Whistleblowing Policy

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EMPLOYEES ONLY

WHISTLEBLOWING POLICY 2025

1.1 Selly Oak Trust School is committed to ensuring that it, and the people working for it, complies with the highest standards of openness, honesty and accountability.

1.2 The term whistleblowing has a specific legal definition, i.e. a disclosure or allegation of serious wrongdoing made by an employee.

1.3 This policy document seeks to cover disclosures and allegations of serious wrongdoing made by employees and where this policy makes reference to a whistleblower; it refers to any current employee of Selly Oak Trust School who is making a disclosure or allegation of serious wrongdoing.

A whistleblowing disclosure made by an employee in their notice period will be classed as a complaint and dealt with under these procedures, or any other relevant policy eg grievance.

1.4 Serious wrongdoing, is defined as:

- Breach of a legal obligation.
- Any criminal activity, including incitement to commit a criminal act.
- Corruption or fraud.
- A miscarriage of justice.
- A serious danger to the health or safety of any individual, or damage to the environment.

The Headteacher / Chair of Governors will investigate any such allegations and, where appropriate, take action. Governors are also committed to preventing any harassment, victimisation or unfair treatment of any person arising from their whistleblowing, and, where appropriate, take disciplinary action against any member of staff responsible for such harassment, victimisation or unfair treatment against a whistleblower.

1.5 This policy seeks to set out how the Headteacher / Chair of Governors will handle and respond to any such allegations made by employees of the school. Concerns made by members of the public will be considered under the School Complaints procedure.

1.6 This policy seeks to:

a) Encourage employees to feel confident in raising concerns or allegations in the public interest about suspected serious wrongdoing in the school without fear of reprisals or victimisation even where the concern or allegations are found to be made in good faith even if they are not subsequently confirmed by the investigation.

b) Give a clear message that allegations of serious wrongdoing or impropriety are taken seriously.

c) Ensure that where the disclosure proves to be well founded, the individuals responsible for such serious wrongdoing will be held accountable for their actions.

d) Set out what employees can expect by way of confidentiality and protection when making a whistleblowing disclosure; and

e) Identify independent support for employees who wish to make a whistleblowing disclosure (see section 4).

f) Clearly identify actions that will be taken if a whistleblowing disclosure is made that is proven to have been made not in good faith

1.7 This policy is not designed to be used:

a) For raising or reconsideration of matters that come under existing internal Selly Oak Trust School procedures e.g. Grievance, Disciplinary, Capability, or general complaints procedure; or

b) For allegations that fall within the scope of specific procedures (for example child or vulnerable adult protection) which will normally be referred for consideration under the relevant procedure, unless the employee has good reason to believe that the procedure is not being followed or will not be followed effectively; or

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

1.8 Where a complaint made under this policy falls outside the scope of the policy, e.g. where the complaint falls outside the scope of 'serious wrongdoing,' Selly Oak Trust School will advise the whistleblower of this and consult with the whistleblower in respect of taking the complaint further. Wherever possible, the Headteacher / Chair of Governors will comply with the views of the whistleblower, but there are situations where they are legally required to pass on details of allegations, without the consent of the whistleblower, such as in safeguarding matters, or where the allegations relate to serious criminal activity undertaken by individuals outside the school.

1.9 Likewise, if an allegation made under either of the other above complaints processes falls under the remit of a 'serious wrongdoing,' the Governors will notify the whistleblower of this and investigate the allegation under this process.

2. Disclosures made by Selly Oak Trust School employees, Agency Staff, and any other individuals working for the school are covered by The Public Interest Disclosure Act 1998 (PIDA):

2.1 PIDA is designed to encourage and enable employees to raise any concerns about any suspected serious wrongdoing, an illegal act or a dangerous situation within the organisation.

2.2 This is called making a 'Protected Disclosure' under the Act, and when it is made in the public interest and in accordance with this policy, an employee is legally protected from harassment or victimisation as a result of the disclosure.

2.3 The person making the disclosure does not have to be directly or personally affected by the serious wrongdoing, but the disclosure must be made in the public interest.

2.4 To be protected, the disclosure must be in the public interest and raise a concern that:

a) A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.

b) A person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject.

c) A miscarriage of justice has been/is likely to occur.

d) The health or safety of any individual has been/is likely to be endangered.

e) The environment has been/is likely to be damaged.

f) public funds are being used in an unauthorised manner.

h) Sexual or physical abuse by any member of staff on service user is taking place.

i) Unlawful discrimination is occurring to any member of staff or service recipient in relation to the legally protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation (see guidance on Equality Act at http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act- guidance/equality-act-guidance-downloads/);

j) Any other form of improper action or conduct is taking place. This could include breaches of the regulation requiring school governors to "Act with integrity, objectivity and honesty and in the best interests of the school."

It should be noted that prior to investigating any disclosure it should be established if the information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

2.5 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 Individuals employed by Selly Oak Trust School:

3.1 Employees in schools are expected to use school procedures such as grievance and anti-harassment where appropriate.

3.2 Where the Employee working in a school considers one or more incidents amount to a safeguarding incident, they should make a report under the Schools Safeguarding policy.

3.3 However, if the employee has good reason to believe that:

a) Whistleblowing concerns will not be managed properly within the school, or

b) that he/she will be exposed to victimisation as a result of the complaint then the employee may make the complaint directly to the Headteacher/ Chair of Governors. Whistleblowing concerns should be sent via John Williams (named Governor for Whistleblowing contact). Staff should send details in an envelope addressed to J Williams, Governor, Selly Oak Trust School and mark it as 'Confidential' and taken to school Reception.

People who raise a concern with John Williams about the school should set out why they feel unable to follow existing policies for raising concerns and why they cannot complain directly to the Headteacher.

3.4 Governors would normally expect the disclosure to be made to the Headteacher unless there are circumstances in which the employee or worker feels that disclosure in this way is not appropriate or has, or will not have been, dealt with satisfactorily, in which case disclosure may be made directly to John Williams (named Governor for Whistleblowing contact) in accordance with this policy, as set out in 3.3 above.

3.5 This policy requires the Headteacher or Chair of Governors to respond to a disclosure in line with this policy, and, if appropriate, seek external advice.

4. Advice to employees wishing to raise a concern or make a disclosure:

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

4.1 Employees who have major concerns arising from their employment may wish to seek advice from their union or the charity Public Concern at Work (0207 404 6609 – http://www.pcaw.org.uk), to see whether the information which they wish to report would meet the definition of a 'qualifying disclosure' and whether they should be using this procedure, or some other procedure.

5. How to report an actual or suspected serious wrongdoing:

5.1 A person who wishes to report any suspected serious wrongdoing (a disclosure) and it is about:

Any Employee or volunteer within the school should contact the Headteacher.

If the concern is about the Headteacher or a Governor, they should contact the Chair of Governors.

If the concern is about the Chair of Governors, then they should contact The Local Authority School and Governor Support Team.

Contact details:

Headteacher
Email: Rachel.Stopher-Murray@Sellyoak.bham.school.uk

Letter: Selly Oak Trust School, Oak Tree Lane, Selly Oak B29 6HZ
Chair of Governors
An envelope marked private and confidential for the attention of the Chair of Governors should be sent to the school reception or handed into the school reception.

School and Governor Support
The Head of Governor Support – Lancaster Circus

The Email / Letter should contain:

The person's contact details – if no contact details are given, then it will be treated as an anonymous complaint, ref. point 7.4, page 9.

Who has committed the alleged serious wrongdoing?

What is the nature of the alleged serious wrongdoing?

The person raising the concern is asked to put in as much detail as possible in order that the concern can be evaluated and appropriately investigated if necessary.

6. What happens once the concern has been raised:

6.1 Receipt of the letter / email will be acknowledged within 3 working days.

6.2 The Recipient (HT / CoG / LA) will, using the information provided by the person raising the concern consider / check:

- Whether the person raising the complaint will benefit directly or indirectly from the disclosure

- If on the evidence put forward it would suggest serious wrongdoing has happened
- If the disclosure meets the whistle blowing criteria as defined in this policy or if the disclosure would be more appropriately dealt with through existing policies – Anti Harassment – Grievance, Complaints, Disciplinary or safeguarding.

It may be necessary at this stage to discuss the concerns with the complainant, and maintaining confidentially with the person the concern has been raised about, in order to establish any pertinent facts to support the recipient in making their decision.

The recipient will then decide what action to take:

No further action

Investigating under the Whistleblowing criteria

Investigation under relevant policy

Need to decide whether the disclosure falls under the whistleblowing criteria and, if not, will seek the whistleblower's consent as to how the disclosure will be investigated using the appropriate School procedure(s.) This will be done within 5 working days after acknowledging receipt of the disclosure.

6.3 The decision letter should state who will be handling the disclosure, how that person can be contacted, what action is likely to be taken and when the employee or worker might expect to hear the outcome of the disclosure. A further letter, summarising progress to date, should be sent within another 15 working days, and if the matter has not been resolved at that time the letter should include an estimate of how long it is likely to be before a full response can be provided.

6.4 However, 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.

6.5 When the disclosure is considered to come under the whistleblowing policy, and the Headteacher / Chair of Governors has decided to investigate an investigator will be assigned, he/she will contact the whistleblower, within a further 10 working days, to advise them of the following:

a) Concerns raised in good faith even if proven to be wrong will be treated as such and the complainant will be fully protected by this policy.

Concerns raised that are demonstrated <u>not</u> to have been made in good faith will result in confidentiality <u>not</u> being maintained and disciplinary action may be considered.

The arrangements for confidentiality will be confirmed.

b) How the person making the disclosure will be expected to contribute to the investigation.

c) The outcome of any discussions which may have taken place over anonymity.

d) An estimate of how long the investigation is likely to take and the possible outcomes.

e) The name of the investigator appointed to undertake the investigation, the right of an employee to representation by a recognised trade union or work colleague at any meeting.

6.6 Selly Oak Trust School, wherever possible, will seek to advise the whistleblower of the outcome of the investigation. However, the School is bound by the Data Protection Act and the Human Rights Act in respect of allegations relating to individuals and may not be able to disclose information where disciplinary or legal proceedings are pending.

6.7 The use of this whistleblowing process does not automatically amount to acceptance by the school that the information provided is necessarily a qualifying disclosure.

6.8 For monitoring purposes the school will keep a list of communications received from employees using this whistleblowing process. This information is used for monitoring purposes and to detect if there are areas where there is a high incidence of alleged serious wrongdoing.

7. Confidentiality and anonymity:

7.1 Although the PIDA does not refer to the confidentiality of concerns raised in a qualifying disclosure; there is a widespread assumption that such a disclosure will be treated in confidence as a means of preventing victimisation. Selly Oak Trust School will seek to avoid disclosing information identifying any whistleblower as long as the concern raised was done so in good faith, even if the school considers that the disclosure by the Whistleblower falls outside the scope of a qualifying disclosure. However, there are situations where, due to the circumstances of the alleged serious wrongdoing, it is impossible to avoid disclosing information identifying any whistleblower. In these circumstances, Selly Oak Trust School will advise the whistleblower prior to the disclosure taking place and offer support.

7.2 There may also be situations where the school may be obliged to disclose information, such as where there are legal proceedings following on from the investigation of the whistleblowing investigation. This may require the disclosure of witness statements or correspondence, and there is even the possibility that the whistleblower may be expected to give evidence at any hearing. In these circumstances, the school should discuss the implications for the whistleblower if he or she proceeds with the disclosure, and where appropriate, discuss appropriate support arrangements.

7.3 Selly Oak Trust School may also be required to disclose the identity of the whistleblower to third parties, where necessary for the purposes of undertaking investigations e.g. where the allegations relate to serious criminal offences where the school considers that the Police should investigate.

7.4 Anonymous complaints will be considered but, depending on the information given and the credibility of the evidence, there may not be enough information for a proper investigation without the investigator being able to contact the whistleblower for further information and, in these circumstances, there may not be sufficient evidence to pursue an investigation. (Ref. point 5.1, page 6) However, all staff have a right not to engage with, or respond to, an anonymous complaint.

8. Protecting an employee whistleblower:

8.1 Employees are protected if:

- they honestly think what they report is true.
- they think they are telling the right person; and
- they believe that their disclosure is in the public interest.

Schedule 1

The Nolan Principles of Conduct Underpinning Public Life

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.

Holders of public office are defined in law. They include local government Councillors, school governors and clerks to school governing bodies. They also include certain senior local government officers required to be appointed by law.

Schedule 2

List of other bodies a whistleblowing disclosure can be made to.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14- 1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-4.pdf

Appendix - Fraud Awareness Statement:

The Governing Body of Selly Oak Trust School has created a culture where fraud is not acceptable. This brief guidance is for all staff and governors to help: -

- Recognise fraud when it occurs and be alert to the high-risk areas where fraud could arise.
- Recognise factors that encourage fraud and factors that can be used to deter fraud.
- Understand that the governing body of the school regulates the conduct and discipline of all staff in accordance with the professional expectations policy which demands a very high standard of integrity.
- Know what to do if a fraud is discovered. To be aware of the use of the Whistle Blowing Policy.

The Governing Body is committed to the principles of Corporate Governance they carry out their responsibility for ensuring that effective management systems have been put in place, including financial monitoring and control. School staff and governors have a responsibility for complying with the principles of corporate governance.

9. Fraud and Corruption: Definitions and Types

Fraud can be committed in three ways

- Fraud by False Representation – e.g. a person, who uses a school order to obtain goods for their own use, would be guilty of this offence.
- Fraud by Failing to Disclose Information - e.g. a person, who fails to declare details of their income and savings when applying for City Council means tested services, would be guilty of this offence.
- Fraud by Abuse of Position e.g. a member of school staff, who uses their position to obtain funds would be guilty of this offence.

The following are some of the common risks which staff and governors should be alert to and how these may impact on the school.

Key Fraud Risks Within Schools	Example of Risk	Impact on School
Recruitment	Recruiting family members or friends without following safer recruitment procedures.	• Person may be either not fit, or the best person to do the job

		• Accusations of nepotism and lack of objectivity in future decision making
Job applications	Applicants making false declarations about their experience, qualifications, right to work, criminal past etc. Checks on teaching and non-teaching staff not being undertaken	• Person may be either not fit, or the best person, to do the job. • Child safety could be put at risk • School being liable to fines
Inappropriate pay awards	Paying staff outside of the standard pay and conditions	• Inequality and financial loss
Off payroll payments	Payments made to individuals via petty cash or invoice to avoid the individual's and the school's duty to pay Income Tax or National Insurance	• School could be made liable for any unpaid tax or National Insurance along with any fines imposed by HMRC
Staff sickness	Staff reporting themselves sick and then working elsewhere	• Financial loss to cover absence
Collusion/corruption in supplier selection	Awarding contracts where there is a conflict of interest and not following procurement procedures, often in return for some form of inducement	• Not receiving value for money • Potential for legal action by other contractors • Financial loss to rectify poor quality work
Payments for goods and services	Using the school's ordering and payments systems to purchase items for personal use	• Financial loss
Bogus invoicing	Suppliers putting on pressure to pay invoices for goods not ordered or received	• Financial loss
Mandate/CEO fraud	Bogus approaches from fraudsters to change supplier bank account details to divert payments, or to request an	• Financial loss

	urgent payment to be made supposedly on the instruction of a senior official	
Inappropriate person use of goods and services	Using school equipment or materials or services for personal interests	• Financial loss to pay for replacement items
Staff Pecuniary Business interest	Using family or friends to carry out preferred works for financial gain – or receiving a "back hander " for choosing suppliers	• Financial Loss
Cash and assets	Using unofficial funds for the benefit of staff rather than the school Theft of cash income and school equipment Loss of data	• Financial loss • Inability to provide aspects of the school curriculum • Risk of fine if confidential information is stolen
Premises rental	Unauthorised use of the school premises for events e.g. hall being used for social events	• Event may be uninsured • Loss of potential revenue • Additional cost to provide utilities, cleaning etc.

All the above can also have a detrimental impact on the reputation of the school.

Examples of warning signs are:

Documents:

- Unusual accounting entries.
- Failure to produce accounts when requested/missing documents.
- Unexplained budget overspends and/or bank overdrafts.
- Frequent late banking of cash and cheques.
- Altered/photocopied documents supporting expenditure.
- Invoices for unusual supplies.
- Unusually high numbers/value of items from a particular supplier.
- Payments just below authorisation thresholds.

Behaviour

- Employees who rarely take annual leave, who work unusually late and/or at weekends, or insist that cover is not needed whilst they are on leave.
- Employees who are unusually concerned about visits by auditors or inspectors.
- Employees who often break the rules and have scant regard for regulations.
- Employees/managers who control all aspects of a particular area of their work.
- Employees who display a lifestyle which is out of step with their salary, e.g. expensive holidays, cars, houses, jewellery, clothes.

The prevention of fraud should be the responsibility of everyone. The governors and Senior Leadership Team set the tone and lead by example by establishing a culture where fraud is not allowed to flourish

Policies and procedures governing all aspects of a school's financial dealings should be developed in line with the Schools Financial Procedures Manual and put in place, clearly outlining the roles and responsibilities and conduct of staff. Staff should be made aware of these policies and procedures and adherence to them should be mandatory, with any non-compliance being dealt with appropriately.

Specific procedures should be followed to cover the high-risk areas such as cash security, procurement, accounts payable, recruitment and selection and payroll. In addition, there should be specific policies in place to govern staff conduct in relation to declarations of potential conflicts of interest and offers of gifts and hospitality.

Procedures should be designed and operated in a way that minimises the opportunity for a single member of staff to control all aspects of a specific process. This should be supplemented with an independent checking process that provides for dual authorisation of certain transactions, reconciliation of accounting records, and a requirement to report transactions over a certain value.

10. Staff Conduct:

The school's governing body must establish procedures for the regulation of the conduct and discipline of school staff as required by the School Staffing Regulations 2003. Also, the standard letter of appointment indicates that an employee should abstain from any occupation that interferes with the performance of their duties as in the school.

Employees are required to disclose to their manager if they are arrested, charged, cautioned or prosecuted for an offence when in employment with Selly Oak Trust School

Where there is evidence that an employee has committed fraud in their private life, the matter should be investigated. Examples of 'private' matters that should be referred to Birmingham Audit for investigation are as follows:

- An employee is prosecuted for fraud or theft unrelated to work,
- There is evidence that an employee has fraudulently obtained public funds – state benefits, Council Tax Reductions/Exemptions, social housing etc.
- Evidence of fraud is obtained relating to the employee's involvement in another organisation e.g. a City Council funded voluntary organisation.

All new and existing employees should be made aware of their responsibilities, when conducting their private affairs, and should be warned of the consequences if they fail.

Procedure for Reporting Fraud - please follow procedures outlined in the whistleblowing policy.

Whenever there is suspicion that fraud has occurred or there are irregularities concerning cash, stores or any other property of the Council, the Governing Body must inform Birmingham Audit immediately in order that the appropriate steps can be taken in accordance with laid down procedures.