

### **6. Anonymous allegations**

Because KEVIET will protect the employee (as explained above), the employee is encouraged to give his/her name when making an allegation. Concerns raised anonymously tend to be far less effective and if, for example, KEVIET does not have enough information, it may not be able to investigate the matter at all.

### **7. Untrue allegations**

If the employee makes an allegation which s/he believes to be true, but it is not confirmed by the investigation, KEVIET will not take any action against the employee.

However, if the employee makes an allegation which s/he knows is untrue; KEVIET will take appropriate disciplinary or legal action against him/her.

## **8. How to raise a concern**

The employee should first raise his/her concern, in writing, with his/her line manager (unless the concerns relate to that person, in which case the concerns should be addressed to the CEO or Chair of the Trust as appropriate). An individual Governor suspecting an irregularity should report concerns to the Chair of the Trust.

## **9. Help for you**

The employee may want to discuss his/her concern with a friend or colleague. The employee may then find it easier to raise a concern if others share the same experiences or concerns.

If the employee works for KEVIET his/her trade union representative can give general support and advice, or act for him/her if this would help. KEVIET would encourage the trade unions to support any member of staff who raises a concern with them.

## **10. How we respond to your concerns**

The way KEVIET deal with the concern will depend on what it involves. KEVIET will first make enquiries to decide whether an investigation should be carried out and, if so, how KEVIET should go about it. Throughout all enquiries and any investigation, KEVIET's main concern will be to put the interests of the public first.

The employee's concern may be investigated by senior management, through the disciplinary process, or it may be referred to:

- a) the police;
- b) other agencies (for example, if it involves the abuse of children or vulnerable adults it may be referred to the Executive Director of Health and Social Care);

If the concern or allegation can be handled under any other procedure or policy, KEVIET will pass it on to the relevant person and advise the employee. KEVIET may be able to settle some concerns without carrying out an investigation but by taking action agreed by the employee. If KEVIET needs to take urgent action, this will be done before carrying out any investigation.

Within 10 working days of a concern being raised, the officer dealing with the matter will:

- a) acknowledge receipt of the concern;
- b) explain how KEVIET will handle the matter; and
- c) advise the employee of support that is available to him/her.

It is difficult to set further timescales as they depend on the nature of the allegation and the type of investigation that needs to be carried out. The amount of contact the employee will have with the investigating officer will depend on the nature of the concern, the potential difficulties involved, and how clear the information given is.

If the employee needs to have a meeting, s/he can be accompanied by a friend or a recognised representative from a trade union. Meetings with the person investigating the matter will normally take place in his or her office but can be arranged elsewhere, however, this cannot be in the employee's home unless there are exceptional circumstances.

KEVIET will take steps to reduce any difficulties experienced as a result of raising a concern. For instance, if the employee needs to give evidence in criminal or disciplinary proceedings, KEVIET will arrange for the employee to get advice on the procedure.

KEVIET will usually give the employee feedback on the progress and outcome of any investigation. Details of any concerns raised will be kept confidential by KEVIET (unless they are found to be malicious and lead to disciplinary procedures) but will not be placed on the employee's personal file.

#### **11. How you can take a matter further?**

KEVIET hopes the employee will be satisfied with any action taken. If not, and the employee wants to take the matter outside KEVIET, s/he could contact:

- a) the Chair of the Trust who will convene the appropriate committee;
- b) a local Citizens' Advice Bureau;
- c) relevant professional bodies or regulatory organisations;
- d) a relevant voluntary organisation; or
- e) the police.

If the employee takes the matter outside KEVIET, care should be taken not to reveal any confidential information.

#### **12. Independent advice**

The employee can get independent advice or support from an organisation called Public Concern at Work. Their address is:

Suite 306  
16 Baldwin Gardens  
London  
EC1N 7RJ.

#### **Key:**

KEVIET – King Edward VI Education Trust  
CEO – Chief Executive Officer