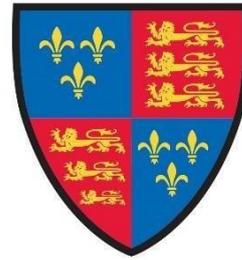




**KING EDWARD VI
FOUNDATION
BIRMINGHAM**

Educational excellence for our City



**KING EDWARD VI
ACADEMY TRUST
BIRMINGHAM**

Whistleblowing Policy and Procedure

Responsible Board/Committee	Academy Trust Board Foundation Board
Policy Type	Central Policy (Group A)
Policy Owner	Head of Governance
Statutory	Yes
Publish Online	Yes
Last Review Date	March 2024
Review Cycle	3 Years This policy will not expire but will be reviewed as per its designated cycle. This policy remains effective whilst the review is taking place and will only become non-applicable once the updated version has been approved.
Next Review Date	March 2027
Version	4

1. Policy Statement

- 1.1 The purpose of this policy is to set out a framework outlining The Schools of King Edward VI in Birmingham (the 'Foundation Charity') and the King Edward VI Academy Trust (the 'Academy Trust') (collectively the 'Foundation') approach to whistleblowing.
- 1.2 The Staff and Governors/Trustees of the Foundation seek to run all aspects of business and activity with full regard for high standards of conduct and integrity. In the event that members of staff, parents, governors, or the school community at large become aware of activities that give cause for concern, the Schools have established the following whistleblowing policy or code of practice. This will act as a framework to allow concerns to be raised confidentially and provide for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.
- 1.3 The Foundation is committed to tackling fraud and other forms of malpractice and treats these issues seriously. It recognises that some situations may be extremely sensitive and has therefore developed a system that allows for the confidential raising of concerns within the school environment and provides recourse to an external party outside the management structure.
- 1.4 The Foundation is committed to creating a climate of trust and openness so that a person with a genuine concern or suspicion can raise it with full confidence that it will be appropriately considered and resolved.
- 1.5 The provisions of this policy apply to matters of suspected fraud and impropriety, not to matters of more general grievance, which would be dealt with under the grievance procedures.

2. Introduction

- 2.1 All persons employed by the Foundation are under an obligation implied in their contract of employment to give honest and faithful service to their employer. This includes an obligation not to disclose any trade secrets or confidential information acquired during the course of employment to external sources, and not to act in a manner that will undermine the mutual trust and confidence on which the employment relationship is based. The Public Interest Disclosure Act 1998 (PIDA) complements those obligations by providing protection to employees for disclosures made in the public interest regarding certain specific types of information, which in most cases will be confidential.
- 2.2 This Policy is designed to address disclosures by employees of information relating to danger, bribery, corruption, fraud, or other unlawful or unethical conduct in the workplace. Employment legislation governs the making of disclosures concerning workplace activities. It is intended to protect employees who blow the whistle on bad practice from any detriment or unfair dismissal. This Policy is available to all employees who discover something they believe should be passed on in the public interest. All types of wrongdoing are included, whether they are acts committed by fellow employees, faults in School procedures, or oversights which should be rectified. The Policy should be used even if the act or omission causing you concern has already occurred or has not yet started.

- 2.3 This Policy enables employees and other persons working for the Foundation or on our premises, as well as suppliers and service providers under contract with the Foundation, to confidentially voice concerns about suspected malpractice or wrongdoing.

3. Definitions

- 3.1 The Schools of King Edward VI in Birmingham (the 'Foundation Charity') (registration no. 529051) comprises the two Independent Schools and the Foundation Office. The King Edward VI Academy Trust Birmingham (the 'Academy Trust') (registration no. 10654935) incorporates the Academies. (The Foundation Charity and the Academy Trust are collectively the 'Foundation'.)
- 3.2 In this Policy, 'Employee' means any person employed by or who volunteers (i.e., Governors and Trustees) for the Foundation Charity or the Academy Trust. For the avoidance of doubt, this definition includes all personnel training on the King Edward's Consortium initial teacher training programmes.

4. Legislation

- 4.1 The European Convention on Human Rights was incorporated into UK law by the Human Rights Act 1998 and the Public Interest Disclosure Act 1998 (PIDA), which reflects Article 10 of the Convention by providing the right to freedom of expression. The PIDA came into force on 2 July 1999 and offers a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing. Further provisions were introduced by the Enterprise and Regulatory Reform Act 2013.
- 4.2 Keeping Children Safe in Education imposes a statutory duty on schools to provide a mechanism for individuals to raise concerns about poor or unsafe practice and potential failures in a school's safeguarding regime, and to ensure that such concerns are taken seriously by the senior leadership team.
- 4.3 The term 'whistleblowing' has no legal definition in EC or UK law; however, it has been used to describe incidents in which an employee (for these purposes, including not only employees but also workers and other staff members) reports alleged wrongdoing within an organisation. In this policy, 'whistleblowing' means the reporting of suspected misconduct, illegal acts or failure to act within the Foundation.

5. Employer Responsibilities

- 5.1 As an employer, it is good practice to create an open, transparent and safe working environment where workers feel able to speak up. A whistleblowing policy demonstrates an employer's commitment to listening to workers' concerns. By having clear policies and procedures for whistleblowing, an organisation demonstrates that it welcomes information brought to management's attention. This is also demonstrated by the following:

- Recognising that workers are valuable eyes and ears.
 - Getting the right culture.
 - Training and support.
 - Being able to respond.
 - Better control.
 - Resolving the wrongdoing quickly.
- 5.2 The Heads of the Schools are responsible for ensuring that this policy is communicated to all staff, and that the CEO communicates it to all Foundation Office staff.

6. When might the Whistleblowing Policy apply?

- 6.1 Concerns to be reported under this Policy may relate to something that involves an issue in the public interest where the individual raising the concern has a reasonable belief that it is either happening, has taken place, or is likely to happen in the future.
- 6.2 A “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the member of staff making the disclosure, tends to show one or more of the following:
- I. That a criminal offence has been committed, is being committed or is likely to be committed, e.g., fraud and deceit, manipulation of accounting records and finances, decision-making for personal gain, abuse of position.
 - II. That a person has failed, is failing, or is unlikely to comply with any legal obligation to which they are subject (i.e., the School is breaking the law) - e.g., not having appropriate insurance, inappropriate use of school assets or funds, serious breaches of procedures which may advantage a particular party (e.g., tampering with tender documentation, failure to register a personal interest).
 - III. That a miscarriage of justice has occurred, is occurring or is likely to occur.
 - IV. That the health or safety of any individual has been, is being or is likely to be endangered.
 - V. That the environment has been, is being or is likely to be damaged.
 - VI. That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- 6.3 This policy also applies to behaviour likely to bring the Foundation into disrepute or to attract public opprobrium.
- 6.4 The Whistleblowing Policy is not intended to replace existing procedures:
- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures.
 - If a person has a concern about services provided to them, it should be raised via the Complaints Policy.
- 6.5 If, in the course of investigation, any concern raised in relation to the above matters appears to the investigator to relate more appropriately to a grievance, bullying or harassment, or discipline, those procedures will be invoked, instead of or, where

appropriate, in addition to this procedure.

7. Raising a Concern

- 7.1 If an employee experiences something in the workplace that they perceive as wrongdoing, it is important that the concern is raised straight away. Proof is not required as this is the Foundation's responsibility to acquire. The employee must, however, have a reasonable belief that disclosing the information is in the public interest before raising a concern using the procedure set out in this Policy.
- 7.2 The whistleblower should raise the matter internally in the first instance, to allow school staff and governors/trustees in positions of responsibility and authority the opportunity to right the wrong and provide an explanation for the behaviour or activity.
- 7.3 A number of individuals have been designated to address such matters, and the whistleblower is invited to select the individual most appropriate to address the matter.

For school-based staff:

Head of Department/Line Manager; or

Chief Master/Head Teacher; or

Chair of Governors of the school concerned; c/o the Foundation Office, Edgbaston Park Road, Birmingham, B15 2UD; or

Head of Governance, c/o the Foundation Office, Edgbaston Park Road, Birmingham, B15 2UD deborah.canton@kevibham.org

For staff not attached to any school or for matters not pertaining to any school:

Head of Department/Line Manager; or Chief Executive Officer; or

Head of Governance, c/o the Foundation Office, Edgbaston Park Road, Birmingham, B15 2UD cosec@ske.uk.net; or

The Chair of the Foundation Audit Committee; c/o the Foundation Office, Edgbaston Park Road, Birmingham B15 2UD;

The Chair of the Academy Trust Audit Committee; c/o the Foundation Office, Edgbaston Park Road, Birmingham B15 2UD;

The Chair of the Academy Trust Board; c/o the Foundation Office, Edgbaston Park Road, Birmingham B15 2UD (for Academies); or

The Chair of the Foundation Board; c/o the Foundation Office, Edgbaston Park Road, Birmingham B15 2UD.

- 7.4 Provided that this Policy is used appropriately and correctly, you will not suffer any detriment as a result of reporting the wrongdoing. A failure to follow this Policy, however, may affect whether the disclosure is protected under this Policy and may affect the legal protections available, depending on the circumstances.
- 7.5 The whistleblower may prefer to raise the matter in person, by telephone, by email, or in writing, marked private and confidential, and addressed to one of the above individuals. All matters will be treated in strict confidence, and anonymity will be respected wherever possible.
- 7.6 Procedures for dealing with such matters have been developed and will be applied, and every effort will be made to protect the whistleblower's confidentiality. This Policy ensures that relevant external bodies are informed if necessary.

8. Bypassing the Procedure

- 8.1 In extreme circumstances (where you have a reasonable belief that the School will subject you to detriment, or the School is mounting a cover-up, or you have not received a response to your allegation), you will have the right to raise your concern directly with a relevant and appropriate outside body. This may, however, cause damage to the School and its reputation, as well as constitute a breach of your duty of confidentiality towards the School. This action should be taken only in extreme circumstances and after careful consideration.

9. Outside Body

- 9.1 If you do not receive a response within seven days, you shall be entitled to notify a relevant and appropriate body outside the School, which may include:
- The Local Authority Designated Officer;
 - Children's Social Care;
 - The NSPCC Whistleblowing Helpline;
 - The Health and Safety Executive;
 - The Environment Agency;
 - The Information Commissioner;
 - The Department for Education (DfE);
 - The Department for Business and Trade;
 - The Police;
 - The Charity Commission;
 - The Office for Standards in Education, Children's Services and Skills (Ofsted).

10. The Media

- 10.1 Even where extreme circumstances are thought to exist, you should not, except where permitted by law and after taking independent advice (e.g., Protect/ACAS/legal advice) approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and/or where your concern is disclosed for personal gain, the School may consider this to be gross misconduct, and immediate disciplinary action may be taken against you. Any individual who approaches the media

before following due process as set out in this Policy is unlikely to be protected by whistleblowing law.

11. Independent Advice and Further Reading

- 11.1 Individuals who feel unsure about whether or how to raise a concern, or who want confidential advice, can contact the independent charity Protect on 020 3117 2520 or email whistle@protect-advice.org.uk. Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work.
- 11.2 Free information and advice can also be obtained from the Advisory, Conciliation and Arbitration Service (ACAS) – Telephone: 0300 123 1100.
- 11.3 Additional information is available at www.gov.uk/whistleblowing, within 'Keeping Children Safe in Education' (DfE).
- 11.4 There may be occasions, for whatever reason, where the whistleblower feels uncomfortable about reporting the matter within the organisation. There are other ways, some of which are set out in law, that a worker may make a disclosure without losing their rights under whistleblowing law. One option for external disclosures of this type is Prescribed Persons. Prescribed Persons are mainly regulators and professional bodies, but also include other persons and bodies, such as MPs.
- 11.5 The Prescribed Persons Order 2014 lists over 60 organisations and individuals whom a worker may approach outside their workplace to report suspected or known wrongdoing. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with the sector, often as a regulatory body. The relevant contacts for the Foundation are:

The Charity Commission for England and Wales – about the proper administration of charities in England and Wales and of funds given or held for charitable purposes in England and Wales.

Tel: 0300 066 9197

Email:

whistleblowing@charitycommission.gov.uk

www.charitycommission.gov.uk

Secretary of State for Education – about matters relating to the following educational institutions in England: Independent schools (including academies and free schools). Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD

Tel: 0370 000 2288

Online contact form <https://www.gov.uk/contact-dfe>

12. What information to include when raising a concern

- 12.1 When raising a concern under this procedure, an employee should provide the following information where possible:
 - The nature of the concern and its key elements.

- When it happened.
 - Who was involved.
- 12.2 In addition to details of the concern, an employee should try to provide the following information:
- The background and reason behind the concern.
 - Whether they have already raised a concern with anyone, and the response.
 - Any other relevant dates.
 - If applicable, any personal interests must be declared from the outset.
- 12.3 It is important that matters are not investigated by employees themselves. Proof is not needed, just a reasonable, honest belief that wrongdoing has occurred or is likely to occur.

13. Appointing an investigating officer

- 13.1 The appropriate investigator should possess all the following:
- An ability to investigate objectively without bias.
 - No stake in the outcome. The investigator should not have a personal relationship with the involved parties. The outcome should not directly affect the investigator's position within the organisation.
 - Skills that include prior investigative knowledge and a working knowledge of employment laws.
 - Strong interpersonal skills to build a rapport with the parties involved and to be perceived as neutral and fair.
 - Attention to detail.
 - The right temperament to conduct interviews.

14. Investigation

- 14.1 All investigations will be conducted sensitively, as quickly as possible depending on the complexity, and in accordance with this procedure. The investigation should be concluded within 2 months of the matter being raised, though some scenarios may require a longer timeframe. While the Foundation cannot guarantee that the outcome will be as the whistleblower may wish, the matter will be handled fairly and in accordance with this Whistleblowing Policy.
- 14.2 The individual listed in Section 7 to whom the concern has been raised will establish and record the basis of the concern, determine whether the concern falls under this Policy, and appoint an appropriate, impartial Investigating Officer to carry out the investigation.
- 14.3 The Chief Executive Officer will be informed of all reported disclosures and the actions being taken unless it is inappropriate to do so. The whistleblower will remain confidential in this instance.
- 14.4 The Investigating Officer, along with the individual to whom the whistleblowing was reported, will seek to establish the facts of the matter and assess whether the concern is justified and can be resolved internally.

14.5 Within five working days of a concern being received, the appointed Investigating Officer must write to the whistleblower and include the information listed below, as appropriate:

- Acknowledging that the concern has been received
- Requesting a meeting to establish further details

The whistleblower may choose to be accompanied by a work colleague or a union representative at the meeting.

If the whistleblower prefers, the meeting can be conducted by telephone or virtually rather than in person.

14.6 At that meeting, the Investigating Officer will work together with the whistleblower to establish the facts, including:

- The background and history of the concerns to obtain as much information as possible.
- Names, dates, and places (where known).
- The reasons why the employee is particularly concerned about the situation and the grounds for their belief of malpractice.
- Consulting with the employee about further steps that could be taken.

14.7 The Investigating Officer should explain to the whistleblower:

- The name/role of the investigator appointed.
- What steps they intend to take to address the concern.

14.8 Once all relevant information has been obtained from the whistleblower, the Investigating Officer will determine whether the disclosure meets the definition of a 'disclosure' under this policy and, if so, what form the investigation should take, and if any external agencies need to be informed, i.e., Police, DfE, Charity Commission, ICO. Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required, this may be taken before any investigation is conducted. The decisions and actions will be recorded.

14.9 The Investigating Officer may seek support from the Head of Governance when carrying out an investigation.

14.10 If no investigation is appropriate, the Investigating Officer shall write to the employee within three working days of the decision, giving full details. Where a disclosure falls outside the scope of this Policy, the Foundation will advise the whistleblower and consult with them regarding taking the matter further, if appropriate. Where an investigation will proceed, the Investigating Officer shall write to the whistleblower explaining:

- How they will communicate with the employee during and at the end of the process, and that a written response will be sent out within ten working days.
- Likely timescales.
- That their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, this will be discussed with the employee before

- their name is disclosed.
- That the School will do all that it can to protect the employee from discrimination and/or victimisation.
 - That the matter will be taken seriously and investigated immediately.
 - That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.
 - If clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them.
- 14.11 The investigation may confirm the allegations to be unfounded, in which case the Foundation will deem the matter concluded, and they will be expected not to raise the concern again unless new evidence becomes available.
- 14.12 The grounds on which no further action is taken may include:
- The concern does not fall within this Policy.
 - The Investigating Officer 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.
- 14.13 In cases involving anonymous allegations, it may be necessary to consider whether any further action is possible. When making this decision, the Investigating Officer should take the following factors into account:
- The seriousness of the issue(s) raised.
 - The credibility of the concern(s).
 - The likelihood of confirming the allegation(s) from attributable sources.
- 14.14 Any investigation may involve third parties to provide further information, advice, or assistance, for example, other members of the school staff, the school's external auditors, legal or personnel advisors, the police, the Department for Education, or the Charity Commission.
- 14.15 Records will be kept of work undertaken and actions taken throughout the investigation. The Investigating Officer will consider how best to report the findings and what corrective action is required, which may include disciplinary action or a referral to a third party, such as the police.
- 14.16 Where a longer period is needed for investigation, the whistleblower will be informed in writing of the reason for the delay and an estimated timescale. Any information provided about the investigation must be treated as confidential. In some cases, the need for confidentiality may prevent the Foundation from providing specific details of the investigation and/or outcomes.
- 14.17 The whistleblower will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the appropriate Governing Body/committee.

15. Reporting Outcomes

- 15.1 Subject to any legal constraints, the whistleblower will be informed in writing by the Investigating Officer of the final outcome of any investigation, including how the matter has been addressed and any recommendations for further action, within ten working days of the completion of the investigation. If there are legal constraints, e.g., a criminal investigation, the whistleblower will receive sufficient information about the outcome of any investigation to be informed that the concern has been addressed.
- 15.2 The Audit, Risk and Compliance Committee will be informed of all reported disclosures and the actions being taken unless it is inappropriate to do so. The whistleblower will remain confidential in this instance.
- 15.3 A copy of all documents relating to any investigation will be passed to the Head of Governance for filing. Investigation files are retained for five years.
- 15.4 If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter, or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the Investigating Officer in the first instance. If these concerns remain unresolved, then the whistleblower should contact the Head of Governance or the Chair of the relevant Governing Body/Chair of the Foundation Board/Chair of the Academy Trust Board, as appropriate.

16. Respecting Confidentiality

- 16.1 Wherever possible, the Foundation seeks to respect the confidentiality and anonymity of the whistleblower and will, as far as possible, protect them from reprisals. It will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised, and will consider any necessary disciplinary or corrective action appropriate to the circumstances. However, whilst confidentiality will be maintained as far as possible, in some circumstances the law may require the identity of the whistleblower to be disclosed.
- 16.2 Individuals who raise concerns reasonably, responsibly, and in the appropriate manner will not be penalised in any way and will be protected from harassment and victimisation. This will still apply if an individual raises a concern based on information given to them in confidence.

17. Anonymous Allegations

- 17.1 Individuals are encouraged to come forward in good faith with genuine concerns, with the knowledge that they will be taken seriously.
- 17.2 This Policy encourages individuals to put their names to allegations whenever possible. If individuals choose not to disclose who they are any action taken to look into an anonymous disclosure, and the ability to ask follow-up questions or provide feedback, will be limited if the whistleblower cannot be contacted.

Where the whistleblower remains anonymous, the investigator will report the outcome of the investigation to the CEO, Head of Governance, and the Head, unless the Head is the subject of the allegation, in which case the CEO will report the outcome to the School Governing Body Chair and the Head.

Anonymous whistleblowers may seek feedback via a telephone appointment or an anonymised email address.

- 17.3 That said, anonymous disclosures are preferable to silence about serious wrongdoing or danger and will still be appropriately investigated if sufficient specific information is provided to enable this to happen.

18. Whistleblowing by members of the public

- 18.1 Unlike disclosures by employees, PIDA does not offer legal protection for disclosures made by members of the public. However, the Foundation will take reasonable and appropriate action to protect members of the public when they make a disclosure.
- 18.2 The Foundation considers that any disclosure by members of the public of serious misconduct should be handled in the same way as disclosures by employees.
- 18.3 Once the Foundation has received a disclosure from a member of the public it will be handled under this Policy's procedures as far as appropriate, recognising that PIDA protections do not apply to members of the public

19. Raising Unfounded Malicious Concerns

- 19.1 Employees are encouraged to raise concerns when they believe there is a potential issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.
- 19.2 If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

20. Conclusion

- 20.1 Existing good practice within the Foundation in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the organisation operates, ensures that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework for raising issues confidentially internally and, if necessary, outside the management structure. This document is a public commitment that concerns are taken seriously and will be actioned.
- 20.2 The Whistleblowing Policy is intended to provide employees with a procedure for raising concerns and resolving these within the School. If an employee is not satisfied with the response, the Investigating Officer should ensure that they are

made aware of whom they may raise the matter externally, such as:

- whistle@protect-advice.org.uk
- Recognised trade union.
- Relevant professional bodies or regulatory organisations.
- A solicitor.
- A list of prescribed bodies to whom staff can raise concerns is included here.

20.3 The Investigating Officer should stress to the employee that if they choose to take a concern outside the School, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e., confidential information, in whatever format, is not handed over to a third party.

20.4 The whistleblower may consider seeking support from:

- Chair of Governing Body/Academy Trust Chair/Foundation Chair.
- Cluster Lead.
- HR Partner for School.
- [Education Support, supporting teachers and education staff](#).
- Headrest.