



Working in Partnership

CITY OF
WOLVERHAMPTON
COUNCIL

WHISTLEBLOWING/ PUBLIC DISCLOSURE POLICY

ConnectEd Partnership highly recommend the use of this policy. The policy is considered best HR practice, it has been developed in accordance with current employment law and has been negotiated with all recognised professional associations and HR providers across the City of Wolverhampton.

Updated November 2020

Adopted by: Claregate Primary School

On: 11/11/2020

Key Amendments made to this document in November 2020

Section 4.2.5 inserted to clarify data should be kept in line with the employer's retention schedule.

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1 Statement of Intent

- 1.1 The employer is committed to promoting the highest standards of integrity and accountability for all its employees/workers.
- 1.2 In implementing this policy, the intention is to ensure, so far as is reasonably practicable, compliance with the provisions of the relevant legislation, including employee rights conferred through the Public Interest Disclosure Act 1998, which came into force on 2 July 1999.
- 1.3 The Act introduced specific rights for those who disclose information to a third party about an alleged wrongdoing, in defined circumstances.
- 1.4 There is no general right for all whistleblowing to receive special protection; the aim is to channel disclosures through the appropriate sources.

2 Purpose

- 2.1 The purpose of the policy is to ensure that complaints of fraud, malpractice or other improper conduct can be raised without fear of reprisal and dealt with properly and with due consideration.
- 2.2 The approach is intended to encourage freedom of expression so that staff feel able to raise serious concerns within their place of work, rather than externally, or by overlooking a problem.

3 Definition and Scope

3.1 The policy covers concerns and legally protected disclosures of information about

- * Unlawful acts
- * Breach of Council Standing Orders, Authority, Governing Body or Trust Board Policy or Procedure
- * Miscarriage of justice
- * Conduct or behaviour which falls below established standards of good practice
- * Improper, unethical conduct or malpractice, including abuse of pupils/students/staff
- * Health, safety or environmental damage or risk
- * Deliberate concealment of information about any of the above

3.2 **Specifically, the policy covers suspected financial irregularities, e.g.**

- * Theft or abuse of Council/School property
- * Deception or falsification of records, e.g. fraudulent time or expense claims
- * Falsification or misreporting of performance data

3.3 However, the policy is separate from other procedures, e.g. harassment, disciplinary, child protection and work related grievance/complaints procedures, which should be followed in cases where an individual or group of employees is involved in, or has a concern about a matter affecting their own work or workplace.

3.4 The policy applies equally to all those working in schools, including teaching, non-teaching staff, agency/supply staff and contractors' staff as well as those employed in Authority managed service areas.

4 key principles

4.1 **Advice and Support**

4.1.1 Anyone wishing to raise a concern under the policy may, in the first instance, wish to discuss the issue informally, in confidence, with a colleague, other senior manager, trades union/professional association representative or a HR representative.

4.1.2 If, after initial consideration, an individual decides to pursue the issue formally, under the policy, ongoing advice and support can be accessed through the same resources and/or additional external advice, if necessary.

4.1.3 The whistleblower has the right to consult with and be accompanied by a trade union representative, during the operation of the procedures under the policy. If the whistleblower is not an employee they also have the right to consult with and be accompanied by a trade union representative, during the operation of the procedures under the policy.

4.1.4 A free, confidential employee helpline service (tel: 020 3117 2520) is provided by the independent charity "Public Concern at Work" which offers independent advice to anyone worried about malpractice in the workplace. Further information is available online at www.pcaaw.org.uk. For staff who do not feel able to raise concerns regarding child protection failures internally, staff are now able to report their concerns via the NSPCC whistleblowing helpline on 0800 028 0285 or by email: help@nspcc.org.uk

4.2 **Reporting Arrangements**

4.2.1 The procedure should be published, brought to the attention of all employees and made available in every workplace. The appointed person(s) to whom concerns should be addressed/reported initially must be clearly identified. This will usually be the Headteacher in the first instance.

4.2.2 Where the concern relates to the Headteacher, it may be appropriate to go outside the normal line management structure, to an independent third party. Where the concern relates to a contractor working on the school site, the concerns should be raised with the Headteacher.

4.2.3 Concerns about exceptionally serious issues may be raised outside the

organisation, for example to the Press, Police or other external body. For this to be deemed a protected disclosure under the legislation, however, the individual making the disclosure through an external route must show

- * there is reasonable belief that raising the issue internally will result in the individual suffering a detriment
- * that evidence will be destroyed or concealed
- * that they have previously made a disclosure of substantially the same information to the employer or a prescribed person.

4.2.4 The employer will maintain a register of complaints lodged under the policy, report those complaints to the relevant body and will make available for external inspection, such reports/statistical information as may be required. The relevant body may be, for example: The Financial Services Authority, the Regional Schools Commissioner, Local Professional Association Trade Union, and Exam Board or the Local Authority.

4.2.5. Where applicable, data should be kept in line with the employer's retention schedule. Retention of data will be proportional to the purpose for which the data is collected, whilst taking into account any legal or statutory requirements in terms of retention periods.

4.3 Investigation

4.3.1 The process by which allegations will be investigated, including time limits for response will, so far as is reasonably practicable, mirror those set out in the employers Grievance/Complaints Procedures. In exceptional circumstances and by agreement between the parties concerned, time limits for responses may be varied, but should not normally exceed six weeks.

4.3.2 In all cases involving a disclosure outside the normal line management structure, the complainant should inform or submit a copy of the complaint to the employer, who will arrange for the matter to be investigated.

4.3.3 Where there has been a whistleblowing allegation the employer must appoint an investigator. The person appointed to investigate the allegation will be expected to produce a written report relating to the allegations, the outcome of the investigation and further action to be taken. A recommendation for an appropriate course of action will be made. The investigator must make it clear to all parties, including the whistleblower, that the allegation may be required to be shared during the process. If the whistleblowing allegation is a Safeguarding allegation, this will be dealt with through the Safeguarding policy.

4.3.4 Any individual who is the subject of an allegation will be given details and the opportunity to respond.

4.3.5 The complainant, the subject and the employer will be informed of the result.

4.4 Safeguards

Harassment or Victimisation

4.4.1 It is recognised that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from the alleged wrongdoer. The employer will not tolerate harassment or victimisation and will take action to protect anyone who raises a concern in good faith. Protection against reprisal

or victimisation applies equally if the concern turns out later not to be justified.

- 4.4.2 The activation of this policy will not, however, halt the operation of other procedures which may be in place affecting the complainant.

Confidentiality

- 4.4.3 The employer will endeavour to protect the identity of anyone raising a concern who does not wish to be named.
- 4.4.4 Confidentiality will also be maintained during investigation and hearings other than in circumstances where there is a need for disclosure.

Anonymous Allegations

- 4.4.5 Individuals are encouraged to put their name to allegations. Concerns expressed anonymously are much less powerful but employers should satisfy themselves of whether or not the allegation has any substance by considering:
- * the seriousness of the issues raised
 - * the credibility of the concern
 - * the likelihood of confirming the allegations from attributable sources

Untrue Allegations

- 4.4.6 An allegation made in good faith but not confirmed by investigation will not be held against the individual complainant.
- 4.4.7 Using this policy and procedure to further private disputes or making unfounded allegations for malicious or vexatious reasons will not be tolerated. Where such bad faith is established, disciplinary action may be taken against those involved. **Before embarking upon such action, advice must always be sought.** The investigating officer should refer to the Terms of Reference for any subsequent investigation.

4.5 Action/Responses

- 4.5.1 All matters of concern brought to attention under the policy will be acknowledged, investigated thoroughly and referred on, if appropriate, to the Police, External Auditor or for further independent enquiry.
- 4.5.2 In order to protect individuals and the employer, initial enquiries will be made to establish what form an investigation may take.
- 4.5.3 Concerns or allegations which fall within the scope of other specific procedures, such as child protection or discrimination issues, will, normally be referred for consideration under those arrangements.
- 4.5.4 In all cases, written records will be kept of the initial concern/complaint, details of the investigation and the outcome and action, if any, recommended. A written response will be made available to the complainant and to other external parties, as appropriate