



Kip McGrath South Lakes Whistleblowing Policy

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Introduction

Kip McGrath South Lakes Academy is committed to the highest of standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of Kip McGrath South Lakes Academy 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 – though in the context of Kip McGrath South Lakes Academy the line manager is the appropriate person to be told.

The Public Interest Disclosure Act, 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Kip McGrath 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 Kip McGrath South Lakes Academy, 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 of Kip McGrath South Lakes Academy.

Scope of Policy

This policy is designed to enable employees of Kip McGrath South Lakes Academy 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, for example, disciplinary.

The policy aims to:

- Gives confidence to staff members regarding raising concerns about conduct and practice
- Provides staff members with a procedure to follow for raising concerns
- Ensures that staff members receive a response to their concerns and receive any feedback on any action taken
- Offer assurance that staff members are protected from any form of victimisation for whistleblowing when undertaken in good faith.

Kip McGrath South Lakes Academy Whistleblowing policy covers any whistleblowing relating to alleged:

- Unlawful conduct
- Miscarriages of justice in the conduct of statutory or other processes
- Failure to comply with a statutory or legal obligation
- Potential maladministration, misconduct or malpractice
- Health and safety issues including risks to the public as well as risks to students and staff members
- Action that has caused or is likely to cause danger to the environment
- Abuse of authority
- Unauthorised use of public or other funds
- Fraud or corruption
- Breaches of financial regulations or policies
- Mistreatment of any person
- Action that has caused or is likely to cause physical danger to any person or risk serious damage to Kip McGrath South Lakes Academy property
- Sexual, physical or emotional abuse of staff members or pupils
- Unfair discrimination or favouritism
- Racist incidents or acts, or racial harassment
- Any attempt to prevent disclosure of any of the issues listed.

Safeguards

1. Protection

This policy is designed to offer protection to those employees of Kip McGrath South Lakes Academy 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. 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

2. Confidentiality

Kip McGrath South Lakes Academy will treat any 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.

3. Anonymous Allegations

This policy encourages staff members 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 Kip McGrath South Lakes Academy

In exercising this discretion, the factors taking into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

4. 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.

5. Allegations Concerning Child Protection Issues

Kip McGrath South Lakes Academy has a designated Child Protection Officer (CPO) as shown on the front of this policy. This is the franchise owner of Kip McGrath South Lakes Academy. It is the CPO's role to monitor and implement this policy and deal with reports of abuse/neglect. The reporting procedure differs depending upon the role of the person making the report – see Child Protection Policy for details.

Procedures for Making a Disclosure

Concerns should be submitted in writing to Tunde Christie Manager of Kip McGrath South Lakes Academy. If the concern involves the manager, then concern should be expressed to Kip McGrath Education Centres Head Office UK. It is expected that the person receiving the allegation will become the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

If you feel that you cannot express your concerns within Kip McGrath South Lakes Academy, it is open to you to raise your concern with someone outside of Kip McGrath South Lakes Academy from the list of organisations in the section of this policy 'Taking the Matter Further'. However, it would usually be expected that the franchise owner Tunde Christie would be the person to whom you express your concerns outside of the school.

Where the concern relates to a child protection matter, if you do not want to raise this through Kip McGrath South Lakes Academy, you must consult the LEA officer designated to lead on child protection or if that person is not available, the local authority's designated social services manager for child protection. If the concern needs to have police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing, you can still raise your concern verbally and should telephone or arrange to meet the appropriate person.

Response to Whistleblowing

The matter raised may:

- Need inquiry internally in Kip McGrath South Lakes Academy
- Need to be passed to the Police if it relates to alleged criminal activity
- Need to be referred to the LEA officer designated to lead on child protection if there is a concern relating to child protection, or if that person is not available the local authority's designated social services manager for child protection

At this stage concerns/allegations are neither accepted nor rejected

Timescale for Response

You will normally receive a written response within 5 working days (except in the case of anonymous allegations):

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Advising whether any enquiries have been made
- Advising whether further enquiries will take place
- Informing you of support available whilst matters are looked into, and
- Maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

The Inquiry Process

The Investigating officer will:

- Look into the allegation – seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistle-blower can remain anonymous.
- If appropriate, for concerns of criminal behaviour refer the matter to the Police.
- If appropriate, for concerns of child protection, refer the matter to the LEA officer designated to lead on child protection/local authority social services designated manager for child protection. The Whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

The Inquiry Report

Following completion of the inquiry process the investigating officer will make a written report and if necessary, action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistle-blower will also be notified of the outcome. The report will not contain the whistle-blower's name unless you have expressly stated that you wish to be named.

If the investigation was carried out by a person other than the franchise owner, the written report must be submitted to the franchise owner to determine what further action (if any) is required. When considering further actions, the franchise owner must act on any recommendations made in the report. If the franchise owner cannot agree on further actions advise must be sought from relevant governing bodies

Taking the Matter Further

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under Kip McGrath South Lakes Academy's complaints procedure or raise your concerns with other organisations as listed below:

- The local authority
- The police – for concerns of criminal behaviour
- Social services, child services or other government department – relevant to complaint
- Public Concern at Work (An independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 02074046609 or www.pcaw.co.uk).