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## Whistle Blowing Policy

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**Author:** CSK  
**Responsible for:** NRA  
**Committee:** Resources

### Rationale

The policy is a statutory requirement for academies and it acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school's disciplinary procedure.

The staff and governors of KNGS seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive. We have therefore developed a system which allows for the confidential raising of concerns within the school environment but which also has recourse to an external party outside the management structure of the school. All concerns raised by whistle blowers will be responded to properly and fairly. In line with our school values this policy supports all staff to be treated with respect and enable them to show courage and flourish in their roles.

The following are examples only of what may constitute a serious concern.

- Public interest matter
- Unlawful or a criminal offence
- A breach of a legal obligation
- A miscarriage of justice
- Mistreatment or abuse of a member of the public or a student for whom the school has a responsibility
- Against codes of practice issued by the school, the LA, the DfE or a professional body
- In disregard of legislation governing health and safety at work
- Seeking undue favour over a contractual matter or a job application
- Against the School or Financial Regulations
- Amounts to improper conduct or unauthorised use of public funds
- Has led to or could lead to damage to the environment
- A deliberate cover up of information tending to show any of the above

The whistleblowing policy is not intended to be used where other more appropriate procedures are available, for example:

- grievances - (see Grievance Procedure)
- harassment - (see Anti-Harassment Policy)
- complaints of misconduct against Governors (see General School Complaints Procedure)

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- child protection (see Safeguarding Policy)

## **Safeguards**

The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The School will take action to protect those who raise a concern. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this under the disciplinary procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

## **Confidentiality**

Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the governing board will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

There are, however, circumstances under which complete confidentiality may be difficult for the governors to maintain. For example:

- If the matter leads to a legal procedure and evidence is required by the court.
- If the issue raised comes within the remit of another school procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.
- When the safeguarding of children is the issue.

## **Anonymous allegations**

Anonymous allegations will only be considered if the issues raised are:

- Very serious.
- The credibility of the allegation is considered to be high.
- The likelihood of confirming the allegation is high.

## **False allegations**

If you make an allegation but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

## **Practice**

### **Stage 1**

- As the first step, you should raise the matter with an appropriate level of line management which would normally be your own line manager or the headteacher. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you believe that your immediate manager(s) is involved, the headteacher or chair of governors should be approached.
- Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone or email. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the whistle blowing policy.
- You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.
- If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.

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- If the allegation is made orally, you can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.
- If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.
- If you have raised the issue orally, you will be asked to put your concerns into writing, which you should date and sign.
- You will be told what steps the line manager intends to take to address the concern. He/she may be able to take the appropriate steps to investigate the matter raised. Alternatively, he/she may refer the matter to a member of the senior leadership team, the headteacher or to the chair of governors.
- The subject of the whistle blowing will be informed of the allegation as soon as possible and preferably within 5 working days of the issue being raised and will be updated throughout the process. Once the issue has been raised, you will be contacted within five working days by the headteacher or the chair of governors who will arrange to meet to discuss the matter. Again, a friend or trade union/professional association representative may accompany you for the purposes of giving support. Notes will be taken of the details of the concern and you will be asked to sign a copy of these notes.
- Depending on the gravity of the allegation, the headteacher will consult with the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example for the school's disciplinary policy or even a matter for the police. The headteacher may need to inform the EFSA.
- An initial response will be given within five working days. You will be informed of the progress of the investigation and if continued confidentiality is an issue.
- When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.
- The line manager/headteacher will also notify the person who is the subject of the disclosure within five working days of the meeting. Upon receipt of the information, the subject of the whistle blowing will be able to appeal against any decisions by writing to the headteacher or governing body within 5 working days of receipt of the outcome. This appeal will be dealt with under stage 2.
- If required any further actions in relation to the subject of the whistleblowing will be addressed under the capability procedure, disciplinary procedure or other policy as appropriate.

## **Stage 2**

- If you are dissatisfied with the school's response, you can raise the matter within 5 working days of the date of the school's response by writing to the headteacher or chair of governors.
- The headteacher/chair of governors will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend or representative of your trade union/professional association.
- The headteacher/chair of governors may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.
- If required any further actions in relation to the subject of the whistleblowing will be addressed under the capability procedure, disciplinary procedure or other KNGS policy as appropriate.

## **Stage 3**

If you are dissatisfied with the outcome of stage 2, you may opt to take the matter to stage 3, by raising the matter externally within 5 working days of the date of the decision letter at stage 2, with any of the prescribed people or bodies recommended in the government publication 'Blowing the whistle to a prescribed person: a list of prescribed people and bodies' available from [www.gov.uk](http://www.gov.uk). (Prescribed Person

Guidance). In taking your concern outside the school, you should ensure that, as far as possible, the matter is raised without confidential information being divulged.

### **Allegations against the headteacher**

If an employee or other is concerned that the headteacher is the wrongdoer or involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, this should be reported to the chair of governors. The governors may investigate the allegation themselves in the first instance but are recommended to involve their HR Provider. If the employee feels that the governors have not dealt appropriately with the issue then he/she may wish to raise the concern further through your trade union official or by contacting one of the prescribed persons as in stage 3 above or one of the following government departments as appropriate:

- HM Revenue and Customs.
- The Financial Services Authority.
- The Office of Fair Trading.
- The Health and Safety Executive.
- The Environment Agency.
- The Director of Public Prosecutions.
- The Serious Fraud Office.
- The Education Funding Agency.
- The Department for Education.
- The National College for Teaching and Leadership.

### **Monitoring**

The Governing Body will review this policy every 3 years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the School.

### **Responsible**

The Headteacher has overall responsibility for the maintenance and operation of this policy. Within her duty to ensure that the School acts lawfully she will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

### **Other relevant policies and procedures**

- Grievance Procedure
- Anti-Harassment Policy
- General School Complaints Procedure
- Safeguarding Policy
- NSPCC whistleblowing helpline: 0800 028 0285