



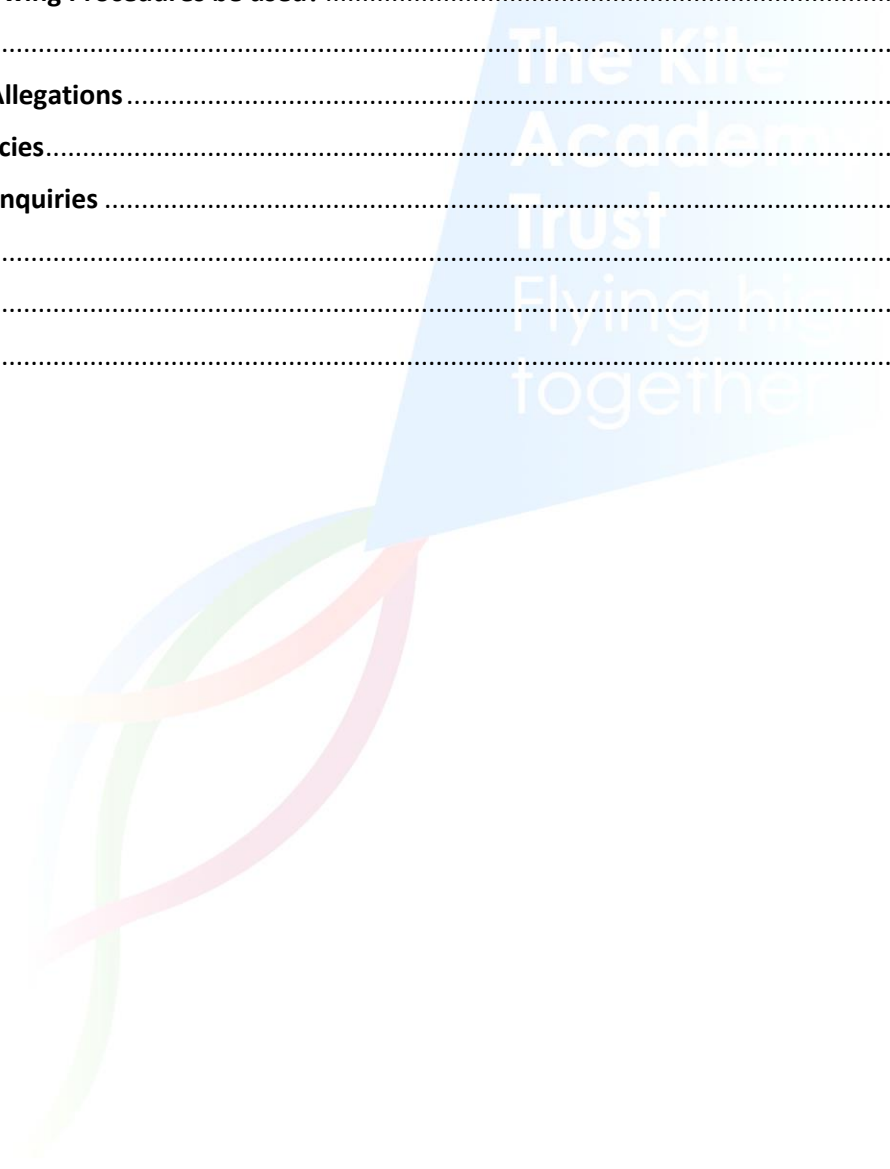
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KITE ACADEMY TRUST

WHISTLEBLOWING POLICY

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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.

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the Kite Academy Trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

3 What is 'Whistleblowing'?

Whistleblowing inside the work place is the term used to describe a worker raising a concern with someone in authority - internally and/or externally (e.g. to regulators, MPs, the media) - about wrongdoing, risk or malpractice that affects others.

Whistleblowing covers concerns of wrongdoing that is 'in the public interest'. Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

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 Policy, 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. A Whistleblower is a person who raises a genuine concern relating to the above.

Whistleblowing should only be used when there are 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.

Not all concerns about the Trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance. 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 Kite Academy Trust Safeguarding & Child Protection Policy. 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 Academy Head or Designated Safeguarding Lead.

Staff should consider the examples above (see '3 What is Whistleblowing') when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or Trust procedures, put people in danger or was an attempt to cover up any such activity.

Protect (formerly Public Concern at Work) provides:

- Further guidance on the difference between a whistleblowing concern and a grievance that staff may find useful if unsure: <https://protect-advice.org.uk/what-is-whistleblowing/>
- A free and confidential advice line: <https://protect-advice.org.uk/contact-protect-advice-line/>.

6 The Procedure

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

- Staff should report their concern to the Academy Head or Director of Operations. If the concern is about the Academy Head, or it is believed they may be involved in the wrongdoing in some way, the concern should be reported to the Executive Head Teacher.
- If the concern is about the Director of Operations, or it is believed they may be involved in the wrongdoing in some way, the concern should be reported to the Trustee with responsibility for whistleblowing (see Appendix 1 for contact details).
- Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

Initial Investigation

When a concern is received by the Academy Head/Executive Head Teacher/Director of Operations/Trustee with responsibility for whistleblowing - referred to from here as the 'Recipient' - they will:

- Meet with the person raising the concern 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. The person raising the concern may be joined by a trade union or

professional association representative. The Recipient may be accompanied by an appropriate member of staff to support the process and/or take notes;

- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the Recipient should advise the person who raised the concern of this and direct them to the appropriate policy/procedure;
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see '7 Malicious or Vexatious Allegations' below);
- Establish whether there is sufficient cause for concern to warrant further investigation.
- In the case of a concern relating to an Academy Head or CEO, report all matters raised under this procedure to the Chair of the Academy Council/ Trustee with responsibility for whistleblowing as appropriate.

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

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

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

- The Recipient 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 Recipient is satisfied that the person raising the concern 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.

Further Investigation

If, following the meeting, the Recipient is satisfied that there is sufficient cause for concern, they will arrange a further investigation into the matter, involving the Executive Head Teacher or Trustee with responsibility for whistleblowing, if appropriate.

The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

In some cases, the Recipient may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the Police.

The Recipient may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Recipient may also discuss the issue, in confidence, with other suitable professionals, such as the Trust's HR Team or the Area School Service, in order to assess the nature of the case and to inform the outcome of the investigation.

Outcome of the Investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the Recipient will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified, and whether or not a referral is required to an external organisation, such as the Local Authority or Police.

The Recipient's report will be submitted to the Academy Head /CEO. However, should it be alleged that the Academy Head/CEO is involved in the alleged wrongdoing, the report will be submitted to the Chair of the Academy Council/ Trustee with responsibility for whistleblowing.

The Academy Head/CEO/Chair of the Academy Council/Trustee with responsibility for whistleblowing will, as appropriate, ensure that the recommendation(s) 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 Academy Council/Trust Board.

The person who raised the concern's identity will be kept confidential unless they otherwise consent or there are grounds to believe that they have acted maliciously. In the absence of such consent or grounds, the Recipient will not reveal the identity of the person who raised the concern except:

- Where the Recipient 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 Recipient will inform the person who raised the concern of the outcome of the investigation within 28 working days of the initial interview, though certain details may need to be restricted due to confidentiality. All responses to the person who raised the concern will be made in writing and sent to their home address.

If the person who raised the concern has not had a response within the above time limit or such reasonable extension as informed, they may go to an appropriate external agency but will inform the Recipient before doing so.

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

Beyond the immediate actions, the Academy Head, Trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

7 Malicious or Vexatious Allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation. Any disciplinary action will be dealt with under the Kite Academy Trust's Disciplinary Procedure, as well as potentially exposing the person who raised the concern to legal liability.

8 Informing External Agencies

The Kite Academy Trust encourages staff to raise their concerns internally, in line with '6 The Procedure' above, but recognises that staff may feel the need to report concerns to an external agency. A list of prescribed agencies to whom staff can raise concerns with can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>

The Protect advice line (see '5 When should Whistleblowing Procedures be used?' above) can also help staff when deciding whether to raise the concern to an external agency.

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. 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 Academy Head/Director of Operations 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 Academy Head/Director of Operations will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the academy/Trust or any person under these procedures.

10 Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

Document Management

Document ID:	P1066		
Last Review:	January 2023	Review Period:	2 years
Responsibility of:	Director of Operations	Ratified by:	Trustees (08.02.23)

Appendix 1 - Contact Details



The Kite Academy Trust
c/o Holly Lodge Primary Academy
Stratford Road
Ash Vale
GU12 5PX
01252 984930

CEO: Jeremy Meek
ceo@kite.academy

Trustee with responsibility for whistleblowing:
Andrew Johnson – andrew.johnson@kite.academy



The Ferns Primary Academy
Field Road
Farnborough
Hampshire
GU14 9FX
01276 31554

Academy Head: Edward Gittins
head@ferns.kite.academy

Chair of Governors: Katie Wilson
katie.wilson@mytchett.kite.academy



Holly Lodge Primary Academy
Stratford Road
Ash Vale
Surrey
GU12 5DX
01252 548390

Academy Head: James Titley-Rawson
head@hollylodge.kite.academy

Chair of Governors: Richard Brennan-Evans
richard.brennan-evans@hollylodge.kite.academy



Sandringham Infant & Nursery Academy
Sandringham Way
Frimley
Surrey
GU16 9YF
01252 837538

Academy Head: Timothy Lodge
head@sandringham.kite.academy

Chair of Governors: Keith Parsons
keith.parsons@sandringham.kite.academy



Cross Farm Infant Academy
Gresham Way
Frimley Green
Surrey
GU16 6LZ
01252 835847

Academy Head: Ali Stone
head@crossfarm.kite.academy

Chair of Governors: Helen Bond
helen.bond@follyhill.kite.academy



The Grove Primary Academy
Chobham Road
Frimley
Surrey
GU16 8PG
01276 22447

Academy Head: Lynn Wicksey
head@grove.kite.academy

Chair of Governors: Mark Chegidden
mark.chegidden@grove.kite.academy



Lakeside Nursery & Primary Academy
Mindhurst Road
Deepcut
Surrey
GU16 6LG
01276 469200

Academy Head: Sam Armstrong
head@lakeside.kite.academy

Chair of Governors: Jack Gillum
jack.gillum@lakeside.kite.academy



Wyke Primary Academy
School Lane
Normandy
Surrey
GU3 2HS
01483 811197

Academy Head: Tammie Wisnia (Acting)
head@wyke.kite.academy

Chair of Governors: James Finch
james.finch@wyke.kite.academy



Folly Hill Infant Academy
Coniston Drive
Farnham
Surrey
GU9 0DB
01252 716121

Academy Head: Ali Stone
head@follyhill.kite.academy

Chair of Governors: Helen Bond
helen.bond@follyhill.kite.academy



Hale Nursery & Primary Academy
Upper Hale Road
Farnham
Surrey
GU9 0LR
01252 716729

Academy Head: Clare Freeman
head@hale.kite.academy

Chair of Governors: Ian Ayre
ian.ayre@hale.kite.academy



Mytchett Primary & Nursery Academy
Hamesmoor Road
Mytchett
Surrey
GU16 6JB
01252 544009

Academy Head: Sam Willans
head@mytchett.kite.academy

Chair of Governors: Katie Wilson
katie.wilson@mytchett.kite.academy