

Title of Policy/Procedure	Blue Kite Trust Whistleblowing Policy
Reviewer(s):	Head of HR
To be read in conjunction with the following policies:	Grievance Procedure Complaints Procedure Allegations of Abuse against members of staff
Consultation Process	Policy to be agreed with TU's at The Blue Kite Academy Trust JCC
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1. Introduction

- 1.1 The Blue Kite Academy Trust (BKAT) is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures.
- 1.2 The Whistleblowing policy provides a framework for concerns to be raised about malpractice. It has been introduced in line with the Public Interest Disclosure Act 1998, enacted to ensure a climate of greater frankness between employers and employees so that irregularities can be identified and addressed quickly.
- 1.3 It enables employees to raise concerns of serious wrongdoing without fear of reprisal.
- 1.4 The policy is designed to sit alongside the Trust Grievance Policy. As a guide employment related issues should be raised through the Grievance procedure or the Acceptable Behaviour procedure.
- 1.5 This policy applies to all individuals working and volunteering for BKAT collectively referred to as staff/employees.

2. Aims of Policy

- 2.1 Employees are often the first to realise that something seriously wrong may be happening within the workplace. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or the school/Trust or because they fear harassment or victimisation. 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
 - Provide staff with guidance as to how to raise those concerns
 - Ensure that employees receive a response to concerns and are aware of how to pursue them if they are not satisfied
 - Reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals

3. What is Whistleblowing

- 3.1 Whistleblowing is the disclosure of information which, in the reasonable belief of the whistleblower, is made in the public interest. Disclosures may include: -
- criminal activity
 - danger to health and safety of any individual
 - damage to the environment
 - failure to comply with any legal or professional obligation or regulatory requirements
 - financial fraud or mismanagement negligence
 - breach of the school's internal policies and procedures including its Code of Conduct
 - conduct likely to damage the Trust's reputation
 - unauthorised disclosure of confidential information

- the deliberate concealment of any of the above matters.

If staff are uncertain whether something is within the scope of this policy they should seek advice from the Chief Executive Officer (CEO) and if the matter is in relation to an alleged wrongdoing by the CEO then staff should seek the advice of the Chair of Board of Trustees.

4. Raising a Whistleblowing Concern

- 4.1 The Trust hopes that in many cases staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases, they may refer the matter to a member of SLT. However, where the matter is more serious, or staff feel that their Line Manager has not addressed their concern, or the staff member prefers not to raise it with them for any reason, individuals should contact:
- Gary Evans, CEO, gevans@bluekitetrust.org
 - Anne English, Head of HR aenglish@bluekitetrust.org
 - Pauline Miller, Chair of Trustees pmiller@bluekitetrust.org
- 4.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written disclosure should set out the background and history of the concern (giving names, dates and places where possible) and the reason why the individual has particular concerns about the situation. Whilst the individual is not expected to prove the truth of their concerns they should be able to demonstrate that there are sufficient grounds
- 4.3 The CEO/Chair of Trustees and the Head of HR will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the name of the employee will be recorded and whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and this should be explained to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.
- 4.4 Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.
- 4.5 The Trust will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The Trust will give the 'whistleblower' an indication of how it proposes to deal with the matter.
- 4.6 If an individual is in any doubt, advice can be sought from the [Advisory, Conciliation and Arbitration Service \(Acas\)](#), the whistleblowing charity [Protect](#) or their trade union for more guidance.
- 4.7 Where the concern relates to a child protection matter, individual should follow the process outlined in the 'Allegations of abuse against employees' procedure. Where an

individual wish to raise safeguarding concerns outside of the Trust they should contact Swindon Borough Council's Local Authority Designated Officer for safeguarding (LADO) Tel: 01793 463854.

- 4.8 Disclosure of a concern to a non-prescribed body (e.g., newspapers or social media) is not covered by whistleblowing legislation and the protections it offers. Before undertaking this type of action, it is recommended that staff seek specialist advice.
- 4.9 Employees should have nothing to fear by reporting their concerns, if what they are reporting is true (or they honestly believe the information is true even if it is later found out to be incorrect). No action will be taken against anyone genuinely reporting a concern.
- 4.10 If any individual misuses the policy eg. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the Trust's Disciplinary Procedure. Equally, deterring another employee from reporting their concerns is a serious matter and may also result in disciplinary action.

5. Confidentiality

- 5.1 All concerns will be treated in confidence and the Trust will do its best to protect an individual's identity if they do not want their name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then a discussion will be held with the individual prior to releasing their details as a possible witness.
- 5.2 However, the Trust encourages individuals to put their name to an allegation. Concerns raised anonymously are much less powerful but they will be considered at the discretion of the Trust against the following criteria:
- the seriousness of the issues raised
 - the likelihood of confirming the allegation from attributable sources
 - the Trust's best interests
 - The protection of the Trust's assets

6. Investigation and Outcome

- 6.1 Once a member of staff has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. Following this the matters raised may:
- Be investigated through the Trust or School leadership
 - Be referred to the Police
 - Be referred to the external auditors
 - Form the subject of an independent enquiry
- 6.2 The Trust will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.
- 6.3 In rare cases the Trust 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) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

- 6.4 However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.
- 6.5 If the Trust concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.
- 6.6 Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the Trust will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he/she can raise it with the CEO/Chair of Trustees or Head of HR.
- 6.7 The Trust recognises that the individual will need to be assured that the matter has been properly addressed. Subject to legal or confidentiality constraints the CEO or Chair of Trustees will arrange an outcomes meeting.
- 6.8 There are no rights of appeal against any decisions taken under this procedure. If an individual is unhappy with the outcome then they should use the contacts set out in para 4.6

7. Protection and Support for Whistleblowers

- 7.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken. Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.
- 7.2 If a member of staff believes that he or she has suffered any such treatment, he or she should inform the CEO/ Chair of Trustees or Head of HR immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.
- 7.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

8. External Disclosures

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally
- 8.2 The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. We strongly encourage everyone to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, [Protect](#), operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern

8.3 Whistleblowing concerns usually relate to the Staff Code of Conduct, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact the CEO initially for guidance.

9. Monitoring and Review

9.1 The CEO will report all matter raised under this procedure to the CFO who acts as the Monitoring Officer

9.2 The CFO will retain a central record of complaints raised through this procedure and it their duty to ensure that the Trust acts lawfully.

9.3 They will ensure that once the process is completed:

- A record of all concerns raised under this policy is maintained
- The outcomes of any investigations are communicated to the whistleblower
- The outcomes are reported to the Trustees

