

Kernow Learning

Whistle Blowing Policy (Confidential Reporting Procedure)

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1. INTRODUCTION

- 1.1. The Board of Trustees are committed to the highest possible standards of openness, probity and accountability. All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves, for example, a danger to pupils, colleagues or the public, misconduct or financial malpractice, it can be difficult to know what to do. You may be worried about raising such an issue, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to managers or to the school. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next. Kernow Learning has this policy to enable everyone to blow the whistle safely when appropriate so that such issues are raised at an early stage and in the right way. Kernow Learning welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the pupils, staff and the school. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.
- 1.2. If something is troubling you, which you think we should know about, or look into, please use this procedure. If, however, you are aggrieved about your personal position, please use the Grievance Procedure. This Confidential Reporting procedure is primarily for concerns where the interests of others or of the school are at risk. This procedure makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious problems within the school rather than overlooking a problem or "blowing the whistle" outside.
- 1.3. This procedure has been discussed with the relevant trade unions and professional organisations and has their support.
- 1.4. This policy has been implemented following consultation with the recognised trade unions.
- 1.5. This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. SCOPE AND PURPOSE

- 2.1. The aims of this policy are:
 - a) 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.

- b) To provide staff with guidance on how to raise concerns.
- c) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- d) provide avenues for you to raise those concerns and receive feedback on any action taken
- e) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken..

2.2. The procedure is intended to supplement, rather than to replace, the existing complaints, disciplinary and grievance procedures and safeguarding policies. It is intended to cover serious concerns that fall outside the scope of other procedures and may relate to something which:

- raises a concern about child protection or safeguarding
- is against Financial Regulations and policies, or a breach of standing financial instructions
- is against the School's policies and procedures, or
- unprofessional conduct or conduct below recognised and established standards of practice, or
- an abuse of power or the use of the powers of a worker's office for any unauthorised purpose or for personal gain, or
- unfair discrimination in the provision of services, or
- the environment has been, or is likely to be, damaged, or
- shows undue favour over a contractual matter or to a job applicant
- amounts to improper conduct, including something you believe may be:
 - against the law
 - a Health and Safety risk
 - damaging to the environment
 - misuse of public money
 - corruption or unethical conduct
 - abuse of pupils, parents, members of staff, visitors, or
 - information that any of the above has been, is being, or is likely to be concealed

This policy applies to all employees of Kernow Learning, Trustees, Local Advisory Board members, consultants, contractors, casual and agency staff and volunteers (collectively referred to as **staff** in this policy).

3. WHAT IS WHISTLEBLOWING?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that wrongdoing or dangers at work. This may include:

- a) criminal activity;
- b) miscarriages of justice;
- c) danger to health and safety;
- d) damage to the environment;
- e) failure to comply with any legal or professional obligation or regulatory requirements;
- f) bribery;
- g) financial fraud or mismanagement;
- h) negligence;
- i) breach of our internal policies and procedures [including our Code of Conduct];
- j) conduct likely to damage our reputation;
- k) unauthorised disclosure of confidential information;
- l) other unethical behaviour
- m) the deliberate concealment of any of the above matters.

3.2 A **whistleblower** is a person who raises a genuine concern 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.

If you are uncertain whether something is within the scope of this policy you should seek advice from a member of the Kernow Learning 's leadership team.

4. RAISING A WHISTLEBLOWING CONCERN

We hope that you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.

However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with:

- a) Clare Ridehalgh COO. This is the member of the senior team who is responsible for managing whistleblowing complaints.
- b) The Headteacher of the Academy you are working in
- c) The Chair of the Local Advisory Board or the Chair of the Board of Trustees.

Contact details are set out at the end of this policy.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

5 CONFIDENTIALITY

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offers a confidential helpline. Their contact details are given at the end of this policy.

Where we receive anonymous complaints we will make a determination about whether to investigate based on:

- a) the seriousness of the issue raised

- b) the credibility of the concern; and
- c) the likelihood of confirming the allegation from other sources
- d) We will keep a central record of disclosures made under the Whistleblowing policy.
- e) We will comply with data protection requirements in terms of any records made and kept.

6. EXTERNAL DISCLOSURES

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

It will very rarely if ever be appropriate to alert the media.

However, whilst you have a duty to Kernow Learning not to disclose confidential information this does not prevent you from raising concerns with an independent body. 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. We strongly encourage you to seek advice before reporting a concern to anyone external. Public Concern at Work a registered charity which advises on serious malpractice within the workplace in accordance with the provisions of the Public Interest Disclosure Act) holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

7. INVESTIGATION AND OUTCOME

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing. This will be sent to the relevant Head Teacher and/or Local Advisory Board/Board of Trustees for actioning.

We will aim to keep you informed of the progress of the investigation, its likely timescale and outcome. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If we conclude that a whistleblower has made false allegations maliciously, or with a view to personal gain, the whistleblower may be subject to disciplinary action.

8. IF YOU ARE NOT SATISFIED

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. Alternatively, you may contact the Chair of Trustees, the LADO or our external auditors. Contact details are set out at the end of this policy.

9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

SUMMARY - FOR STAFF WISHING TO RAISE A CONCERN UNDER OUR WHISTLE BLOWING POLICY

DO

- Make an immediate note of concerns.
- Keep calm
- Note all relevant details, such as what was said, the date, time and names of the people involved.
- Let someone know about your suspicions.
- Remember you are a witness not a complainant

- Deal with the matter quickly. Any delay may allow the problem to continue or worsen.

DON'T

- Do nothing.
- Forget there may be an innocent or good explanation
- Use the confidential reporting procedure to pursue a personal grievance
- Be afraid of raising concerns.
- Approach or accuse individuals directly.
- Try to investigate the matter yourself.

IF IN DOUBT – RAISE IT!

THE SENIOR LEADER/ HEADTEACHER/LINE MANAGER'S ROLE

- It is a Senior Leader/Headteacher/Line Manager's responsibility to ensure that employees are made aware of the Whistleblowing policy and they are given an opportunity to raise any questions about its operation. The policy also applies to agency staff, others working for the Kernow Learning and volunteers who must be made aware that the policy is also available to them.
- All concerns must be looked into and the employee(s) told the outcome. Concerns must be acknowledged in 5 working days and employees must be given an indication of how long they can expect to wait before receiving a response.
- This policy is based on the view that openness and accountability is the ideal. However, where the informant requests it or in circumstances where it is considered necessary to obtain all the relevant information, the matter may need to be dealt with under terms of strict confidentiality. This could include not informing the subject of the complaint until (or if) it becomes necessary to do so.

WHAT YOU SHOULD DO

- Make sure you are aware of the procedure to follow:
- All concerns should be recorded, including the date the concern was raised, dates of interviews with employees, who was present at each interview and the action agreed.

- Inform the Trust's Whistleblowing Officer
- Records should be kept safely and securely; they may be required for disciplinary action or criminal investigation.
- Should any criminal activity or fraud be suspected, the Trusts Whistleblowing officer must be informed in order to decide at what stage the Police should be involved and the Trustee responsible for the Whistleblowing procedure would also expect to be alerted.
- Action must be taken to protect the employee raising the concern from acts of recrimination.

SUMMARY Guidance for Headteachers/Line Managers

DO

- Be responsive to staff concerns
- Note all details
- Evaluate the allegation objectively
- Advise the Trusts Whistle blowing officer (as detailed in contacts section of policy)
- Deal with the matter promptly

DON'T

- Ridicule suspicions raised by staff
- Approach or accuse any individuals directly
- Convey your suspicions to anyone other than those with the proper authority
- Try to investigate the matter yourself.

REVIEW OF POLICY

This policy is reviewed annually by the Board of Trustees of Kernow Learning]. We will monitor the application and outcomes of this policy to ensure it is working effectively.

CONTACTS

Whistleblowing Officer	Clare Ridehalgh 01637 303106 cridehalgh@kernowlearning.co.uk
Whistleblowing Trustee	Paul Wyatt pwyatt@kernowlearning.co.uk
CEO	Jennie Walker
Chair of the Board of Trustees	Kay Crosse
Headteacher	[NAME] [TELEPHONE] [E-MAIL]
Chair of Local Advisory Board	[NAME] [TELEPHONE] [E-MAIL]
LADO	01872 326536
KERNOW LEARNING's external auditors	FRANCISCLARK LLP, LOWIN HOUSE, TREGOLLS ROAD, TRURO, CORNWALL TR1 2NA T +44 (0)1872 276477 F +44 (0)1872 222783
Schools Advisory Service	Schools Advisory Service provides a strictly confidential counselling service. Whatever the cause of the worry, they are able to access a trained counsellor in your area. Please contact their counselling helpline on 01773 814402
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk