



Whistleblowing (Raising Concern at Work) Policy & Procedures June 2020

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1. Introduction

This policy explains how individuals may raise any concerns that they have about the conduct of others in Kindi Education or the way in which the organisation is run and how those concerns will be dealt with. It is also intended to encourage and enable individuals to raise serious concerns within the organisation rather than ignoring a problem or 'blowing the whistle' outside.

The purpose of this policy and procedure is to:

- Encourage team members to feel confident in raising serious concerns and to question and act upon concerns
- Provide avenues for team members to raise concerns and receive feedback on any action taken
- Allow team members to take the matter further if they are dissatisfied with Kindi Education's response; and
- Reassure team members that they will be protected from reprisals or victimisation for disclosing information in good faith, detailing the principles and procedures of how Kindi Education manages public interest disclosures

This policy and procedure document is for guidance only and does not form part of employees' contractual rights. The contents may be subject to revision from time to time.

'Whistleblowing' is a term used to refer to the disclosure by team members of malpractice – internally or externally – as well as illegal acts, or omissions at work. These concerns should be shared in the public interest.

The policy is intended to cover concerns that fall outside of the scope of Kindi Education's policies that deal with standards of behaviour at work or matters of a personal nature which should be pursued through staff disciplinary, grievance, bullying and harassment procedures. Team members are encouraged to consider the provisions in these policies as appropriate.

This policy statement applies to full and part-time workers, contractors, home workers and agency workers employed by Kindi Education ("our team"), except if they are genuinely self-employed. Concerns raised by those who are not team members of Kindi Education are not covered by this policy but must be investigated by the line manager with whom the concern is raised in an appropriate manner.

2. Policy Statement

Kindi Education is committed to creating and maintaining a culture of openness within its organisation so that individuals feel encouraged and confident to raise any concerns relating to suspected misconduct at an early stage.

Malpractice can have a negative effect on the organisation and its participants. Kindi Education therefore encourages anyone to raise genuine concerns, or any suspicions that they may have concerning misconduct.

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". The Act makes it unlawful for Kindi Education to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act. Kindi Education will always seek to comply with its statutory duties.

You can make a disclosure under this Policy if you have genuine concerns relating to any of the following areas of malpractice, or suspected malpractice:

- Criminal activity
- Miscarriages of justice
- Practices endangering health and safety
- Practices damaging the environment
- Failure to comply with a legal obligation
- Bribery
- Financial malpractice, impropriety or fraud
- Instances of slavery, servitude, forced and compulsory labour and human trafficking in our activities or anywhere within its supply chain
- Any conduct which appears likely to harm the welfare and/or protection of children and young people or adults at risk
- Any conduct likely to harm the reputation of Kindi Education
- Serious failure to comply with any codes of practice or ethical rules covering the business
- Attempts to conceal any of the above.

The malpractice can be past, present or prospective. It may have occurred inside or outside the United Kingdom.

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is Kindi Education's responsibility to ensure that an investigation takes place.

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, you should not agree to remain silent. You should report the matter to the Managing Director as soon as possible in line with the procedure outlined in Section 5.

3. Protection from Making a Disclosure

Any disclosure you make under this Policy will be treated as far as reasonably practicable in a confidential and sensitive manner. If confidentiality is not reasonably practicable, for instance because of the nature of the information, this will be explained to you.

Kindi Education appreciates that those reporting concerns may be apprehensive. It will not tolerate victimisation, harassment, bullying or any other detrimental treatment of any worker who has made a disclosure under this Policy. This means that their continued employment or opportunity will not be prejudiced because they have raised a legitimate concern.

Complaints about such behaviour will be dealt with under the disciplinary procedures outlined in Kindi Education's Staff Disciplinary Policy & Procedures. Should you feel that you have been subjected to any detriment as a result of raising a concern under this Policy you should notify the Managing Director. You may also have legal protection from any detrimental treatment.

Kindi Education hopes that you will feel comfortable to voice any concerns openly, but you may make a disclosure anonymously. However, concerns expressed anonymously cannot be dealt with as effectively as open disclosures as they are often more difficult to investigate.

If you make an allegation in good faith and reasonably believe it to be true, but it is not confirmed by the investigation, Kindi Education will recognise your concern and you have

nothing to fear. If, however, you make an allegation frivolously, maliciously or for personal gain, appropriate action, that could include disciplinary action, may be taken.

4. Responsibility for Implementation

The Managing Director is responsible for ensuring that mechanisms and procedures are in place for raising concerns at work. This will include ensuring team members receive an appropriate briefing to ensure that they are fully aware of their rights and responsibilities under this policy.

5. Procedures

You are encouraged to report suspected wrongdoing as soon as possible.

Any matter raised under the following procedure (see stages 1 to 3 below) will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.

Throughout the procedure, a record should be kept by the relevant line manager dealing with the concern. Meetings should be minuted and the minutes agreed with those attending. At the conclusion of the process, the record should be kept on the personal file of the team member raising the concern.

5.1. Stage 1: Raise with Line Manager

Wherever possible, a team member should raise their concern in the first instance with their line manager. If a team member considers the matter to be sensitive, significantly serious or they believe that their line manager is involved, they should raise the concern with the Managing Director.

Any line manager who is approached with a concern must always:

- Take concerns seriously, without judgement, apology or condemnation
- Consider them fully and sympathetically
- Recognise that raising a concern can be a difficult experience for some people
- Confirm that the issue should be dealt with under these Whistleblowing Procedures
- Seek further advice where appropriate

Stage 1 Investigation

The line manager will investigate the concern through means of:

- Respecting confidentiality.
- Interviewing other team members where necessary.
- Keeping the team member informed within reason about the investigation, at least fortnightly.
- Giving both the team member who raised the concern and others who are the subject of the concern/investigation the name of a trained member of the team as a contact point for support.
- Notifying team members who are the subject of the complaint about the nature and potential outcomes of the investigation and the type of support available to them.
- Considering whether team members who are the subject of the complaint should on request be granted special leave or, if more appropriate, suspended for the duration of the investigation. Please refer to Kindi Education's Staff Disciplinary Policy & Procedures for further information on suspension.

Stage 1 Outcome

The line manager will inform the individual raising a concern in writing of the outcome of any investigation and any action taken (subject to the constraints of confidentiality and the law).

The line manager should consider that:

- Any reference to disciplinary action in this feedback will only be made after the team member subject to the disciplinary procedure is fully informed of his/her position and respecting confidentiality and data protection.
- If a conclusion is reached that the concern raised requires no action, it must be reiterated that raising concerns in good faith is encouraged by Kindi Education. The line manager should thank the person for raising the issue, point to further support available to them and highlight the options available if they are not satisfied with this outcome.

Where appropriate, the line manager should also notify team member(s) who were the subject of the complaint or concern of the outcome of the investigation. Where the investigation has not resulted in disciplinary action the team member(s) may nonetheless need support and so should be offered support from a trained member of staff.

5.2. Stage 2: Review by Managing Director

If the person raising the concern is unhappy/not satisfied by the outcome of Stage 1 and where the Managing Director has not led the initial investigation, the Managing Director will arrange for a review of the investigation to be carried out.

Stage 2 Review

No later than 1 month after being notified of the issue by the team member, the Managing Director will review the evidence and other materials gathered during Stage 1.

Stage 2 Outcome

Where the concern **can be acted upon**, the Managing Director will act promptly and notify the team member quickly of the action taken.

Where action is **not considered practicable or appropriate**, the Managing Director will do one of the following:

- Give the individual team member a prompt and thorough explanation of the reasons for this and, in the event of a disagreement, explain what further action is available (i.e. Stage 3 below).
- Agree with the individual team member to vary the time specified for a decision to reflect the enquiries or investigations deemed necessary.
- Explain why no decision can be given within the time specified, when a decision will be made and how the team members can make representations about the delay.

5.3. Stage 3: Informing External Bodies

If you are concerned that the Managing Director is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation to the relevant person, you should escalate the matter further.

Where you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office

- The NSPCC or the Children's Commissioner
- Ofsted or the Care Quality Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in [The Public Interest Disclosure \(Prescribed Persons\) Order 2014](#).

The independent charity [Protect \(formerly Public Concern at Work\)](#) has lawyers who give free confidential advice.

5.4. Disclosure to Others or to the Media

Team members have a duty to Kindi Education not to disclose confidential information. Any team members disclosing concerns publicly, via social media or in approaching the media without first approaching an appropriate line manager and/or the Managing Director would need to be able to show that:

- a) they had good reason to conclude that such action was necessary and appropriate, and
- b) the organisation had failed to make adequate provision to address the concerns which led them to feel that such a course of action was necessary.

Any team member contemplating making a disclosure to the media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters further with his or her colleagues and, where appropriate, line and professional managers. Inappropriate public disclosures may lead to disciplinary action.