Whistleblowing Policy

Albright Education Centre

Sandwell Home and Hospital Tuition Service

Signed by Vice Chair of Governors:	
Date ratified by Governing Body:	26.02.2025
Date of Review:	26.02.2026

1. PREAMBLE

1.1. The policy applies to all permanent and short-term employees working with or assisting in Community and Voluntary Controlled schools maintained by Sandwell Metropolitan Borough Council who have major concerns over any wrongdoing within such schools relating to unlawful conduct, financial malpractice or dangers to the public or the environment. The Code will be recommended by the Council to Voluntary Aided Foundation, Trust Schools and Academies.

1.2. The staff and governors of schools seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, this confidential reporting code acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

1.3. The Governing body of schools and the Council are committed to tackling fraud and other forms of malpractice and treats these issues seriously. Some examples of malpractice are set out in paragraph 2.4. Schools recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school as set out in paragraph 8.7.

1.4. The provisions of this Code apply to matters of suspected fraud and impropriety and not matters of more general grievance which would be dealt with under the schools grievance policies.

1.5. The Governing body of schools and the Council are committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

1.6. This Code sets out a framework within which you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Code is intended to encourage and enable serious concerns to be raised rather than overlooking a problem.

You may wish to seek support and advice from your trade union about this Code.

1.7. This code has been adopted by the School Governing Body and has been the subject of consultation with recognised trade unions, and approved by elected members.

2. AIMS AND SCOPE OF THIS CODE

2.1 This code aims to:

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

2.2 This Code is not intended to be used where other, more appropriate, procedures are available. If you are aggrieved by your personal position you will be directed towards the schools Complaints Policy .

2.3 This Code is not intended to cover complaints of misconduct against members. If you wish to discuss allegations of this nature please contact Surjit Tour, the Director of Law and Governance and Monitoring Officer.

2.4 If your complaint is intended to cover misconduct against Governors then please contact Sandwell Council's School Support Section

2.5 If your complaint is intended to cover issues of Child Protections then please see the Child Protection procedures, or if you wish to discuss complaints regarding the school which is not within the scope of this document then please see School Complaints Procedure.

2.6 Whilst complaints of the nature described in 2.2 – 2.3 may be initially received under the Confidential Reporting Code, they may be progressed under other more suitable procedures as indicated above.

2.7 The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law, *e.g. negligence in service delivery or breach of contractual requirements such as those in the employee code of conduct.*
- Disclosures related to miscarriages of justice, *e.g. false reporting or perjury.*
- Health and safety risks, including risks to the public as well as other employees, *e.g. failure to carry out risk assessments or mishandling of hazardous materials such as asbestos.*
- Damage to the environment *e.g. inappropriate disposal or treatment of hazardous waste;*
- The unauthorised use of public funds, *e.g serious breaches of school procedures which may advantage a particular party, tampering with tender documentation, manipulation of accounting records and finances, inappropriate use of school assets or funds.*
- Possible fraud and corruption, *e.g. false claims for overtime payments.*
- Sexual or physical abuse of any employee or individual.
- Other unethical conduct, *e.g. inappropriate receipts of gifts and hospitalities, breach of school governance arrangement.*

2.8 Thus, any serious concerns that you have about any aspect of the school, trusts, academies or the conduct of the staff, Governors or others acting on behalf of the organisation can be reported under the confidential reporting policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the school subscribes to; or
- Is against the schools standing orders, financial regulations and policies; or
- Falls below the standards of practice; or
- Amounts to improper conduct.

- Breaches local authority or the schools procedures
- Is in the public interest.

2.9 This policy does not replace the schools complaints procedure.

3. WHO IS COVERED BY THE SCHOOLS CONFIDENTIAL REPORTING CODE

3.1 All employees in or working with or assisting Sandwell Schools may use this Code. This includes permanent and temporary employees, and employees seconded to a third party. It is also applicable to:-

- Contractors working for the school on school premises, for example, agency staff, builders, drivers;
- Suppliers and those providing services under a contract with the school in their own premises

Any concerns relating to the third party, if relevant to the employees secondment, can also be raised under this Code.

4. SAFEGUARDS

4.1 Head Teachers, Schools Governing Bodies and the Council are committed to good practice and high standards and want to be supportive of employees.

4.2 Head Teachers, Schools Governing Bodies and the Council recognise that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

4.3 Head Teachers, Schools Governing Bodies and the Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

4.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, redundancy or other procedures that already affect you.

5. CONFIDENTIALITY

5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

6. ANONYMOUS ALLEGATIONS

6.1 This Code encourages you to put your name to your allegation whenever possible.

6.2 Concerns expressed anonymously are much less powerful but may be considered at the discretion of the School Governing Body or the Council.

6.3 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources; and
- whether the allegations are likely to have been made in good faith.

7. UNTRUE ALLEGATIONS

7.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

8. HOW TO RAISE A CONCERN

8.1 As a first step, you should normally raise concerns with your Head Teacher who will report the matter to the School Governing Body. However if s/he is the potential transgressor you should raise your concern with the Chair of Governors but if s/he is a potential

transgressor you should contact the Service Director - Children and Families. Clearly the role of the Service Director - Children and Families will only be relevant under this Code in relation to Community schools and Voluntary controlled schools maintained by the Council. You can also contact the Council's Monitoring Officer, Surjit Tour, who is the Director of Law and Governance on 0121 569 3172. Not every concern raised will be treated as a confidential disclosure under this Code. Some concerns will be investigated and dealt with under alternative policies and procedures e.g. disciplinary matters will be dealt with under the disciplinary procedure.

8.2 You may wish to contact your trade union for advice and guidance.

8.3 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why you are particularly concerned about the situation.

You should also, as far as possible, provide evidence to support your concern.

8.4 The earlier you express the concern the easier it is to take action.

8.5 Although you are not expected to prove beyond doubt the truth of an allegation, you must act in good faith and you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

8.6 Advice and guidance on how matters of concern may be pursued can be obtained from either the Head Teacher, the Chair of Governors of the relevant school or your trade union.

8.7 If you feel unable or do not wish to discuss your concerns with the Head Teacher, the School Governing Body or a council officer, you can contact a charity called "Public Concern at Work" which can provide free confidential advice on how an issue should be dealt with. Their telephone number is 0207 404 6609.

8.8 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

8.9 You can be accompanied by your trade union, professional association representative or a friend during any meetings or interviews in connection with the concerns you have raised.

9. HOW WILL THE GOVERNING BODY OR THE COUNCIL RESPOND

9.1 If you have informed the Head Teacher or Governing Body of your concern, the Governing Body will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

9.2 Where appropriate, the matters raised may;

- Be investigated by the Head Teacher, Governing Body, the Monitoring Officer, Service Director – Children's and Families, internal audit or other council procedures;
- Be referred to the external auditor;
- Be referred to the Police
- Form the subject of an independent inquiry

9.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the council will have in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example child protection or discrimination issues) will normally be referred for consideration under those procedures.

9.4 While the purpose of this Code is to enable the Schools Governing Body to investigate possible malpractice and take appropriate steps to deal with it, the Schools governing Body will give you as much feedback as it properly can.

9.5 Concerns or allegations which fall within the scope of specific procedures (for example grievance) will normally be referred for consideration under that relevant procedure. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

9.6 Usually within 10 working days of a concern being raised, the person looking into the concern will write to the person raising the concern:

- acknowledging that the concern has been received ;
- indicating how the matter will be dealt with;
- giving an estimate of how long it will take to provide a full response;
- telling you whether any initial enquiries have been made;
- supplying information on support available to you; and
- saying whether further investigations will take place and if not, why not.

9.7 The amount of contact between you and the person considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of information provided. However the person investigating the issues will be expected to keep you, the Head Teacher, the Governing Body or the Council informed of the progress of the matter on a monthly basis. If it is necessary to seek further information from you the investigating officer will do so without delay.

9.8 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

9.9 The School Governing Body and the Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

9.10 The School Governing Body and the Council accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and duties of confidentiality, you will be informed of the broad outcome of any investigation.

9.11 At the end of the investigation process a questionnaire will be forwarded to you to ask for feedback on the process and your role in the same. You are asked to complete the same in order to enable future revisions of the code to be carried out effectively.

9.12 If you are still not satisfied as to how your concern has been dealt with, you should refer to section 11.

10. THE RESPONSIBLE OFFICER

10.1 The Service Director - Children and Families has overall responsibility for the maintenance and operation of this Code. That officer maintains a record of concerns raised and the outcomes. The record is maintained in a form, which does not endanger the confidentiality of the person raising the concern or indeed that of any person against whom action is taken as a result of the concern being raised or relevant regulators. The Service Director - Children and Families will report as necessary to the Monitoring Officer and the Council in accordance with these principles on confidentiality.

10.2 The Service Director - Children and Families will maintain a Schools Whistleblowing Register containing all concerns and outcomes that are brought to his/her attention. All Head Teachers and/or officer(s) allocated to look into the concern arising from or related to a school must ensure the Service Director - Children and Families is provided with sufficient details of the concern and outcomes for Sandwell Council's Corporate Register, which is maintained by the Director of Legal and Governance Services.

10.3 As soon as a complaint is received by the Head Teacher/Governing Body, advice will be sought from the Schools Human Resources provider. The Governing Body will ensure it has sufficient internal arrangements to address the requirements of this Code, including appropriate support for the Head Teacher in implementing the Code and the Service Director - Children and Families shall ensure that Human Resources are sufficiently trained to support schools in implementing this Code and offer training to Head Teachers.

11. HOW THE MATTER CAN BE TAKEN FURTHER

11.1 This Code is intended to provide you with an avenue within the school to raise concerns. The School Governing Body hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the school, the following are possible contact points:

- The designated independent organisation (Public Concern at Work);
- The external auditor;
- Your trade union;

- Your local Citizens Advice Bureau;
- Relevant professional bodies or regulatory organisations;
- A relevant voluntary organisation;
- The Police and/or Health and Safety Executive.
- The Service Director - Children and Families.
- The Council's Monitoring Officer.
- The Council's Internal Audit.
- Ofsted

11.2 Employees who are concerned about wrongdoing or failures can make disclosures to a person or body, which has been prescribed by the Secretary of State for the purpose of receiving disclosures about the matters concerned. An employee making such a disclosure should ensure that he or she:

- Is able to show that the disclosure was made in the reasonable belief that it was in the public interest ;

- reasonably believes that the information, and any allegation it contains, are substantially true; and

- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed (for example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive or appropriate local authority, or environmental dangers can be notified to the Environment Agency). Again Public Concern at Work will be able to assist with details of the prescribed organisations and provide appropriate advice.

11.3 An employee who makes a disclosure about a relevant failure which is exceptionally serious will be protected if the employee:

- Is able to show that the disclosure was made in the reasonable belief that it was in the public interest;

- reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and

- does not act for personal gain.

It must be reasonable for the employee to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made.

Before making disclosures externally the employee must reasonably believe that the information shows one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

"• a criminal offence;

- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment;
- deliberate covering up of information tending to show any of the above five matters."

11.4 If you do take the matter outside of the School Governing Body or the Council, you should ensure that you do not disclose confidential information. If necessary seek advice on this aspect.