



## Whistleblowing and Serious Misconduct Policy

The Governors of Queensbridge School adopt Birmingham Local Authority's Whistleblowing and Serious Misconduct Policy. As Queensbridge is a Foundation School, if a whistleblower does not want to make a qualifying disclosure to the school, they can contact the Birmingham City Council on [whistleblowing@birmingham.gov.uk](mailto:whistleblowing@birmingham.gov.uk) (item 7.1).

Lead Governor & Member of SLT:	Mr S Lewis & HT
To be approved by:	Strategy Committee
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**Queensbridge School**  
*Queensbridge Road, Moseley, Birmingham B13 8QB*

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## 1. Introduction

1.1 Queensbridge School is committed to ensuring that it, and the people working for it, complies with the highest standards of openness, honesty and accountability. The school is not prepared to tolerate improper practice and/or wrongdoing. In line with that commitment, we expect employees, and others that we deal with, who have any serious concerns about any aspect of the school's work to come forward and voice those concerns. Wherever possible, individuals are encouraged to use relevant school procedures to report issues in an open and transparent way.

1.2 Individuals within the school can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within the school. However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of wrongdoing.

1.3 This Policy and the associated Procedure does not form part of any employee's contract of employment, any other contract or any service agreement. It may be amended at any time. Queensbridge School reserve the right to vary any part of the policy and procedure, including any timeframes. Any changes to this policy and procedure will be meaningfully consulted upon with our recognised Trade Unions.

1.4 'Whistleblowing' is the term used when an individual passes on information concerning serious wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) (PIDA).

1.5 The information passed on must always be more than a general assertion (or an un-particularised allegation), or mere opinion. In this policy, receipt of any such information will simply be referred to as a "**disclosure**".

1.6 An individual includes a direct employee of the school, agency staff, contractor or consultant, volunteers and elected members doing work for the school, collectively referred to in this policy as "**individuals**".

1.7 To this end, where the policy makes references to a "**Whistleblower**", it refers to individuals who make a disclosure.

1.8 This policy is designed to provide guidance on how an individual should report any suspected serious misconduct as well as reassurance that any disclosure can be made safely.

1.9 This policy in addition to the school's complaints procedures and other statutory reporting procedures applying to some services.

1.10 This policy seeks to:

- 1.10.1 encourage Whistleblowers and/or their representatives to feel confident in raising disclosures in the public interest about suspected serious misconduct in the school;
- 1.10.2 set out how the school will handle and respond to disclosures and what you can do if you are not satisfied with the feedback received;
- 1.10.3 reassure Whistleblowers that they will be protected from possible reprisals or victimisation if there is a reasonable believe that the disclosure made is in the public interest; and
- 1.10.4 ensure consistency and fairness in dealing with whistleblowing across the school.

1.11 Where any individual reasonably believes:

- 1.11.1 they are acting in the public interest; and
- 1.11.2 that the disclosure shows past, present or likely future wrongdoing by the school, members and/or individuals undertaking work for the school (whether employees, contractors, suppliers or consultants) falling into one or more of the following categories:

- failure to comply with a legal obligation or statutory obligation;
- a criminal offence;
- a miscarriage of justice;
- a danger to the health or safety of any individual or damage to the environment,
- Sexual harassment or;
- information tending to show that any of the above matters is being deliberately concealed;

these concerns should be reported and the school will assess the disclosure and, where appropriate, investigate and take action accordingly.

1.12 The school may, where such behaviour has been identified, take disciplinary action against any employee responsible for harassment, victimisation, or unfair treatment against a Whistleblower as a result of the disclosure they have made.

## 2. Exemptions

2.1 This policy will not apply where there is already an appropriate procedure in place for dealing with the concern. Specifically, this policy is not designed to be used:

a) for raising or reconsideration of matters that come under existing internal procedures following initial assessment e.g. Grievance, Disciplinary, Capability, Dignity at Work or the School's general complaints procedure; or

b) for allegations that fall within the scope of specific statutory procedures (for example child or vulnerable adult protection) which will normally be referred for consideration under the relevant process, unless the Whistleblower has good reason to believe that the appropriate process is not being followed or will not be followed effectively, in which case the provisions of this policy shall apply in relation to that allegation; or

c) as an appeal process from any complaint or grievance handled under any of the above procedures.

2.2 Where a disclosure falls outside the scope of this policy, the school will advise the Whistleblower of this and consult with them in respect of taking the matter further, if appropriate. Wherever possible, the school will comply with the reasonable views of the whistleblower in relation to the disclosure of information, but there may be situations where the school is legally required to pass on details of a disclosure, without the consent of the Whistleblower, such as in Police investigations or legal proceedings.

2.3 Likewise, if a disclosure made under a separate School procedure falls under the remit of a “serious misconduct”, the school will notify the Whistleblower of this and investigate the allegation under this policy instead.

### **3. Disclosures made by Individuals**

3.1 This is called making a “Protected Disclosure” under PIDA, and when it is made in the public interest and in accordance with this policy, an employee or worker (including agency workers and individuals supplied to work via an intermediary where the agency or intermediary introduces them to or finds them the post, and the terms of their employment are substantially determined by the agency or the school) are legally protected from harassment or victimisation and will not be subject to any other detriment as a result of the disclosure.

3.2 PIDA will protect any employee or worker making a protected disclosure, irrespective of whether or not the disclosure relates to information gained in the course of their employment (e.g. a protected disclosure made by an employee acting as a service user would still fall under the PIDA protection).

3.3 If an individual does not feel comfortable making a disclosure to the school, they shall be entitled to make a disclosure to other prescribed persons. For further information, please see Schedule 1.

### **4. Protecting an employee whistleblower**

4.1 Individuals should feel safe making a disclosure and are protected against repercussions if:

- they reasonably believe that the information disclosed, and any allegations contained in it, are substantially true;
- they think they are telling the right person; and
- they believe that their disclosure is in the public interest.

even if the disclosure turns out to be mistaken.

4.2 the school is committed to preventing harassment or victimisation. If an employee claims that, despite that commitment, they have been victimised for making a disclosure, they should make a further complaint under this whistleblowing procedure directly to School and Governor support.

4.3 Any allegation that an employee has victimised a Whistleblower will be taken seriously by the School and managed appropriately, however a decision on whether it has occurred can only be determined by an employment tribunal in appropriate cases.

## **5. Advice to employees wishing to make a disclosure**

5.1 The school hopes that individuals have the confidence to use our internal procedures, however individuals can also seek independent advice, for example, from their trade union or the charity Protect (0203 117 2520- <https://protect-advice.org.uk>), to see whether the information which they wish to report would be a disclosure under this policy, or some other procedure.

## **6. How to report a concern**

6.1 An individual who wishes to report any concerns to the school should contact the school either by

e-mail to [governors@queensbridge.bham.sch.uk](mailto:governors@queensbridge.bham.sch.uk)

post to: - **Whistleblowing**

**c/o the Clerk to the Governing Body**

**Queensbridge School**

**Queensbridge Road**

**Moseley**

**Birmingham**

**B13 8QB**

or

telephone: - **0121 464 5566**

setting out the following information:

- Name (unless they wish to be anonymous)
- Contact details (unless they wish to be anonymous – although please note that it will not be possible to provide feedback on the concern if no contact details are provided)
- Who has committed the alleged serious misconduct?
- What is the nature of the alleged serious misconduct? (please include as much background and history (including dates) as possible and why you are concerned about the situation).

- That you are using the Whistleblowing Policy to raise the concern.

6.2 Employees are also entitled to make a disclosure through their manager, if they feel confident in approaching a manager. The manager must follow the obligation of confidentiality, but must, as soon as possible, and no later than 2 working days after receiving the protected disclosure, log the disclosure in accordance with 7.1 below, and then confirm to the employee concerned, in writing or email, that this matter has been recorded.

6.3 In the event that an employee does not feel comfortable in making a disclosure to the school, they are entitled to make a protected disclosure to a number of other organisations. For further information, as to whom, other than the school, a protected disclosure can be made, see schedule 1.

## **7. How the School will respond to a disclosure**

7.1 The School will acknowledge receipt of a disclosure within 2 working days. In some cases, if insufficient information is provided with the initial disclosure (in the reasonable opinion of the school), the Whistleblower may be asked to provide further information, and the procedure may not continue until this has occurred.

7.2 The School will then consider and decide whether the disclosure falls under the criteria within this policy and, if not, wherever appropriate, it will recommend how those concerns can instead be taken forward using appropriate existing school procedure(s). The school's decision will be given to the person making the disclosure, wherever possible, as soon as possible after receipt of the disclosure and usually within 5 working days after acknowledging receipt of the disclosure. The decision notification will state whether or not the disclosure is considered to fall under the policy and how it will be dealt with.

7.3 There are situations where the school is legally required to investigate, under separate procedures, without the consent of the Whistleblower, such as investigating allegations of ill-treatment or abuse of children or vulnerable adults (safeguarding). In these circumstances, the school will, wherever possible, advise the Whistleblower that the disclosure will be investigated under another process, but there may be situations where it is not appropriate to disclose the existence of these investigations or any further details.

7.4 When a disclosure is considered to come under the Whistleblowing Policy the School will appoint an investigator at its earliest opportunity. This may be an appropriate officer within the school, or an independent investigator, dependent on the nature of the disclosure and at the reasonable discretion of the school. Once the School has assigned an investigator, they will be instructed to contact the Whistleblower at the first available opportunity and in any event no later than 10 working days from the date of their appointment, to advise them of the following:

7.4.1 the name of the investigator appointed to undertake the investigation;

7.4.2 arrangements for confidentiality;

7.4.3 how the person making the disclosure will be expected to contribute to the investigation;

7.4.4 an estimate of how long the investigation is likely to take;

7.4.5 the right of an employee Whistleblower to representation by a recognised trade union or work colleague at any meeting

7.5 In any event, the school will arrange to keep the Whistleblower updated throughout the process and, wherever possible, will seek to advise the Whistleblower of the outcome of the investigation but will not provide a copy of the investigators report. However, the School is bound by the General Data Protection Regulations (GDPR 2018) and the Human Rights Act 1998 in respect of allegations relating to individuals and may not be able to disclose specific information in certain circumstances.

7.6 The School shall treat all disclosures consistently and fairly.

## **8. Confidentiality and Anonymity**

8.1 The school will seek to treat all disclosures as a means of preventing victimisation and will endeavour to avoid disclosing information identifying any Whistleblower. However, there may be situations where, due to the circumstances of the alleged serious misconduct, it may be impossible to avoid disclosing information identifying any Whistleblower. In these circumstances, the school will consult with the Whistleblower prior to the disclosure taking place.

8.2 The School may also be required to disclose the identity of the whistleblower to third parties, where necessary for the purposes of undertaking investigations, for example where the disclosure relates to criminal offences where the school considers that the Police should investigate.

8.3 There may also be situations where the school is obliged to disclose information, such as where there are legal proceedings following on from investigation of the disclosure. This may require the disclosure of witness statements or correspondence, and there is also the possibility that the Whistleblower may be expected to give evidence at any hearing. In these circumstances, the school will discuss the implications for the Whistleblower and, where appropriate, discuss appropriate support arrangements.

8.4 Anonymous disclosures will always be considered at the discretion of the school taking into account on the seriousness of the information given, the credibility of the evidence and the likelihood of confirming the allegation from attributable sources. There may not be enough information or sufficient evidence to pursue an investigation without the investigator being able to contact the Whistleblower for further information.

## **9. Untrue Allegations**

9.1 As set out in paragraph 3.1 above, if a Whistleblower makes an allegation which is believed to be true and in the public interest, but it is not confirmed by the

investigation, no action will be taken against the employee. However, the school will view very seriously any false or malicious allegations or allegations made for personal gain and where the Whistleblower is an employee, disciplinary action may be taken against the Whistleblower under the school's Disciplinary Policy.

## **10. Recording and monitoring complaints**

10.1 The School is legally required to maintain a list of disclosures raised by individuals.

10.2 For the purposes of investigating whether or not there are any systemic issues that need to be addressed, and to monitor the performance of any investigation, an anonymised summary of all disclosures of serious misconduct, made by employees, will be sent on a quarterly basis to the Governors.

10.3 The School will record details of all disclosures made under this policy, anonymising the identity of the Whistleblower and use this information for the purposes of identifying areas of concern, which may indicate further action is required, and where appropriate, share this information with other regulatory bodies.

10.5 Both lists are maintained in accordance with the General Data Protection Regulations (GDPR 2018).

10.6 A report on the number of concerns will be provided to the Chair of the Governing Body annually. This report will not include any information identifying any Whistleblower.

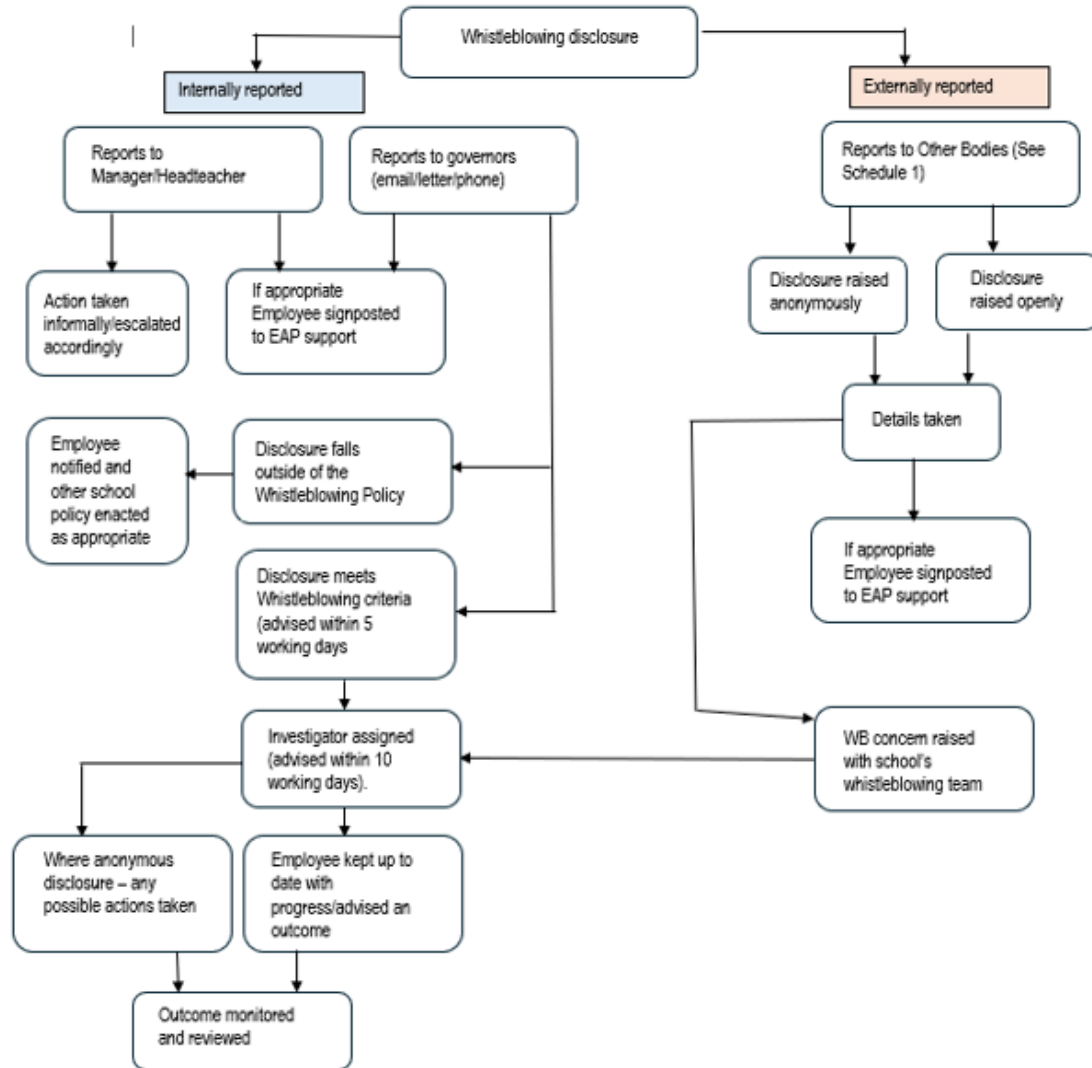
## Schedule 1

**List of other bodies a whistleblowing disclosure can be made to.**

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

## Schedule 2

### Complaint flowchart



## Schedule 3

### The Seven Principles of Public Life

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts, and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services. The custodians of the Principles of Public Life are the [Ethics and Integrity Commission](#).

- 1. Selflessness** – Holders of public office should act solely in terms of the public interest.
- 2. Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- 3. Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- 4. Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- 5. Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- 6. Honesty** – Holders of public office should be truthful.
- 7. Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.