



THINKING SCHOOLS
ACADEMY TRUST

Whistleblowing

Policy

Transforming Life Chances

Whistleblowing Policy



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Part A – Policy

1. Policy Statement:

The Thinking Schools Academy 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. 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 recognises that there is a need to ensure there are means by which a pupil or pupils parent/carer can raise serious concerns regarding malpractice in an examination or assessment.

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 Employee/whistle-blower of any actions / outcome arising from a complaint where appropriate.

Reasonable support and protection will be afforded to an Employee who raises a concern.

Where a concern is raised in good faith, 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.

2. Purpose:

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

3. Scope:

This Policy and Procedure applies to all employees of The Thinking Schools Academy Trust. (This policy also applies to agency workers, volunteers, contractors and others working on Trust premises as well as pupils or parents/carers where raising concerns on malpractice in examinations or assessments).

The Whistleblowing Procedure provides a means for Employees to raise concerns about conduct or situations which they believe are inappropriate. The complaint must be a 'qualifying disclosure'. This is any disclosure of information which 'in the reasonable belief of the employee/worker' making the disclosure tends to show that one or more of the following has occurred, is occurring, or is likely to occur. 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 the result of which the Trust fails to comply with a legal obligation

- Acts or potential acts of fraud / corruption or the misuse of public funds / resources
- Past, current or likely health and safety risks
- Concerns about any aspect of service provision
- Concerns of a safeguarding / child protection nature
- Unethical or unprofessional conduct that causes concern
- The deliberate concealment of information relating to concerns listed above
- Malpractice which has or will occur in an examination or assessment which include but not limited to the following:
 - A security breach of the examination paper
 - Conduct of centre staff which undermines the integrity of the examination
 - Unfair treatment of candidates by either giving an advantage to a candidate/group of candidates (e.g. by permitting a candidate an access arrangement which is not supported by appropriate evidence), or disadvantaging candidates by not providing access to the appropriate conditions (providing a 'level playing field')
 - Possible fraud and corruption (e.g. accessing the exam paper prior to the exam to aid teaching and learning)
 - Abuse of authority (e.g. the head of centre/members of the senior leadership team overriding JCQ and awarding body regulations)
 - Other conduct which may be interpreted as malpractice/maladministration

Concerns relating to an individual's own employment should be raised through the Trust's grievance and harassment procedures.

Concerns relating to malpractice in examinations or assessments should normally be raised initially with the Principal/Headteacher of the Academy. However, there may be times when it may be more appropriate to refer the issue to the contacts within this policy if the allegation is regarding the Principal/Headteacher.

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

- Employees
- Governors
- Volunteers
- Contractors
- Visitors

Prior to raising a concern, an Employee may wish to discuss the matter with colleagues to see if it is shared. If this is the case, Employees may wish to raise the matter collectively; however 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.

4. Adoption Arrangements and Date:

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust in October 2022 and supersedes any previous whistleblowing policy and procedure.

This policy will be reviewed by the Board of Director every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

5. Responsibilities of the Trust:

- To foster a culture where Employees and Students can feel confident in raising concerns
- To ensure concerns are fully considered, investigated as necessary and action taken as appropriate
- To ensure that Employees and students 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

6. Responsibilities of the Employee:

- To raise legitimate concerns only where there is reasonable grounds / evidence for doing so
- To raise matters in good faith and not of a malicious / vexatious nature
- To engage with internal / external actions to address any concerns - by attending meetings and / or participating in any investigation

7. 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.

8. Responsible Officer & Monitoring of Complaints:

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

The Board of Directors will maintain a confidential record of all concerns raised and their outcomes for reporting and monitoring purposes. Any reporting will not identify the parties to the complaint.

Part B – Procedure

9. Raising a Concern:

Wherever possible employees should initially raise concerns with their line manager or the Headteacher/Principal.

In instances of serious concern or where the complaint involves the line manager or Headteacher/Principal, complaints may be raised with the Chief Operating Officer or Head of HR.

Should the Headteacher/Principal have concerns, these should be raised with the Chief Executive Officer or Chief Operating Officer.

In instances where the complaint involves the CEO or Chief Operating Officer, the complaint should be raised with the Chair of Board of Directors.

Please refer to Appendix A for the appropriate internal contacts.

In addition to the employer, whistle-blowers may make a qualifying disclosure to: Someone other than the employer who is legally responsible for the situation in respect of which the disclosure is made (ERA section 43C). This could include, for example, the client in an outsourcing scenario (for example, the employee is seconded to work at a client's premises and finds evidence of malpractice and reports it to the client rather than the employer).

A legal advisor (ERA section 43D). The worker does not have to act 'in good faith' for this disclosure to be protected.

A government minister if the individual is appointed under a Parliamentary Act by the minister (ERA section 43E).

A prescribed person (ERA section 43F). A prescribed person would include, for example, HMRC, the Health & Safety Executive, Ofcom and so on. The worker must reasonably believe the disclosure falls within the regulator's remit and that the allegations are substantially true.

Some other person to whom it is reasonable to disclose (ERA section 43G).

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 particularly concerned about the situation
- State that the employee wishes their concerns to be addressed under the whistleblowing procedure

Should a verbal complaint be made, an employee may be asked to confirm this in writing.

An Employee is not expected to prove beyond doubt the validity of their concern/s, however they will need to demonstrate that there are sufficient grounds for their complaint.

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.

10. 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 Trust 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 Trust will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Referral to the Trust's auditors
- 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 the Trust proposes to address the matter including whether further investigation or referral to another organisation will be made
- 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 may be made to provide the Employee with situational updates as far as is practicable.

11. 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 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).

12. How the matter may be taken further:

This procedure is intended to provide Employees with a mechanism to raise concerns internally within The Thinking Schools Academy 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 and/or contact

their trade union.

Appropriate contacts are listed in 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. It is advisable for employees to seek advice from their trade union in such circumstances.

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.

13. 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 in good faith and with reasonable grounds 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 Board of Directors who may address the matter in accordance with the Trust's disciplinary procedure.

Should an Employee raise a concern in good faith but these are not confirmed by a subsequent investigation, no action will be taken against them.

However disciplinary action may be taken against individuals who knowingly make false, malicious or vexatious allegations.

Should an Employee commit a criminal offense 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 that can be found on the Trust website.

In order to enjoy whistleblowing protection, there is no legal requirement that this procedure be followed.

Confidentiality

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.

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. Employee's 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
- 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.

Employees may also wish to consult their professional associate or Trade Union if they are a member.

Sources of support are outlined in Appendix 1.

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

14. 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.

15. Contacting the media:

Should an Employee be considering contacting the media they are strongly advised to seek guidance from their Trade Union representative and where possible discuss the matter with the Headteacher/Principal.

16. 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 within 5 working days.

All records will be treated as confidential and processed in accordance with the Data Protection Act (1998) which provides individuals with the right to request and have access to certain data.

Appendix 1:

Contact Details:

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

Internal

Contact	Telephone Number	Email
Chief Executive Officer Stuart Gardner	0333 3602050	Stuart.Gardner@tsatrust.org.uk
Chief Operating Officer / Deputy CEO Lee Miller	0333 3602050	Lee.Miller@tsatrust.org.uk
Head of HR Lucy Chapman	0333 3602051	Lucy.Chapman@tsatrust.org.uk
Whistleblowing Link Trustee Gerard Newman	0333 3602051	<i>Via company secretary</i> Jennifer.Coates@tsatrust.org.uk

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

Thinking Schools Academy Trust
Park Crescent
Chatham
Kent
ME4 6NT

If the complaint involves the CEO or Deputy CEO, please write to Gerard Newman, Chair of Trustees (Whistleblowing Link Trustee) on the above address.

External

Contact	Telephone Number	Email / Website
Protect	020 31172520	https://protect-advice.org.uk/
National Audit Office	020 77987264	https://www.nao.org.uk/about-us/contact-us/
Department for Education	0370 0002288	www.education.gov.uk
Ofsted	0300 1233155	whistleblowing@ofsted.gov.uk
Local Government Ombudsman	0300 0610614	www.lgo.org.uk

Employees may also wish to raise a concern with:

- Director of Children's Services
- 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

- Teachers Support Line: www.teachersupport.info
- Trade union or professional association where the employee is a member
- Citizen's Advice Bureau: www.citizensadvice.org.uk

Confidential Counselling Service for TSAT Employees

A confidential counselling service is available for all Employees across the Trust provided by Smart Clinic. The service offers information, advice and support 24 hours a day, 7 days a week. This includes a telephone support line, access to advice and information, coaching and counselling where appropriate.

To access the service please use the contact details below:

- Telephone: 0845 8622113
- Access the online services via www.client.smartclinic.com and use your personal log in details.
Download the app for convenience - details are available online

