



## Whistleblowing Policy

Kew Learning Ltd is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Company.

### Scope of Policy

This policy is designed to enable employees of the Company to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary.

These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

## Safeguards

### Protection:

This policy is designed to offer protection to those employees of the Company who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### Confidentiality:

The Company will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### Anonymous Allegations:

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern

- The likelihood of confirming the allegation from attributable sources

## Whistleblowing, Complaints and Grievances

Whistleblowing is very different from a complaint or a grievance. The term 'whistleblowing' usually applies when a person is acting as a witness to misconduct or malpractice that you have observed and which threatens other people.

A grievance is when an employee has a dispute about their own circumstances relating to their employment. Anyone who meets this criterion should follow their organisation's procedures in relation to grievances.

A complaint is where a person, or a person close to the complainant, has personally been poorly treated and are seeking redress or justice for themselves or that person. In these circumstances the person making the complaint should follow the relevant organisation's complaints procedures. If the complaint is in relation to the work of Kew Learning, then the Kew Learning complaints procedure should be followed.

## Duty to disclose concerns

Every employee working with children has a duty and responsibility to disclose any concerns about the conduct of another professional. It is important that professionals in all agencies have a responsibility to refer a child to Children's Social Care when it is believed or suspected that a child:

- Has suffered significant harm and /or;
- Is likely to suffer significant harm and/or;
- Has developmental and welfare needs which are likely only to be met through provision of family support services (with agreement of the child's parent).

Whistleblowing is a protective disclosure and, if made in good faith, should not result in any form of detriment to the worker.

If a member of staff believes that what he/she is saying is true, they should have nothing to fear as he / she will be doing their duty to their employer and those for whom they are providing a service.

Bullying, harassment or victimisation (including informal pressures) by other members of staff towards someone who raises concerns should not be tolerated by agencies. Senior management in agencies should take appropriate action to protect their staff or volunteers who raise a concern in good faith. Such retaliation could include, but is not limited to:

- Frequent and undesirable changes in work assigned;
- Unsubstantiated disciplinary action;
- Unjust denial of promotion or transfer.

If the concerns relate to a person(s) in the same agency, that agency's reporting procedures should be followed.

If the concerns relate to a person/persons from another agency, the person raising the concerns should contact a senior manager within his/her own agency, and a decision be made as to how the concern will be addressed, and by whom. It is the responsibility of the senior manager within the agency of the person raising the concern to ensure that a response is received from the agency to which the concern relates.

The person raising the concern and his/her senior manager must maintain a written record of events which give rise to the concern and of subsequent actions and responses.

In accordance with WTSC, 2018 , a referral should be sent to the Local Authority Designated Officer (LADO) where an organisation has received an allegation that a volunteer or member of staff who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

Any referral should be sent within one working day using the LADO Referral Form (see <https://www.safeguardingchildren.co.uk/professionals/forms-for-professionals/>), giving as much detail as possible.

Where there is an immediate threat to a child or young person the Police should be contacted on 101.

The person reporting the concern should receive, in writing:

- An acknowledgment that the concern has been received;

- Indication how the matter will be dealt with

Where applicable:

- Information on staff support mechanisms;
- Contact details of the person dealing with your concern

How we deal with a low-level concern, please refer to our Low-level Concerns Policy and Safeguarding Policy.

### Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

### Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the DSL, Mrs Min You (Min You) including the complaint is against the Director or is in any way related to the actions of the Director.

If there is evidence of criminal activity then the investigating officer should inform the police. The Company will ensure that any internal investigation does not hinder a formal police investigation.

### Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed.

If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

### Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with the Chairman / Chief Executive / Director.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive / Chairman / Director as appropriate.
- The Chief Executive / Chairman / Director will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Company Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive / Chairman / Director, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Company recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

[NSPCC whistleblowing helpline and for Protect](#)

NSPCC: 0800 028 0285 email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Protect 020 3117 2520 website [www.pcaw.co.uk](http://www.pcaw.co.uk)