

# KINGSBURY HIGH SCHOOL



## WHISTLEBLOWING POLICY

Date Created: November 2019, May 2022

Author: Stephen Moore

GB Approval: Audit & Risk Committee

Approved by: Chair of Audit & Risk Committee      Date: 23 May 2022

Review Date: May 2024

# **Whistleblowing Policy**

## **1. Introduction**

- 1.1 Kingsbury High School is committed to achieving the highest possible standards of honesty, openness and accountability and this policy will enable members of staff to raise concerns of serious wrongdoing without fear of reprisal.
- 1.2 This policy applies to all staff working for Kingsbury High School at all levels and grades, whether they are employees, contractors, casual or agency staff.
- 1.3 Whistleblowing is distinct from the grievance procedure which should be used if you have a complaint relating to your personal circumstances in the workplace. Concerns about wrongdoing within Kingsbury High School such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow members of staff should be raised using this procedure.
- 1.4 This policy has been introduced in line with the Public Interest Disclosure Act 1998 (which can be viewed at <http://www.opsi.gov.uk/acts/acts1998>) to enable staff to raise issues of concern in an appropriate manner.
- 1.5 The Academies Financial Handbook sets out the requirements for Academies in relation to whistleblowing and this publication can be consulted for further information on whistleblowing and public expectations for Academies.

## **2. Purpose**

- 2.1 This policy aims to:
  - Encourage staff to feel confident in raising concerns
  - Establish a fair and impartial investigative procedure
  - Provide avenues for staff to raise concerns and receive appropriate feedback
  - Ensure that staff receive a response to concerns and are aware of how to pursue them if they are not satisfied
  - Ensure that staff will be protected from any reprisals or victimisation by the school (or its members of staff), provided that there is reasonable belief that the matter disclosed tends to show wrongdoing and that the disclosure has been made in an appropriate manner.

## **3. Scope**

- 3.1 This policy may be used by all staff at Kingsbury High School to raise concerns where the wellbeing of others or the school itself is at risk.
- 3.2 The term staff broadly includes employees, contractors, agency workers, trainees, anyone defined as a worker, volunteers and a person who is or was subject to a contract to undertake work or services for the school.
- 3.3 This Whistleblowing Policy is designed to sit alongside the school's Grievance Policy and Procedure and Complaints Policy. As a guideline, concerns, which should be raised through these routes, are as follows:
  - Employment related issues should be raised through the schools' Grievance Policy and Procedure
  - The school's Complaints Policy can be used for complaints about Governors.

3.4 The Public Interest Disclosure Act sets out in full the rights and obligations of members of staff in relation to whistleblowing.

#### **4. Equal Opportunities**

4.1 The Whistleblowing Policy must always be applied fairly and in accordance with employment law, Equality Act 2010 and the school's Equal Opportunities Policy.

#### **5. Responsibilities**

5.1 Governors and the Headteacher are responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.

5.2 The Headteacher has overall responsibility for the internal organisation, control and management of the school.

5.3 Members of staff not only have the right, but also the duty to report any improper actions or omissions, particularly where the welfare of young people may be at risk.

#### **6. Timescales**

6.1 The whistleblowing policy should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the member of staff should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

#### **7. What to raise concerns about**

7.1 The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest, which are as follows:

- a) That a crime has been committed, is being committed, or is likely to be committed.
- b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject.
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- d) That the health and safety of an individual has been, is being, or is likely to be endangered.
- e) That the environment has been, is being or likely to be damaged.
- f) That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

7.2 For a disclosure to be protected by the provisions of the Public Interest Disclosure Act it must relate to matters that qualify for protection. Qualifying disclosures are disclosures which a member of staff reasonably believes tends to show that one or more of the matters set out in section 7.1 above is either happening now, took place in the past or is likely to happen in the future. A qualifying disclosure will be a 'protected' disclosure provided the member of staff:

- a) makes the disclosure in good faith,
- b) reasonably believes that the relevant concern relates to the public interest,

- c) reasonably believes that the information disclosed and any allegation contained in it are substantially true
- 7.3 Particular concerns that may fall within the terms of this policy include, for example:
- a) Breach of a code of conduct.
  - b) Wilful maladministration and corruption.
  - c) Misuse of funds.
  - d) Malpractice in examinations and assessments.
  - e) Theft or fraud.
  - f) Sexual, physical or psychological abuse of students at the school. Note, such concerns must also be raised to the school's Child Protection Officer.
  - g) Harassment or bullying of staff.

## **8. Kingsbury High School assurances to staff**

- 8.1 Staff have the right to disclose a concern/issue where the school does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the school fails to properly consider or deal with the issue.
- 8.2 If a member of staff makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real, the member of staff will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. Kingsbury High School will not tolerate the harassment or victimisation of any member of staff raising a genuine concern, such behaviour may lead to disciplinary action.
- 8.3 If a member of staff requests that their identity is protected, the school will not disclose it unless required to do so in law. If the situation arises where the school is unable to resolve the concern without revealing the member of staff's identity (for instance because the member of staff's evidence is needed in court), the school will discuss with the member of staff how the matter should proceed. However, it must also be stated that if a member of staff chooses not to disclose their identity it will be much more difficult for the school to look into the matter or to protect your position or to give you feedback.
- 8.4 The school will consider anonymous reports; however, it may not be possible to apply all aspects of this policy for concerns raised anonymously. Anonymous reports are less powerful and less credible than a report that a member of staff puts their name to. Governors will make a determination on whether to investigate an anonymous report based on:
- a) seriousness of the issue
  - b) credibility of the issue

- c) likelihood of confirming the allegation from other sources

## **9. Internal procedure**

### **9.1 Stage one - notification**

- 9.1.1 The member of staff (the Representer) raising the concern should do so orally or in writing to the Headteacher or the Director of Resources. The Representer has the right to have the matter treated confidentially. Note that a written communication is much preferred to ensure the concern is clearly raised and understandable to all parties involved in the internal procedure.
- 9.1.2 There is no limitation on the information that can be provided by the Representer when raising a concern provided it is relevant to the matter. As a guide, the following information is recommended to be included as a minimum to allow full consideration of the concern raised:
- a) outline of the concern being disclosed
  - b) how the concern relates to matters that are in the public interest
  - c) names of those believed to be involved in the disclosed concern
- 9.1.3 If the Headteacher or the Director of Resources believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, they should contact the Chair or Vice Chair of the Governor's Audit & Risk Committee. The Chair or Vice Chair of the Governor's Audit & Risk Committee will either act as Assessor or will appoint another Assessor who is not implicated.
- 9.1.4 Should it be alleged that the Chair or Vice Chair of the Governor's Audit & Risk Committee is involved in the alleged malpractice; the Chair of Governors should be contacted instead; their email address is [chair@kingsburyhigh.org.uk](mailto:chair@kingsburyhigh.org.uk).
- 9.1.5 If the Representer feels unable to raise their concern with the Headteacher or the Director of Resources in the first instance, or believes the Headteacher or Director of Resources is involved in the alleged malpractice, they may contact Chair of the Governor's Audit & Risk Committee (the Assessor) directly, their email address is [jyoti.navare@kingsburyhigh.org.uk](mailto:jyoti.navare@kingsburyhigh.org.uk) or Vice Chair at [charul.yadav@kingsburyhigh.org.uk](mailto:charul.yadav@kingsburyhigh.org.uk). If this occurs, the Representer will be asked to explain why they feel unable to raise the concern with the Headteacher or Director of Resources.
- 9.1.6 Governors will ensure that there is always at least one male and one female person to whom reports can be made under this policy.

### **9.2 Stage two – the meeting**

- 9.2.1 The Assessor will interview the Representer within ten working days, in confidence, or as soon as possible if there is an immediate danger to loss of life or serious injury and will:
- Obtain as much information as possible from the Representer about the grounds for the belief of malpractice;
  - Consult with the Representer about further steps which could be taken;
  - Inform the Representer of appropriate routes if the matter does not fall within the Kingsbury High School Whistleblowing Policy;
  - Report **all** matters raised under this policy to other Governors on the Audit & Risk Committee.
- 9.2.2 At the interview with the Assessor, the Representer may be accompanied by a recognised trade

union representative or a work colleague. The Assessor may be accompanied by a note taker.

### **9.3 Stage three – the outcome**

9.3.1 Within ten working days of the interview, the Assessor will recommend to the Headteacher or the Director of Resources, one or more of the following:

- The matter be investigated internally by the school.
- The matter be investigated by an external person appointed by the school.
- The matter be reported to the Department for Education.
- The matter be reported to the Police.
- No further action be taken.

9.3.2 The grounds on which no further action is taken may include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The matter is already (or has been) the subject of proceedings under one of the school's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority.

9.3.3 Should it be alleged that the Headteacher or Director of Resources is involved in the alleged malpractice, the Assessor's recommendation will be made to Chair of Governors.

9.3.4 The recipient of the recommendation (Headteacher or Chair of Governors) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Full Governing Body and to the Assessor.

9.3.5 The conclusion of any agreed investigation will be reported by the Assessor to the Representer in writing within twenty-eight days and a copy passed to the Chair of the Governor's Audit & Risk Committee if they are not acting as Assessor.

9.3.6 If the Representer has not had a response within the above time limits, he or she may appeal to the Chair of Governors, but will inform the Assessor before doing so.

9.3.7 The Representer may at any time disclose the matter on a confidential basis to a solicitor or trade union representative for the purpose of taking legal advice.

9.3.8 If the Representer is not satisfied with the outcome of the investigation, they may appeal to the Chair of Governors to review the investigation and its findings. The Chair of Governors decision will be final.

## **10. External contacts**

10.1 Whistleblowing to an external body without first going through the internal procedure may be inadvisable without compelling reasons. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues or possible discrimination. The external bodies which could be used include:

- The Department for Education

- Education and Skills Funding Agency
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police.

10.2 If the Representer does not feel able to raise their concern in the ways outlined above, they should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

10.3 Members of staff should be aware that going directly to the press / media may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. A member of staff considering such a course of action is strongly advised to seek prior advice from their trade union or personal solicitor.

## **11. Malicious Accusations**

11.1 Deliberately false or malicious accusations made by a Representer will be dealt with under the Kingsbury High School disciplinary procedure.

11.2 The school will ensure the Representer is protected from any form of victimisation or discrimination.

## **12. Review**

12.1 This policy will be reviewed every two years in consultation with the recognised trade unions.