



Policy: Whistleblowing

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1. Introduction

The Board of Trustees of Red Kite Learning Trust has agreed this Policy and as such, it applies to all Academies within Red Kite Learning Trust (“the Trust”).

The Trust is committed to achieving the highest possible standards of service and ethical standards and this policy will enable you to raise your concerns of serious wrongdoing without fear of reprisal.

This policy applies to all individuals working for the Trust at all levels and grades, whether they are employees, contractors, and casual or agency staff.

This Whistleblowing Policy covers concerns about wrongdoing within the Trust such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees.

A whistle-blower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure or Anti-Harassment and Bullying Policy as appropriate.

This policy has been introduced in line with the Public Interest Disclosure Act 1998 (which you can consult at <http://www.opsi.gov.uk/acts/acts1998>) to enable workers to raise issues of concern in an appropriate manner.

2. Purpose

This policy aims to:

- Encourage workers to feel confident in raising concerns
- Establish a fair and impartial investigative procedure
- Provide guidance for workers on how to raise concerns and receive appropriate feedback
- Ensure that workers receive a response to concerns and are aware of how to pursue them if they are not satisfied
- Ensure that workers will be protected from any reprisals or victimisation by the Trust, provided that there is reasonable belief that the matter disclosed tends to show wrongdoing and that the disclosure has been made in an appropriate manner.

3. Scope

This policy may be used by all Trust workers to raise concerns where the wellbeing of others or the Trust or its academies is believed to be at risk.

The term worker broadly includes employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the Trust and its academies.

4. Responsibilities

The Trust is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.

The Headteacher has overall responsibility for the internal organisation, control and management of each academy.

5. Timing

The whistleblowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

6. What to raise concerns about

The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest, which are as follows:

- a) That a crime has been committed, is being committed, or is likely to be committed
- b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur
- d) That the health and safety of an individual has been, is being, or is likely to be endangered
- e) That the environment has been, is being or likely to be damaged
- f) That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

Particular concerns that may fall within the terms of this policy include, for example, breach of a code of conduct, wilful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that disclosure will most likely relate to the actions of employees, contractors, and casual or agency staff, but they may also relate to the actions of a third party.

7. Red Kite Learning Trust assurances to workers

Workers have the right to disclose a concern/issue if the academy does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Trust fails to properly consider or deal with the issue.

8.To protect workers

If a worker makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real, the worker will not suffer any detriment, even if after investigation it transpires that the concern is unfounded, unless the concern has been raised falsely or maliciously. The Trust will not tolerate the harassment or victimisation of any worker raising a genuine concern, this may include taking disciplinary action against those who are found to have engaged in harassment or victimisation.

If a worker requests that their identity is protected, the Trust will not disclose it unless required to do so in law. If the situation arises where the Trust is unable to resolve the concern without revealing the worker's identity (for instance because the worker's evidence is needed in court), the Trust will discuss with the worker how the matter should proceed. However, it must also be stated that if a worker chooses not to disclose their identity it will be much more difficult for the Trust to look into the matter or to protect their position or to give them feedback. Accordingly, while the Trust will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

9. Internal procedure

Stage one - notification

The worker (Worker) who wishes to raise the concern should do so orally or in writing to their line manager or to the Headteacher. The Worker has the right to have the matter treated confidentially.

If the line manager or the Headteacher believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, the manager should contact the Chair of the Local Governing Body. The Chair of the Local Governing Body will either act as Assessor or will appoint another Assessor who is not implicated (which could be the Headteacher).

The Chair of the Local Governing Body will notify the Chair of the Board of Trustees that a concern has been raised and the nature of the concern but will not divulge the personal details of the Worker.

Should it be alleged that the Chair of the Local Governing Body is involved in the alleged malpractice; the Chair of the Board of Trustees should be contacted in place of the Chair of the Local Governing Body.

If the Worker feels unable to raise their concern with their line manager or the Headteacher in the first instance, they may contact the Chair of the Strategic Governing Body directly. If this occurs, the Worker will be asked to explain why they feel unable to raise the concern with their line manager or the Headteacher.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect operates a confidential helpline. Helpline: (020) 7404 6609.

Stage two – the meeting

The Assessor will interview the Worker, normally within 10 working days and will:

- Obtain as much information as possible from the Worker about the grounds for the belief of malpractice;
- Consult with the Worker about further steps which could be taken;
- Inform the Worker of appropriate routes if the matter does not fall within the Whistleblowing Procedure;
- Report all matters raised under this procedure to the Trust's Chief Executive Officer or Chair of Trustees as appropriate.

At the interview with the Assessor, the Worker may be accompanied by a trade union representative or a work colleague. The Assessor may be accompanied by a note taker.

The Assessor will update the Chair of the Local Governing Body (if they are not acting as the Assessor) and the Chair of the Board of Trustees following the meeting but will not divulge the personal details of the Worker.

Stage three – the outcome

Within 10 working days of the interview, the Assessor will make recommendations to the Headteacher or the worker's line manager, which may include one or more of the following:

- The matter be investigated internally by the Trust
- The matter be investigated by an external person appointed by the Trust
- The matter be reported to the Department for Education
- The matter be reported to the Police.
- No further action be taken.

The grounds on which no further action is taken may include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority.

If no further action is to be taken, then this will be reported to the Chief Executive Officer.

Should it be alleged that the Headteacher or Line Manager is involved in the alleged malpractice, the Assessor's recommendation will be made to the Chief Executive Officer.

The recipient of the recommendation (Headteacher or Chief Executive Officer) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Local Governing Body / Board of Trustees and to the Assessor.

The conclusion of any agreed investigation will be reported by the Assessor to the Worker in writing within 10 days and a copy passed to the Chair of the Local Governing Body if they are not acting as Assessor. A copy will also be sent to the Chair of the Board of Trustees.

If the Worker has not had a response within the above time limits, they may appeal to the Chief Executive Officer, but will inform the Assessor before doing so.

The Worker may at any time disclose the matter on a confidential basis to a solicitor or trade union representative for the purpose of taking legal advice.

10. External contacts

Whistleblowing to an external body without first going through the internal procedure is inadvisable in the absence of a compelling reason for doing so. Workers should seek advice before taking such a step. The external bodies which could be approached include:

- The Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police.

11. Malicious Accusations

Deliberately false or malicious accusations made by a Worker will be dealt with under the Trust's disciplinary procedure.