



**The Kite
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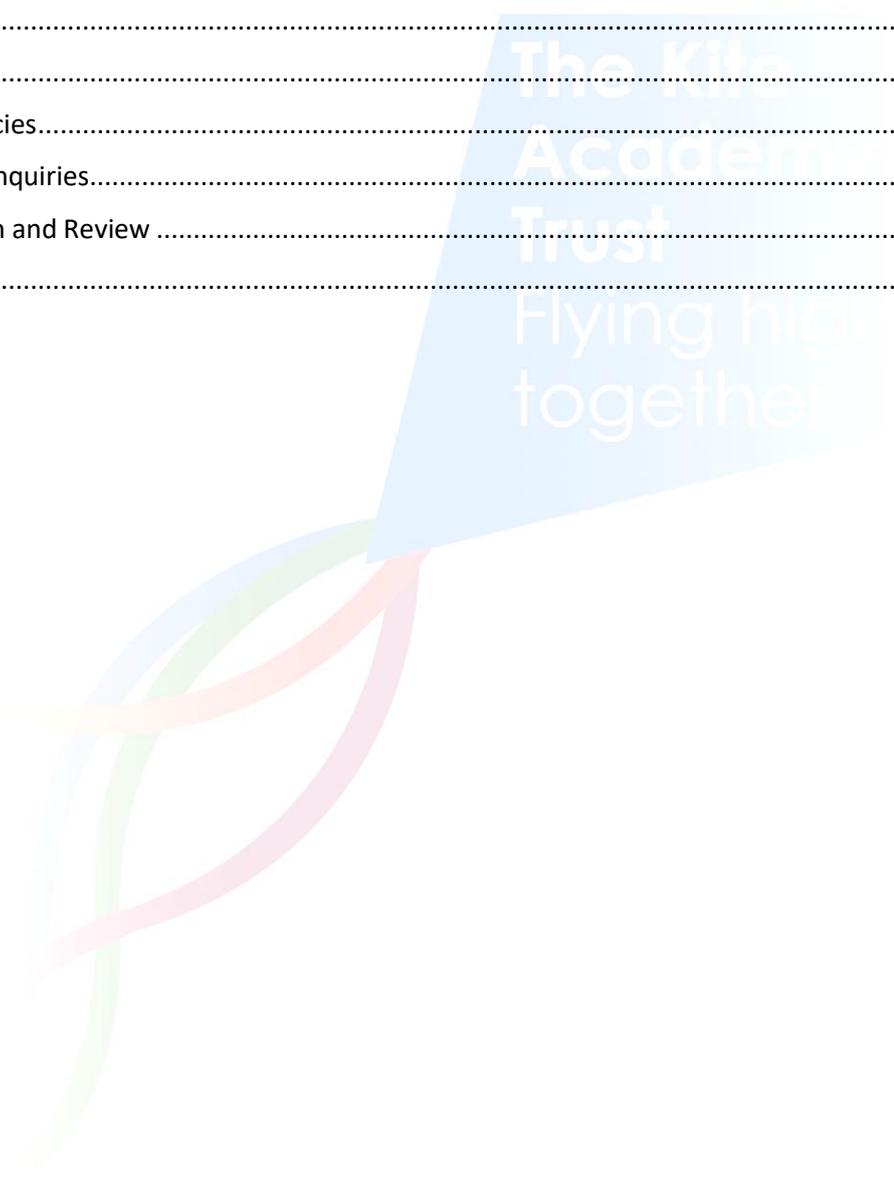
KITE ACADEMY TRUST

WHISTLEBLOWING POLICY

v.XX.06

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1 Introduction

The Kite Academy Trust is committed to conducting itself with honesty and integrity, and expects all staff to maintain these high standards. A culture of openness and accountability is encouraged in order to ensure the highest ethical standards and to enable any concerns of serious wrongdoing to be raised without reprisal. This policy applies to all individuals working for the Trust, whether they are Governors, employees, contractors, or casual staff. Whistleblowing is distinct from the Grievance Procedure which should be used for complaints relating to personal circumstances in the workplace. 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 Trust Board or by fellow employees should be raised using this procedure.

2 Aims of the policy

This policy aims to encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected. This policy provides guidance as to how to raise those concerns and reassurance that staff are able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

3 What is 'Whistleblowing'?

Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Trust Board or by fellow employees.

4 Protecting The Whistleblower

Under the Public Interest Disclosure Act 1998, a Whistleblower is protected from detriment and unfair dismissal. The Trust will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.

5 When should Whistleblowing Procedures be used?

If an employee has concerns about wrongdoing within the Trust, or one of its academies, and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.

Each individual member of staff should feel able to speak freely on such matters. However, the Trust/academy and colleagues have the right to protect themselves against unfounded, false or malicious accusations.

Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been, or may be, committed. It must never be used without good grounds, falsely or maliciously.

Whistleblowing is not appropriate for dealing with issues between an employee and the Trust or academy which relate to the employee's own employment or rights of employment conditions generally. Alternative resolution procedures for that purpose are outlined in the Kite Academy Trust Grievance Procedure.

Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under the Kite Academy Trust Academy Complaints Policy.

Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil

is being dealt with unfairly in school, they should raise their concern, in the first instance, with the Head Teacher or Designated Safeguarding Lead.

6 The Procedure

Any issue raised will be kept confidential while the procedure is in effect.

The person who raises the concern is referred to as the 'Representor'.

The Representor should raise their concern with their line manager. This may be done orally or in writing.

If the concern relates to the Representor's line manager, or any person to whom they report (other than the Head Teacher), the Representor should raise the issue with the Head Teacher.

If the concern relates to the Head Teacher or CEO, the Representor should raise the matter with the Chair of the Governing Body or Chair of the Trust Board.

The person with whom the matter is raised is referred to as the 'Assessor'. The Assessor will:

- Interview the Representor as soon as possible, within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
- Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under this procedure;
- Other than in the case of a concern relating to a Head Teacher or CEO, report all matters raised under this procedure to the Chair of the Governing Body/Trust Board.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Trust/academy staff to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, with other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

Within ten working days of the interview, the Assessor will recommend one or more of the following:

- The matter be further investigated internally by the Trust/academy;
- The matter be further investigated by external consultants appointed by the Trust/academy;
- The matter be reported to an external agency;
- Disciplinary proceedings be implemented against an employee;
- The route for the Representor to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by the Trust/academy

The grounds on which no further action is taken include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith;

- The matter is already (or has been) the subject of proceedings under one of the Kite Academy Trust's other procedures or policies;
- The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency

The recommendation of the Assessor will be made to the Head Teacher/CEO. However, should it be alleged that the Head Teacher/CEO is involved in the alleged wrongdoing, the recommendation will be made to the Governing Body/Trust Board.

The Head Teacher or Chair of the Governing Body/Trust Board, as appropriate, will ensure that the recommendation 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 Governing Body/Trust Board.

The Representor's identity will be kept confidential unless the Representor otherwise consents or there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- Where the Assessor is under a legal obligation to do so;
- Where the information is already in the public domain; or
- On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice

The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly, within 28 working days of the initial interview.

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limit or such reasonable extension as the Trust/academy requires, the Representor may go to an appropriate external agency but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

7 Malicious Accusations

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Kite Academy Trust's Capability & Disciplinary Procedure, as well as potentially exposing the Representor to legal liability.

8 Informing External Agencies

Within the Kite Academy Trust, all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct. The external agencies which may be used if disclosure is permitted are:

- Department for Education (EFA).
(In these circumstances, the DfE/EFA will assess whether all school processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/EFA will refer the matter back to the Assessor);
- Member of Parliament;

- National Audit Office;
- Health and Safety Executive;
- Police.

Whistleblowing to the media is not appropriate or permitted in any circumstances.

9 Confidential Employee Enquiries

Employees may, on a confidential basis, seek prior guidance from the Head Teacher/CEO if they wish to establish whether any course of conduct on their part, or on the part of another employee, may amount to wrongdoing under these procedures. Such an enquiry shall be kept confidential. The Head Teacher/CEO will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Trust/academy or any person under these procedures.

10 Monitoring, Evaluation and Review

The Governing Body/Trust Board will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Kite Academy Trust and its academies.



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Appendix 1 - Contact Details

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