

## **Whistleblowing/ Public Disclosure Policy**

**Updated:** May 2018

**Review:** May 2019

### **Statement of Intent**

Wolverhampton LA is committed to promoting the highest standards of integrity and accountability for all its employees/workers. In implementing this policy, the intention is to ensure, so far as is reasonably practical, 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<sup>nd</sup> July 1999.

The Act introduced specific rights for those who disclose information to a third party an alleged wrongdoing, in defined circumstances.

There is no general right for all whistleblowing to receive special protection; the aim is to channel disclosures through the appropriate sources.

### **Purpose**

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.

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.

### **Definition and Scope**

The policy covers concerns and legally protected disclosures of information about

- Unlawful acts
- Breach of Council Standing Orders, LA or Governing Body Policy or Procedure
- Miscarriage of justice
- Conduct of 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
- 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

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.

The policy applies equally to all those working in schools, including teaching, support staff, agency/supply staff and contractors' staff as well as those employed in LA management service areas.

## Key Principles

### Advice and Support

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 Personnel Officer.

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.

Employees have the right to consult with and be accompanied at interview by a trade union representative, during the operation of the procedures under the policy.

A free, confidential employee helpline service (tel: 0207 404 6609) is provided by the independent charity "Public Concern at Work" which offers independent advice to anyone

worried about malpractice in the workplace. <http://www.pcaw.org.uk>



### Reporting arrangements

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 be the Headteacher at Wodensfield in the first instance. In Wodensfield the policy will be published in the staff handbook.

Where the concern relates to the Headteacher, it may be appropriate to go outside the normal line management structure, to an independent third party. This could include Chair of Governors, Local Authority Designated Officer **Paul Cooper 01902 550661/550477**, Local Authority Chief Executive or, a named contact in the Council's Anti-Fraud and Corruption Policy.

Where there are concerns about abuse of a child by staff there are school procedures and the Headteacher should be informed as the designated teacher. Where the Headteacher is involved in the abuse WSCB procedures will occur and the chair of governors and Wolverhampton child protection officer Paul Cooper is to be informed.

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.

The Director of Education will maintain a register of complaints lodged under the policy, and will make available for Member and/or external inspection, such reports/statistical information as prescribed under the Council's Corporate Complaints Procedures.

### **Investigation**

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 LA's Grievance/Complaints Procedures. In exceptional circumstances and by agreement between the parties concerned, time limits for response may be varied, but should not normally exceed six weeks.

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

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

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.

The complainant and the Director of Education will be informed of the result.

### **Harassment or Victimisation**

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 Council and the LA 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.

### **Confidentiality**

The LA will endeavour to protect the identity of anyone raising a concern who does not wish to be named.

Confidentiality will also be maintained during investigation and hearings other than in circumstances where there is a need for disclosure, i.e. during cross examination of the complainant as a witness.

### **Anonymous Allegations**

Individuals are encouraged to put their name to allegations. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the receiving body.

In exercising discretion, factors to be taken into account include:

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

### **Untrue allegations**

An allegation made in good faith but not confirmed by investigation will not be held against the individual complainant.

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.**

### **Action/Responses**

All matters of concern brought to attention under the policy will be acknowledge, investigated thoroughly and referred on, if appropriate, to the Police, External Auditor or for further independent enquiry.

In order to protect individuals and the Authority, initial enquiries will be made to establish whether an investigation is appropriate and if so, what form it will take. Some concerns may be resolved or action agreed without the need for investigation.

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.

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.

## Equality and Diversity

- At Wodensfield we are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of **race, disability, sex, sexual orientation, gender reassignment, religion or belief**. We will adhere to the legal definitions of these protected characteristics as set out by the Equality and Human Rights Commission (EHRC) code of practice which can be found in our single Equality and Diversity Policy.