



Whistleblowing Policy September 2023

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Scheduled Review Date	July 2024
Statutory or Best Practice Policy	Statutory
School or Trust Policy	Trust

We want to ensure that your needs are met.
If you would like this information in any other format, please contact us on
01637 303106 or email info@kernowlearning.co.uk.

Kernow Learning is committed to providing a healthy working environment and improving the quality of working lives for all staff. Kernow Learning's Wellbeing Strategy aims to ensure that our values are embedded in everything we do as a Trust, and that staff are recognised as our greatest asset.

The Chartered Institute of Personnel and Development (CIPD) define wellbeing as:

'Creating an environment to promote a state of contentment which allows an employee to flourish and achieve their full potential for the benefit of themselves and their organisation.'

Kernow Learning Trustees expect all staff to promote a culture of wellbeing. They are committed to the integration of its Wellbeing Strategy in all work activities, policies and practices, so that a positive environment can be created that is compatible with promoting staff engagement, performance and achievement.

In this, and all of Kernow Learning's policies, staff can expect to be treated in line with Kernow Learning's values and with due regard to their wellbeing.

1 Introduction

- 1.1 The Kernow Learning Board of Trustees is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.2 This policy has been implemented following consultation with the recognised trade unions. It has been formally adopted by the Board of Trustees.
- 1.3 This policy does not form part of any employee's contract of employment or other contract to provide services and we may amend it at any time.

2 Scope and purpose

- 2.1 The aims of this policy are:
 - 2.1.1 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.
 - 2.1.2 To provide staff with guidance on how to raise concerns.
 - 2.1.3 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 This policy applies to all employees of Kernow Learning, governors, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3 What is whistleblowing?

- 3.1 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 there are wrongdoing or dangers at work. This may include:
- 3.1.1 criminal activity;
 - 3.1.2 miscarriages of justice;
 - 3.1.3 danger to health and safety;
 - 3.1.4 damage to the environment;
 - 3.1.5 failure to comply with any legal or professional obligation or regulatory requirements;
 - 3.1.6 bribery;
 - 3.1.7 financial fraud or mismanagement;
 - 3.1.8 negligence;
 - 3.1.9 breach of our internal policies and procedures including our Code of Conduct;
 - 3.1.10 conduct likely to damage our reputation or financial wellbeing;
 - 3.1.11 unauthorised disclosure of confidential information;
 - 3.1.12 unethical behaviour
 - 3.1.13 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.
- 3.3 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.
- 3.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at 3.1 above (for example, a breach of our internal policies), you should discuss with a member of your school leadership team or the central office leadership team which route is the most appropriate.
- 3.5 If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of your school's leadership team or a member of the Central team.
- 3.6 If your concern is in relation to safeguarding and the welfare of pupils at a Kernow Learning school you should consider whether the matter is better raised under the trust's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the is policy may still apply.

4 Raising a whistleblowing concern

- 4.1 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.

- 4.2 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:
 - 4.2.1 David Houghton (COO). This is the member of the senior team who is responsible for managing whistleblowing complaints.
 - 4.2.2 Your Headteacher
 - 4.2.3 Holly Sykes (Whistleblowing Trustee)
- 4.3 Contact details are set out at the end of this policy.
- 4.4 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.
- 4.5 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 and data protection

- 5.1 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.
- 5.2 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 Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are given at the end of this policy.
- 5.3 Where we receive anonymous complaints, we will investigate the complaints as far as is reasonable taking into account:
 - 5.3.1 the seriousness of the issue raised
 - 5.3.2 the credibility of the concern; and
 - 5.3.3 the likelihood of confirming the allegation from other sources
- 5.4 As part of the application of this policy, Kernow Learning may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Workforce Privacy Notice and in line with the requirements of Data Protection Legislation.

6 External disclosures

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

- 6.2 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. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy¹.
- 6.3 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. In some circumstances the law will protect you if you raise a concern with the third party directly 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

- 7.1 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.
- 7.2 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. We may in some circumstances, appoint an external person or body to investigate the concern. 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 COO and Headteacher for actioning.
- 7.3 We will aim to keep you informed of the progress of the investigation and its likely timescale.. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action in line with our staff Disciplinary Policy.

8 If you are not satisfied

- 8.1 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.
- 8.2 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 or our external auditors. Contact details are set out at the end of this policy.

9 Protection and support for whistleblowers

- 9.1 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.
- 9.2 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.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.

9.4 A confidential support and counselling independent external hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

10 Review of policy

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

11 Contacts

Kernow Learning Whistleblowing Officer (COO)	David Houghton 01637 303106 dhoughton@kernowlearning.co.uk
Kernow Learning Whistleblowing Trustee	Holly Sykes hsykes@kernowlearning.co.uk
CEO and Safeguarding Lead	Clare Crowle 01637 303106 ceo@kernowlearning.co.uk
Chair of the Trust Board	David Parker dparker@kernowlearning.co.uk
Kernow Learning's external auditors	FRANCISCLARK LLP, LOWIN HOUSE, TREGOLLS ROAD, TRURO, CORNWALL TR1 2NA T +44 (0)1872 276477
Whistleblowing UK (independent)	www.wbuk.org
Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 E-mail: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk
Public Concern at Work (free independent advisory service)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
Department for Education	Telephone: 0370 000 2288 Website: www.gov.uk/government/organisations/department-for-education
Ofqual	Telephone: 0300 303 3344 Website: www.gov.uk/government/organisations/ofqual

If you have a safeguarding concern please contact:			
School	Name	Contact number	Email
Beacon	Kim Alway	01208 72773	kalway@kernowlearning.co.uk
Charlestown	Alana McGovern	01726 812831/ 07745729819	mclutsom@kernowlearning.co.uk
Constantine	Claire Smith	01326 314070	csmith@kernowlearning.co.uk
Falmouth	Christie Legg	01326 314070	cllegg@kernowlearning.co.uk
Foxhole	Kelly Davies	01726 822416	kdavis@kernowlearning.co.uk
King Charles	Rebecca Edwards	01326 313607 07305090799	redwards@kernowlearning.co.uk
Leedstown	Rob Argall	01326 314070	rargall@kernowlearning.co.uk
Mabe	Steve Cruse	01326 314070	scruse@kernowlearning.co.uk
Sky Primary and Eden Project Nursery	Emma Vyvyan	01726 438609	evyvyan@kernowlearning.co.uk
St Agnes	Jess Mills	01872 552648	jmills@kernowlearning.co.uk
St C Major	Marie Taylor	01637 873958	mtaylor@kernowlearning.co.uk
St C Minor	Hannah Crewdson	01637 873958	hcrewatson@kernowlearning.co.uk
St Francis	Rachel Marsh	01326 211910	rmarsh@kernowlearning.co.uk
St Kew	Rachel Murray	01637 873958	rmurray@kernowlearning.co.uk
St Merryn	Kyja King	01841 520683	kking@kernowlearning.co.uk
St Newlyn East	Andy Watkins	01637 874532	awatkins@kernowlearning.co.uk
The Bishops	Adam Richards	01637 874532	arichards@kernowlearning.co.uk
Trenance	Tash Williams	01637 874532	twilliams@kernowlearning.co.uk
Trevisker	Jules Jenkin	01637 873958	jjenkin@kernowlearning.co.uk
Upton Cross	Emily Goodey	01208 72773	egoodey@kernowlearning.co.uk
Wendron	Matt Oakley	01326 573187	moakley@kernowlearning.co.uk
Kernow Learning Chief Executive Officer And Safeguarding Lead	Clare Crowle	01637 303106	ceo@kernowlearning.co.uk
Kernow Learning Chair of Trustees	David Parker	01637 303106	Via ccollins@kernowlearning.co.uk Trust Governance Lead
Kernow Learning Safeguarding Trustee	Derek Rushton	01637 303106	drushton@kernowlearning.co.uk