Whistleblowing Policy and Procedure

Issue: February 2025

Document information

Document title	Whistleblowing Policy and Procedure		
Owner	Human Resources - Schools		
Version	3.0	Status	Final
Effective from	1 February 2025	Review date	1 February 2027
Last updated by	HR Schools/KS		
Purpose	The aim of the policy is to encourage employees and others, to disclose any serious concerns that are in the public interest.		

Document accessibility

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1. Introduction

1.1 All staff at one time or another have concerns about what is happening at work. More often than not, these concerns are relatively minor and can be easily resolved. Openness, probity and accountability are vital components of public service. Employees who discover lapses in these areas must be encouraged to come forward and disclose their concerns to someone who can be trusted to take action. This process is known as 'Whistleblowing'. These issues will be taken seriously and treated in a confidential manner.

1.2 The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss someone on the grounds that they undertook a 'protected disclosure' (i.e. a disclosure made in good faith with a reasonable belief that there has been malpractice or impropriety), and compensation in these circumstances is unlimited. In order for staff to be protected under this law they must take reasonable steps to raise the matter internally first before going outside the organisation and reporting their concerns such as to the press.

1.3 The policy applies to all school/academy based employees and those contractors working for the school/academy or on school/academy premises, including temporary and agency staff, it also covers suppliers and those providing services under a contract with the school/academy in their own premises.

2. What is the Policy for?

2.1 The policy has been introduced to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for staff to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety and have made a disclosure in good faith

3. Examples of areas covered

3.1 You should report any serious concerns that are 'in the public interest' (see 3.4) and appear to involve:

- lapses in child protection provision;
- conduct which is an offence or a breach of the law/statutory powers;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees
- damage to the environment;
- unauthorised use of public funds including action against Standing Orders or Financial Regulations;
- possible fraud and corruption;
- any other unethical conduct or improper conduct; or

- concealment of any of the above.

3.2 Or it may be something that:

- makes an employee feel uncomfortable in terms of known standards; or
- is against school/academy policies and procedures

3.3 The policy is not intended to replace the complaint or employee grievance or other established procedures.

3.4 A concern is only 'in the public interest' if it goes beyond matters of personal concern to you. You should **not** use this procedure to report concerns of a personal nature – for example in relation to a grievance or your salary grade (these should, instead, be pursued through the grievance or pay and grading appeal procedures).

3.5 Sometimes, a concern may be 'in the public interest' but may also be something that you have a personal interest in. If this is the case, please tell the person that you raise your concern with of your personal involvement.

4. When to raise a concern

4.1 Under Section 9 of the 'Code of Conduct , where they become aware of or suspect that unauthorised or irregular activity is taking place, there is a duty for employees to report such wrong doings. Employees may however, be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling that it is none of their business or that it is only a suspicion. Additionally there might be a feeling that raising the matter would be disloyal to colleagues, managers or the organisation. There is also the danger of saying something but finding out the wrong person has been notified or that the issue has been raised in the wrong way.

4.2 This policy has been put in place to enable employees to raise their concerns about such malpractice at an early stage and in the right way. It is better that the matter is raised when it is a concern rather than wait for proof. Employees are encouraged to use this policy if ever there is an occasion when an issue is troubling or is of concern. The whistle blowing policy is primarily for concerns where the interests of others or the school/academy itself is at risk

4.3 The school/academy is committed to this policy. Any employee raising a genuine concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result. Provided it is an act of good faith, it does not matter if an employee is mistaken. Of course this assurance is not extended to anyone who maliciously raises a matter they know is not true.

4.4 The school/academy will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that someone might want to raise a concern in confidence under this policy. If an employee asks to have their identity protected, it will not be disclosed without their consent. If the situation arises where we are not able to resolve the concern without revealing an employee's identity (for instance because their evidence is needed in court) this will be discussed fully with them as to whether and how we can proceed.

4.5 Remember that if an employee does not disclose who they are, it will be much more difficult for us to look into the matter or to protect their position or to give them feedback. Accordingly while we consider anonymous reports, this policy is not well suited to concerns raised anonymously.

5 How the School/Academy will respond

5.1 Initial enquiries will be made to decide whether an investigation is appropriate and what form it should take. Some concerns may be resolved by agreed action without the need for investigation.

5.2 The investigating Officer will write to the member of staff who has made the whistleblowing complaint to:

- acknowledge that the concern has been received;
- indicate how the matter will be dealt with
- give an estimate of how long it will take to provide a final response;
- tell the member of staff whether any initial enquiries have been made;
- supply information on staff support mechanisms, which may include confidential counseling; and
- inform the member of staff whether further investigations will take place and if not, why not.

5.3 The school/academy will respond to concerns. Where appropriate the matters raised may:

- be investigated by management, and lead into the disciplinary process; and/or
- be referred to Audit; and/or
- be referred to the police

5.4 The amount of contact between the person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school/academy will seek further information from the employee. Where any meeting is arranged, off-site if requested, the employee may be accompanied by a work colleague who may be a trade union/professional representative.

5.5 The school/academy accepts that all staff need to be assured that the matters will be properly investigated. Subject to legal constraints, staff who have raised the concern will be informed of the outcomes of any investigation.

5.6 You will not be at risk of losing your job or suffer any detriment or retribution from the school/academy because you have raised a genuine concern. This will still be the case even if investigations subsequently show that there has been no improper conduct. However, if you are already the subject of disciplinary investigation or action, or your job has been placed at risk of redundancy, these proceedings will not be halted because you have raised a genuine concern, instead they will run concurrently. However, such protection does not apply to you if you raise a concern that you know to be untrue, malicious or vexatious and any such instances will be followed up (where applicable) and may result in disciplinary action.

5.7 The school/academy does not tolerate any discrimination, harassment or victimisation and will take action to protect you if you have used this procedure to raise a genuine concern.

6 How to raise a concern

6.1 Concerns can be raised by phone or in writing. Any concern should be raised at the earliest opportunity. The more information that can be supplied, including dates, times, details and names, the greater the opportunity to establish the facts. Although staff will not be expected to prove beyond doubt the truth of the allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern. Malicious allegations may lead to disciplinary action being taken

6.2 Staff should normally raise concerns with their immediate manager. However dependent upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, for example, if you believe that senior management is involved, you should approach any of the following as appropriate:

- The Headteacher/Principal,
- The Chair of Governors
- The employer

6.3 You should seek advice from your trade union/professional body.

You may also seek external advice from Audit, the Citizens Advice Bureau, the police or "Public Concern at Work" (020 3117 2520)

6.4 Concerns are better raised in writing, setting out the background and history of the concern.

6.5 Should you wish for your identity to remain confidential, it will not be disclosed without your consent. For reporting purposes, you will be identified by a reference number. If the situation arises where the school/academy cannot resolve the concern without revealing your identify (for example, because your evidence is needed in court) this will be discussed fully with you as to whether and how the school/academy can proceed.

6.6 All concerns will be investigated including initially those that are raised anonymously and feedback will be provided where relevant and where contact details have been provided and therefore you are encouraged to identify yourself when you report a concern. Concerns that are expressed anonymously are much less credible, but they may be considered at the discretion of the school/academy. In exercising this discretion, the factors to be taken into account will include:

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

6.7 Remember, malpractice affects everyone and is unacceptable. Blowing the whistle on it is one way of stamping it out - for good.