



**KINGSTONE ACADEMY TRUST**  
**APPROVED DOCUMENT**

<b>Whistle Blowing Policy</b>	
<b>Relevant School/s:</b>	<b>KHS and KTPS</b>
<b>Policy Officer:</b>	<b>E Vigus - CEO James Wright - Chair of Trustees</b>
<b>Approval:</b>	<b>Full Board</b>
<b>Date of Review:</b>	<b>September 2023</b>
<b>Next Review:</b>	<b>3 years or upon legislative change</b>
<b>Distribution:</b>	<b>Public, on website</b>

## **1. Introduction and Context**

The Public Interest Disclosure Act 1998 came into force in 1999. It applies to all organisations. It protects workers from victimisation when they blow the whistle inside and – where there is a good reason – outside an organisation. It encourages people to raise concerns about malpractice in the workplace. It helps ensure that organisations are able to focus on the message rather than the messenger, so that serious malpractice is not covered up.

Workers are often the first to realise that there may be something seriously wrong within a school. However, they may not voice their concerns because they feel that speaking out would be disloyal to their colleagues or the school. They may also be worried about being harassed or victimised. In these circumstances, some people might find it easier to ignore the issues, rather than report what may be just a suspicion of malpractice.

It is important to strike a balance between the right of the individual member of staff to speak freely and the right of the school or colleagues to protect themselves against false or malicious accusations.

This policy document confirms that staff at Kingstone Academy Trust will be able to express their concerns without fear of being victimised, or penalised in any way. It aims to encourage and enable staff to raise concerns internally, rather than ignoring the problem or taking it outside the organisation.

## **2. Definition**

***A whistle blowing policy procedure is about the ways in which concerns about malpractice may properly be raised within the school and if necessary outside, whilst protecting whistle blowers from dismissal and victimisation.***

Whistle blowing inside the work place is defined as the reporting by workers or ex-workers of wrongdoing 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 Board of Trustees or by fellow employees. Workers may include volunteers, contractors and outside agencies or others.

## **3. Aims**

Kingstone Academy Trust trustees and managers are committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment we expect staff to tell us about any serious concerns they might have about any aspect of KAT's work or colleagues.

All staff have a legal duty to pass on any concerns involving the safeguarding or protection of children to the LCPO or CPO. This will include concerns about fellow professionals, or anyone who works with or comes into contact with, children. We recognise that most cases will have to proceed on a confidential basis.

### **3.1 Concerns**

This procedure should be used to raise serious concerns. These include:

- conduct which has failed, or is likely to fail, to comply with a legal obligation;
- disclosures related to miscarriages of justice;
- actions which endanger the health or safety of any individual, including risks to children or the public as well as other workers;
- damage to the environment;
- theft or misuse of school property or assets;
- the unauthorised use of public funds;
- possible fraud or corruption;
- serious departure from professional standards;
- sexual or physical abuse of children / service users / workers;
- neglect or emotional abuse of children in the institution;
- serious breach of KAT regulations;

This is not a complete list.

Students may also have information which should be raised in the public interest. There should be proper procedures in place for them to air their concerns, such as a students' complaints procedure.

The **CEO / Headteacher** should provide guidance to staff on:

- How to raise the concern;
- The importance of acting swiftly;
- The right to seek advice from their trade union representative and/or a HR adviser;
- How the Headteacher/Chair of Trustees might respond in different situations such as child protection issues or discrimination;
- Who may be consulted/informed;
- Timescales for a response;
- Where to seek confidential advice and further information – this may be from the local authority, trade unions or other relevant professional bodies or regulatory organisations;
- Where to turn if they feel the concern has not been addressed adequately.

### **3.2 Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower. However, in order to investigate the matter properly, the investigating officer may need to ask for files or question other employees, so it is impossible to guarantee complete confidentiality.

Some cases are clearly so serious that police may have to be involved. In these cases it may be necessary to reveal the identity of individuals.

While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential.

### **3.3 Untrue Allegations**

If allegations are made in good faith but it is not confirmed by the investigation no action will be taken against the whistle blower. If, however, the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual under the Academy's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

### **3.4 Role of Trade Unions**

The Trustees recognise that individuals may wish to seek advice and be represented by their trade union when following these procedures. We actively encourage trade union support for any member of staff who raises concerns.

### **3.5 Responding to a Concern**

We will always respond to concerns, but an investigation does not mean that we have accepted or rejected concerns.

## **4. The Procedure to be Followed**

- 4.1 Any issue raised will be kept confidential while the procedure is being used.
- 4.2 The Representor (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing.
- 4.3 However, if the concern relates to the Representor's line manager or any person to whom he or she reports, other than the CEO, the Representor should raise the issue with the CEO.
- 4.4 If the concern relates to the CEO, the Representor should raise the matter with the Chair of the Board of Trustees.
- 4.5 The person with whom the matter is raised is referred to as the "Assessor". The Assessor will:
- 4.5.1 Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
  - 4.5.2 Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
  - 4.5.3 Consult with the Representor about further steps which could be taken;
  - 4.5.4 Advise the Representor of the appropriate route if the matter does not fall under this Procedure.
- 4.6 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy staff to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

- 4.7 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
- 4.7.1 The matter be further investigated internally by the Academy;
  - 4.7.2 The matter be further investigated by external consultants appointed by the Academy;

- 4.7.3 The matter be reported to an external agency;
- 4.7.4 Disciplinary proceedings be implemented against an employee;
- 4.7.5 The route for the Representor to pursue the matter if it does not fall within this procedure; or
- 4.7.6 That no further action is taken by the Academy.

4.8 The grounds on which no further action is taken include:

- 4.8.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- 4.8.2 The Assessor is satisfied that the Representor is not acting in good faith;
- 4.8.3 The matter is already (or has been) the subject of proceedings under one of the Academy's other procedures or policies;
- 4.8.4 The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.

4.9 The recommendation of the Assessor will be made to the CEO. However, should it be alleged that the CEO is involved in the alleged wrongdoing; the recommendation will be made to the Board of Trustees

4.10 The CEO or Chair of Trustees, as appropriate, will ensure that the recommendation 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 Board of Trustees.

4.11 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- 4.11.1 Where the Assessor is under a legal obligation to do so;
- 4.11.2 Where the information is already in the public domain; or
- 4.11.3 On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

4.12 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview.

4.13 All responses to the Representor will be made in writing and sent to the Representor's home address.

4.14 If the Representor has not had a response within the above time limit or such reasonable extension as the Academy requires, the Representor may go to an appropriate external agency, but will inform the Assessor before doing so.

4.15 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **5. Monitoring and Review**

The Board of Trustees will monitor awareness of this policy as part of its regular surveys of staff.

Any complaints and the action taken will be documented and a summary included in the CEO termly report to the trustees, with advice on any implications for policies and practice.