



The Kemnal Academies Trust

Whistleblowing Policy

Date policy issued	February 2020
Policy reviewed	Autumn 2022
Policy review date	November 2023
Policy owner	HR Team
Date policy agreed by Trustees	Autumn 2022

PLEASE NOTE THAT ONCE PRINTED THIS IS NO LONGER A CONTROLLED DOCUMENT. PLEASE REFER TO THE INTRANET FOR THE MOST UP TO DATE VERSION.

Contents

1	Policy Statement	<u>2</u>
2	Scope	<u>2</u>
3	Aims of this Policy	<u>2 - 3</u>
4	Principles	<u>3 - 4</u>
5	Procedure	<u>4 - 5</u>
6	Stage 1	<u>5</u>
7	Stage 2	<u>5 - 6</u>
8	Stage 3	<u>6</u>
9	Stage 4	<u>6</u>
10	Training for Managers	<u>6</u>
11	Anonymous Allegations	<u>7</u>
12	Untrue Allegations	<u>7</u>
Appendix 1	Employee Whistleblowing Form	<u>8</u>
Appendix 2	Process Flowchart	<u>9</u>

Key Contacts:

TKAT HR (hr@tkat.org) HR support line via 0844 589 2156	For support if unsure how to raise a concern (along with line manager or trade union rep)
DAS confidential support helpline on 0117 9342121 or Protect, a service that provides free confidential whistleblowing advice at https://protect-advice.org.uk/	For independent support either before or after making the decision to whistleblow
Emma Sheehan, Head of HR Whistleblowing@tkat.org	If concerns cannot be raised with line manager, Headteacher of the Academy or relevant TKAT Director or the Chair of the Local Governing Body (see 5.2 and 5.3)
TKAT Director of HR Simon.Rose@tkat.org .	If an employee feels unable to put their concerns in writing or meet with their line manager, Headteacher, relevant TKAT Director or Chair of Governors, the employee should arrange to meet with the TKAT Director of HR (see 5.4), or to move to stage 3 (see 8.1)
Elaine Thomas, TKAT Trustee via Elaine.Thomas@tkat.org	In the event of none of the above being possible (see 5.4)

1. Policy Statement

- 1.1 The Kemnal Academies Trust (TKAT) aims to foster a culture of the highest professional standards and safeguarding in line with the Trust's purpose, vision and values.

Purpose:

Achieving More Together

Vision and Ambition:

A community of learners who share the mindset of success and are driven by the prospect of opportunity for all. An environment of aspiration, respect and openness, enabling staff and students to thrive.

Culture:

- #oneTKATfamily
- Achieving More Together

Values:

- Shared Voice
- Shared Belief
- Shared Success

- 1.2 It is important to The Kemnal Academies Trust (The Trust) that any fraud, misconduct or wrongdoing by employees or directors of the Trust is reported and properly dealt with. The Trust therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the Trust and the way in which business is conducted in the Trust. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- 1.3 This policy is intended to encourage and enable employees to raise serious concerns within an Academy or the Trust, irrespective of their seniority or status.
- 1.4 Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they might not have the confidence to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. They may also fear reprisals in the form of harassment or victimisation for doing so. In these circumstances, they may be tempted to ignore the concern rather than report malpractice or any suspicion of malpractice.
- 1.5 TKAT prides itself on having an open and honest culture and is committed to the highest possible standards of probity and accountability. In line with that commitment employees with serious concerns about any aspects of the organisation's work are encouraged to come forward and voice those concerns, rather than ignoring a problem or reporting the matter externally (with the exception of concerns raised in line with the Child Protection and Safeguarding policy). Absolute confidentiality will be maintained as far as is possible.
- 1.6 This policy has been consulted on with the recognised trade unions.

2. Scope

This policy applies to all employees of The Kemnal Academies Trust, whether centrally employed or based in academies. The policy also applies to other individuals performing functions in relation to the Trust, such as agency workers, casuals and contractors.

3. Aims of this policy

3.1 This policy aims to provide avenues for all employees to raise concerns where they have a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. It is the responsibility of the Trust to ensure that an investigation takes place.

3.2 Examples of concerns about malpractice may include possible fraud and corruption, financial irregularities, dangerous procedures risking the health and safety of pupils, workers or the public, abuse of pupils/students or colleagues, evasion of statutory responsibilities, damage to the environment or other unethical conduct. The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

3.3 The Trust must have procedures for whistleblowing, to protect employees who report individuals they believe are doing something wrong or illegal.

3.4 Where an employee is concerned that the nature of the disclosure is not covered in the list above, advice may be sought on the use of the appropriate policy from TKAT HR by email hr@tkat.org or by telephoning the HR support line via 0844 589 2156 or seek guidance from a trade union or professional association.

3.5 An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

3.6 The Trust encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, then they should discuss the issue with their line manager or with TKAT HR (hr@tkat.org) or with a trade union representative.

3.7 This policy is intended to cover concerns which fall outside the scope of the grievance or other procedures

4. Principles

- 4.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees and others covered by this policy should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 4.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- 4.3 No employee or others covered by this policy will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- 4.4 Employees who are considering raising a qualified disclosure or have submitted a qualified disclosure may seek support from TKAT HR, their professional association/trade union, DAS confidential support helpline on 0117 9342121 or Protect, a service that provides free confidential whistleblowing advice at <https://protect-advice.org.uk/>
- 4.5 Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- 4.6 If misconduct is discovered as a result of any investigation under this procedure the Trust's disciplinary procedure will be used, in addition to any appropriate external measures.
- 4.7 If an allegation is investigated and there is no evidence to support this the person raising the concern will not have action taken against them. After thorough investigation if an allegation is proven to be malicious or vexatious this could be considered as a disciplinary offence.
- 4.8 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to their manager and if the issue involves their manager directly to TKAT HR.
- 4.9 This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the Trust's Grievance Procedure.

5. Procedure

PROCESS FLOWCHART

Stage 1

Employee/worker raises their concerns with the line manager in the first instance
If the employee/worker believes the line manager is involved they should contact the Headteacher/Relevant TKAT Director with their concerns
Employee/worker may decide to raise their concerns by using Appendix 1
The employee/worker may also consider proceeding to stage 3 if relevant

Following discussion regarding the individual's concerns, these may be resolved by agreed actions without the need for investigation. Alternatively parties may deem an investigation is required moving to Stage 2 of the procedure

STAGE 2 LETTER TO BE SENT WITHIN 7 WORKING DAYS

acknowledging receipt of concern and inviting to initial meeting

Investigation commences and witness statements obtained (as necessary)

Investigating Manager reports matter to CEO

CEO
Takes appropriate action, includes reporting matter to the Board; who in turn may ask the CEO to report the matter to an appropriate Government Department or Regulatory Body

At conclusion of any investigation the employee/worker will be informed of the outcome

STAGE 3

If the Whistleblower is concerned that their Line Manager is involved in the wrongdoing, has failed to make a proper Investigation or has failed to report the outcome of the Investigation to the CEO, they should inform the TKAT HR Director who will then arrange for another manager to review the Investigation, conduct any necessary enquiries and make their own report to the CEO as in Stage 2

To invoke Disciplinary Procedure (If necessary)

(As appropriate)

Stage 4

If the conclusion of stages 1, 2 and 3 the Whistle-blower reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:-

HMRC
The Financial Conduct Authority
The Office of Fair Trading
HSE
The Environmental Agency
The DPP
The Serious Fraud Office

- 5.1 The action taken by the Trust will be determined by the nature of the concern raised. The matter/s raised may be investigated by:
- The HR Director/member of the TKAT HR Team either in conjunction with other Trust employees or alone
 - An appropriately skilled and experienced individual in the Trust, knowledgeable in the area concerned
 - An external auditor or Ombudsman
 - An independent Investigator

- 5.2 Employees'/workers' concerns may be raised with their line manager, Headteacher of their Academy or relevant TKAT Director or, if this is not appropriate, the Chair of the Local Governing Body. Concerns should be raised in writing. This can be done by completing Appendix 1. You will need to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

If an employee is unable to speak to any of the above-named contacts, concerns can be raised via email to Emma Sheehan, Head of HR. You should email Whistleblowing@tkat.org. You will need to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

- 5.3 If you do not feel able to put your concerns in writing, you should arrange to meet with your line manager, Headteacher, relevant TKAT Director or the Chair of the Local Governing Body. At this stage you are not expected to prove the allegation(s), but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

- 5.4 If an employee feels unable to put their concerns in writing or meet with their line manager, Headteacher, relevant TKAT Director or Chair of Governors the employee should arrange to meet with the HR Director, TKAT by contacting Simon.Rose@tkat.org. Employees can also contact Elaine Thomas, TKAT Trustee via Elaine.Thomas@tkat.org.

- 5.5 In order to protect individuals and the Academy, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination) will normally be referred for consideration under those procedures.

- 5.6 Concerns may be resolved by agreed action without the need for an investigation.

- 5.7 The individual with whom you raised the matter will contact you within 7 working days of a concern being raised (unless the concerns are raised anonymously):

- a. Acknowledging the concern has been received
- b. Indicating how it is proposed to deal with the matter
- c. Giving an estimate of how long it will take to provide a final response
- d. Telling you whether any initial enquiries have been made, and
- e. Telling you whether further investigations will take place, and if not, the reason why.
- f. The individual with whom you raised the matter initially will contact you at least once every 3 school weeks to keep you informed of the progress of the situation.

- 5.8 The amount of contact between the individual(s) considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you in a confidential and discreet manner.

- 5.9 When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union representative or workplace colleague. The meeting can be held in a neutral location if requested. Where the employee's workplace colleague or union representative of choice is not available on the first given date, the employer must postpone the meeting to an alternative time provided this is both reasonable and usually no more than five working days after the date originally proposed.
- 5.10 The Trust and each Academy will take steps to minimise any difficulties which you may experience as a result of raising a concern and provide any appropriate support. For instance, if you are required to give evidence in disciplinary or criminal proceedings, we will advise you about the procedure.
- 5.11 The Trust and each Academy accepts that you need to be assured that the matter has been properly addressed. Subject to any legal or confidentiality constraints, you will receive information about the outcomes of investigations. In addition, you will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.

6. Stage 1

- 6.1 In the first instance, the employee/worker should raise any concerns directly with their line manager.
- 6.2 If an employee/worker reasonably believes their line manager to be involved in the wrongdoing, concerns should then be raised with the Headteacher of their Academy or relevant TKAT Director.
- 6.3 Alternatively, if the individual believes the line manager to be involved, or for any reason does not wish to approach them, then the employee may proceed straight to stage 3.

7. Stage 2

- 7.1 The line manager/ Headteacher/ TKAT Director will arrange an investigation into the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position).
- 7.2 The line manager/Headteacher/relevant TKAT Director should also seek guidance from TKAT HR on policy and procedure at this stage.
- 7.3 The investigation may require the employee/worker and other individuals involved giving a written statement.
- 7.4 Any investigation will be carried out in accordance with the principles set out above. The employee's/worker's statement will be taken into account, and the individual will be asked to comment on any additional evidence obtained.
- 7.5 The line manager (or the person who carried out the investigation) will then report to the CEO, who will take any necessary action, including reporting the matter to the Board who may then ask the CEO to report it to an appropriate government department or regulatory body.
- 7.6 If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the TKAT HR team and start the disciplinary procedure.
- 7.7 At the conclusion of any investigation, the employee/worker will be informed of the outcome of the investigation and what the Academy/Trust has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

8. Stage 3

- 8.1 If the employee/worker is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the CEO, they should inform the HR Director, TKAT HR, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the CEO as in stage 2 above.
- 8.2 If for any other reason the employee does not wish to approach their line manager/ Headteacher/ TKAT Director they can also in the first instance contact the HR Director, TKAT HR. Any approach to the HR Director will be treated with the strictest confidence and the employee's identity will not be disclosed without their prior consent.

9. Stage 4

- 9.1 If on conclusion of stages 1, 2 and 3 the employee reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made (although it should be noted that whistleblowing protections for qualifying disclosures will still apply if the individual makes contact with the any of these bodies in the first instance) These include:
- HM Revenue & Customs;
 - The Financial Conduct Authority;
 - The Office of Fair Trading;
 - The Health and Safety Executive;
 - The Environment Agency;
 - The Director of Public Prosecutions; and
 - The Serious Fraud Office.

10. Training for managers

- 10.1 Each Academy undertakes to provide its Head teacher and others in positions of responsibility who may have disclosure issues brought to their attention with the necessary training to enable them to handle any cases in a professional manner and with integrity and sensitivity. The training will include guidance on:
- The Public Interest Disclosure Act 1998;
 - The need to resolve matters in line with the Act and this Policy;
 - The responsibility to ensure that concerns raised are taken seriously;
 - The proper investigation and objective assessment of the concerns;
 - The responsibility to ensure that the action necessary to resolve a concern is taken.

11. Anonymous allegations

- 11.1 This policy encourages you to put your name to your concerns. Concerns expressed anonymously are less capable of being followed up effectively, but they will all be considered.

11.2 In such circumstances each Academy will take the following factors into account when establishing the scope and depth of the investigation:

- The seriousness of the issues raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from attributable sources and information.

12. Untrue allegations

12.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

12.2 If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

NAME		
POSITION		
ACADEMY		
DOES THIS RELATE TO YOUR LINE MANAGER?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
WHAT CONCERN(S) DO YOU WISH TO RAISE (SUMMARY OF DISCLOSURE)?		
WHY ARE YOU CONCERNED ABOUT THE ISSUE(S)?		
INDIVIDUALS INVOLVED (INCLUDE ANY WITNESSES)?		
OUTCOME REQUESTED?		
HAVE YOU DISCUSSED THE ISSUE(S) WITH ANYONE ELSE	Yes <input type="checkbox"/>	No <input type="checkbox"/>
IF YES, PLEASE STATE THEIR NAME		
THEIR POSITION		
DATE DISCUSSED		
WHAT WAS THE OUTCOME OF THIS DISCUSSION?		
DECLARATION:		
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in disciplinary action against me.		
SIGNED		
DATE		

Please continue on a separate sheet, if necessary

Appendix 2 PROCESS FLOWCHART

Stage 1

Employee/worker raises their concerns with the line manager in the first instance
If the employee/worker believes the line manager is involved they should contact the Headteacher/Relevant TKAT Director with their concerns
Employee/worker may decide to raise their concerns by using Appendix 1
The employee/worker may also consider proceeding to stage 3 if relevant

Following discussion regarding the individual's concerns, these may be resolved by agreed actions without the need for investigation. Alternatively parties may deem an investigation is required moving to Stage 2 of the procedure

STAGE 2 LETTER TO BE SENT WITHIN 7 WORKING DAYS
acknowledging receipt of concern
and inviting to initial meeting

Investigation commences and witness statements obtained (as necessary)

Investigating Manager reports matter to CEO

CEO
Takes appropriate action, includes reporting matter to the Board; who in turn may ask the CEO to report the matter to an appropriate Government Department or Regulatory Body

At conclusion of any investigation the employee/worker will be informed of the outcome

STAGE 3

If the Whistleblower is concerned that their Line Manager is involved in the wrongdoing, has failed to make a proper Investigation or has failed to report the outcome of the Investigation to the CEO, they should inform the TKAT HR Director who will then arrange for another manager to review the Investigation, conduct any necessary enquiries and make their own report to the CEO as in Stage 2

To invoke Disciplinary Procedure (If necessary)

(As appropriate)

Stage 4

If the conclusion of stages 1, 2 and 3 the Whistle-blower reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:-

HMRC
The Financial Conduct Authority
The Office of Fair Trading
HSE
The Environmental Agency
The DPP
The Serious Fraud Office