



Whistleblowing Policy

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Confidential Reporting (Whistleblowing) Procedure

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Effective from	1 June 2014	Approved on	27 April 2014
Last updated	April 2014	Last updated by	HR Strategy and Planning Team
Purpose	<p>This 'whistle blowing' procedure plays a key part in maintaining the highest standards of openness, honesty and accountability by requiring everyone to report appropriate concerns.</p> <p>This procedure links to:</p> <ul style="list-style-type: none"> • Code of Conduct for Employees 		

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1. Why do we have this procedure?

- 1.1 The Council is committed to maintaining the highest standards of openness, honesty and accountability.
- 1.2 This 'whistle blowing' procedure plays a key part in maintaining those standards by requiring everyone to report appropriate concerns (**see section 2 - what concerns should be reported?**). The Council's Code of Conduct for Employees makes this a specific obligation for all employees.
- 1.3 If you are a Council employee, a temporary or agency worker working for the Council, a contractor working for the Council on Council premises or provide goods or services to the Council then you are required to report appropriate concerns, in return for which you will be provided with feedback on action taken. You will also be protected from any reprisals or victimisation for 'whistle blowing'.

2.0 What concerns should be reported?

- 2.1 Everyone, at one time or another, may have concerns about something that is happening at work. More often than not, these concerns are relatively minor and you can probably resolve them informally. However, when those concerns are about unlawful conduct, financial malpractice or dangers to the public or environment, it can be difficult to know what to do. Confidential reporting or 'whistle blowing' is about helping people to raise legitimate concerns or worries without opening themselves up to detrimental treatment or risking their job security for raising their concerns in the normal way.
- 2.2 You should report any serious concerns that are 'in the public interest' (see 2.3) and appear to involve:-
 - a criminal offence or breach of the law
 - a miscarriage of justice
 - a health and safety risk to employees or the public
 - damage to the environment
 - community unrest or discrimination
 - unauthorized use of public funds
 - possible fraud or corruption
 - sexual, physical or verbal abuse
 - any other improper conduct that makes you feel uncomfortable in terms of falling below known standards or going against Council policies or practice
 - breach of any legal obligation
 - safeguarding children and vulnerable adults
 - deliberately concealing any of the above



- 2.3 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).
- 2.4 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.

3.0 When should I report my concerns?

- 3.1 The Council understands that you may be worried about raising a concern, perhaps feeling that it is none of your business or that it is only a suspicion. You may also feel that you are being disloyal to your colleagues or the organisation, or worried about reporting things to the wrong person or in the wrong way.
- 3.2 However, it is your responsibility to report any concerns as soon as possible and the Council would like you to do so at an early stage rather than waiting for 'proof' of any suspicions. Providing that you have reasonable belief that unauthorised activity is taking place, then you should report it. Remember that you will not get into trouble for raising genuine concerns and the Council will protect you if you raise a genuine concern.

4.0 Will the Council protect me if I raise a genuine concern?

- 4.1 You will not be at risk of losing your job or suffer any detriment or retribution from the Council 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.
- 4.2 The Council 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.
- 4.3 Your identity will 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 Council cannot resolve the concern without revealing your identity (for example, because your evidence is needed in court) this will be discussed fully with you as to whether and how the Council can proceed.



4.4 All concerns will be investigated including 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. 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. How should I raise a genuine concern?

Please see 5.4 if your concern relates to service users of social care for children or adults.

5.1 Step 1

In many cases you will hopefully feel comfortable in raising your concern with your own manager, either verbally or in writing. The more information that can be supplied, including dates, times, details and names, the greater the opportunity to establish the facts. Although you are not expected to prove beyond doubt the truth of the allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for the concern. You can choose whether to use the form attached at Appendix 1 to report your concerns but in any case it provides a helpful guide on the sort of information that it is helpful to supply when you report your concern. When raising any concern you must ensure that you clearly state that you are raising concerns under the Confidential Reporting (Whistleblowing) Procedure.

5.2 Step 2

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with one of the following:

- Head of Internal Audit (Rebecca Neil) 01922 654727
- Executive Directors:-
 - Children's (Rose Collinson) 01922 652081
 - Neighbourhood (Jamie Morris) 01922 653203
 - Regeneration (Simon Neilson) 01922 652004
 - Resources (Rory Borealis) 07764 628186
 - Social Care & Inclusion (Keith Skerman) 01922 652700
- Head of Human Resources (Steve McGowan) 01922 655600
- Assistant Director Finance (James Walsh) 01922 652102
- Head of Legal & Democratic Services (Tony Cox) 01922 654822



The above contact list can also be used if you are a contractor or supply goods or services to the Council

or

you can use the [on line notification form](#) which is available on the internal audit intranet page and enables concerns to be reported in a secure and confidential manner

or

you can use the internal audit 'whistleblowing' hotline on 01922 655880 where you will be able to leave a voice recorded message.

5.3 Step 3

If you have followed these channels but still have concerns, or if you feel that you cannot raise your concern with any of the above, please contact the Chief Executive on 01922 652000.

5.4 **If your concern relates to service users of adults or children's social care, the statutory procedure set up to protect the interests of vulnerable service users should be used. In the first instance, such concerns should be directed to Customercareteamsocialcare@walsall.gov.uk**

5.5 If you feel it would be helpful to seek external advice you may wish to contact;

- your trade union
- external auditors
- Citizens Advice Bureau
- the relevant professional body or regulatory body
- the police

or "Public Concern at Work" (020 7404 6609). Public Concern at Work is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice at www.pcaw.co.uk.

Hopefully, this procedure will give you the confidence to raise any concerns within the Council. However, if you feel unable to do so, the Council would much prefer that you raised the matter with an appropriate external regulator than not at all.



6. What will happen after I have reported my concern?

- 6.1 Once you have reported a concern, the Council will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. In any case, within ten days, you will be written to with:
- An acknowledgement that the concern has been received
 - An understanding of the concern that has been reported
 - An indication of how the matter will be dealt with
 - An indication of any initial enquires that have been made
 - Information on staff support mechanisms
 - Notification of any further investigations that will take place and if not, why not
- 6.2 Where appropriate the matters raised may:
- Be investigated by management, Internal Audit, or disciplinary process
 - Be referred to the external auditor
 - Form the subject of an independent enquiry
 - Be referred to the police
- 6.3 The amount of contact between you and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you. Where any meeting is arranged, off-site if you wish, you can be accompanied by a trade union representative or a work colleague.
- 6.4 Sometimes you might be asked for your opinion on how the matter might best be resolved. Again, if this is a matter in which you have a personal interest, you must say so.
- 6.5 The Council will give you as much feedback as it possibly can. If requested, the response will be confirmed in writing. However, sometimes the Council will not be able to tell you the precise action taken – for example, if this infringes a duty of confidence owed to someone else.

Remember, malpractice affects everyone and is unacceptable.

Blowing the whistle on it is one way of stamping it out – for good.



Appendix 1

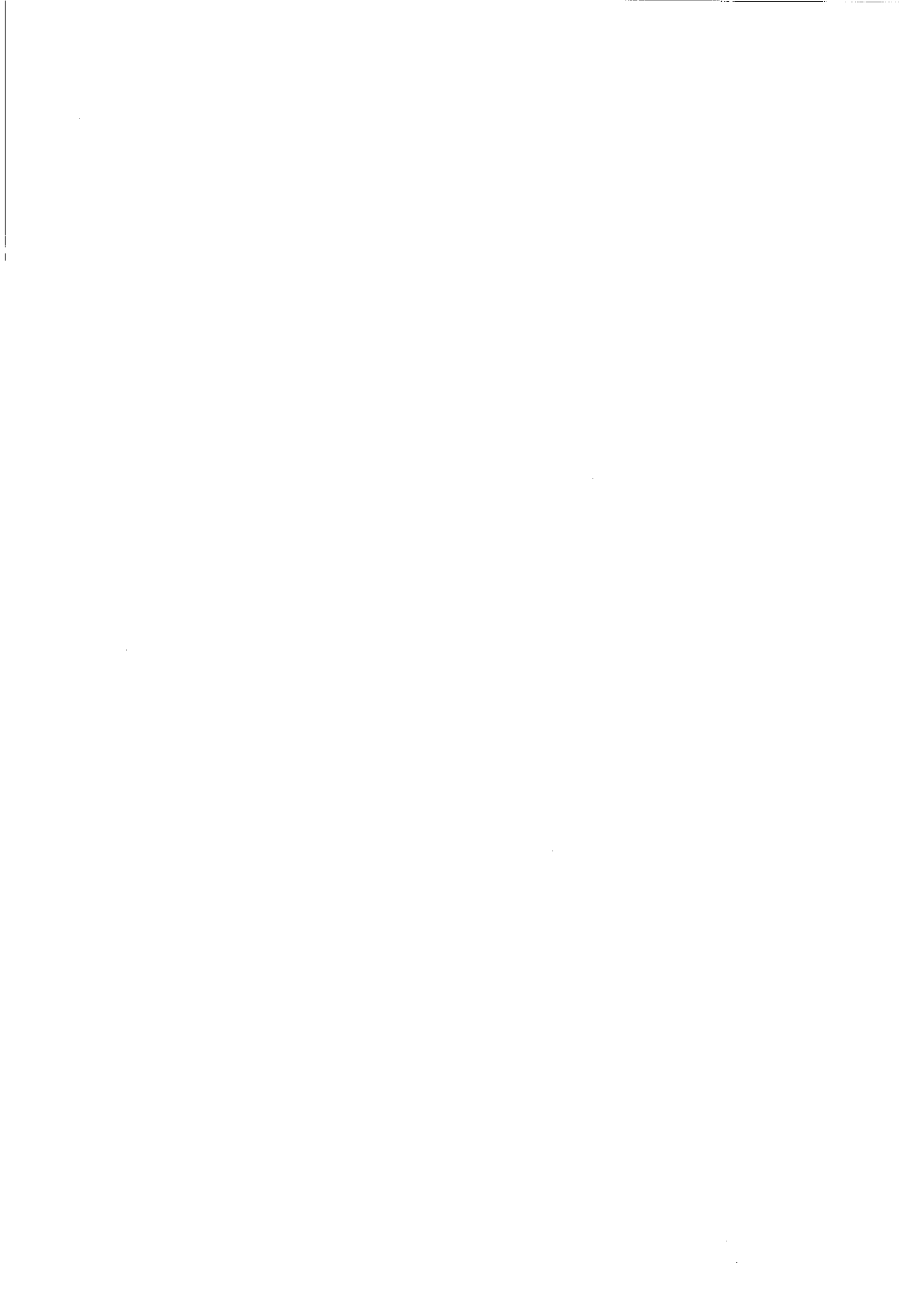
Formal Confidential Reporting (Whistleblowing)

Formal Confidential Reporting (Whistleblowing)	
Reference number:	
Employee's name:	
Employee's job title:	
Employee's preferred contact method and details:	
Date:	
Does your public interest disclosure relate to your line manager?	Yes/No
Summary of disclosure:	
Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.	
Please provide the names and contact details of any people involved in your concerns, including witnesses.	



Formal Confidential Reporting (Whistleblowing)	
Outcome requested:	
Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.	
Declaration:	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.	
Form completed by:	
Signature:	
For completion by the organisation:	
Date form received by the organisation:	
Name of recipient and job role:	
Signature:	







Code of Conduct

1. Introduction

- 1.1 The governing body is required to set out a Code of Conduct for all school employees. The following code has been consulted upon with trade unions and is recommended for adoption by the governing body.
- 1.2 All employees are expected to follow the Code of Conduct throughout every aspect of their work. A high degree of trust is placed in school employees and it is acknowledged that they want to do their best and operate in a professional and appropriate manner. Employees have a duty to ensure that they operate legally, professionally and soundly. This Code is intended to provide a clear framework within which employees will work, in order to deliver the best that they can for the school and its pupils/students.
- 1.3 Employees need to recognise and be aware that a failure to meet appropriate standards of behaviour and conduct in compliance with the Code of Conduct may result in disciplinary action, including dismissal.

2. Purpose, Scope and Principles

- 2.1 The Code of Conduct is designed to give clear guidance on the standards of behaviour all school employees are expected to observe, and the school should notify them of this code and the expectations therein. School employees are in a unique position of influence and must adhere to behaviour that sets a good example to all the pupils/students within the school.
- 2.2 The Code of Conduct applies to:
 - all staff who are employed by the school, including the headteacher;
 - all casual and temporary staff, including agency staff;
 - all staff in units or bases that are attached to the school.
- 2.3 The Code of Conduct does not apply to:
 - staff who are centrally employed by the LA;
 - employees of external contractors and providers of services (e.g. contract cleaners).

(Such staff will be covered by the relevant Code of Conduct of their employing body)

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3. Key features of the Code

3.1 Employees are expected to:

- 3.1.1 do their jobs to the best of their ability, and in accordance with the provisions outlined in the school's Appraisal process and the September 2012 Teachers' Standards, and realise the importance of being skilled and experienced to achieve this;
- 3.1.2 carry out their work with integrity, honesty, impartiality and objectivity;
- 3.1.3 be accountable for their actions;
- 3.1.4 comply with the law and all school policies and procedures;
- 3.1.5 not allow personal or political opinions to interfere with their work and to adhere to any statutory political restrictions;
- 3.1.6 respect our pupils/students, or their parents or carers and fellow employees and to use the highest level of integrity when dealing with them;
- 3.1.7 always be courteous, professional and helpful when dealing with other people, maintaining high levels of confidentiality;
- 3.1.8 use any financial resources given to them in a lawful manner, and not to use any schools facilities or school funds for their own purposes, unless they have obtained prior permission;
- 3.1.9 ensure that any outside interests don't conflict with those associated with work related duties and /or activities;
- 3.1.10 take care to tell their manager of details of any membership to any closed organisation that they might join, which require formal membership and commitment of allegiance (e.g. freemasons);
- 3.1.11 to disclose to their manager any relationships that they have with colleagues or potential job applicants;
- 3.1.12 be aware of and be willing to act in accordance with the schools guidelines on declaring and registering financial and non-financial interest, which includes making the school aware of any gifts, hospitality and benefits from third parties that are offered or received;
- 3.1.13 employees should not use information obtained during their employment for personal gain or benefit, nor should they pass it to others who might use this in such a way, as this might lead to disciplinary action.

4. Setting an example

- 4.1 All employees who work in schools set examples of behaviour and conduct which can be copied by pupils/students. Employees must, therefore, demonstrate, high standards of conduct in order to encourage our pupils/students to do the same.

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Employees must also avoid putting themselves at risk of allegations of abusive or unprofessional conduct.

This Code helps all staff to understand what is and what is not acceptable

5. Dress

- 5.1 The school reserve the right to set minimum standards of dress for their employees. All employees are expected to dress properly and safely for the work they do and to meet the expectation of the school.

6. Safeguarding Pupils/students

- 6.1 Employees have a duty to safeguard pupils/students from:

- physical abuse;
- sexual abuse;
- emotional abuse; and
- neglect.

- 6.2 The duty of safeguarding pupil(s)/student(s) includes the duty to report concerns about a pupil/student to the school's Designated Senior Persons (DSP) for Child Protection. Employees are provided with personal copies of the school's Child Protection Policy and Whistle blowing Procedure and they must be familiar with these documents.

- 6.3 Employees must not seriously demean or undermine pupils, their parents or carers, or colleagues. This includes action taken on social networking sites.

- 6.4 Employees must take reasonable care of pupils/students under their supervision with the aim of ensuring their safety and welfare.

7. Pupils/Students Development

- 7.1 Employees must comply with school policies and procedures that support the well being and development of pupils/students. Employees must co-operate and collaborate with colleagues and with external agencies where necessary to support the development of pupils/students and they must follow reasonable instructions that support the development of pupils/students.

8. Honesty and Integrity

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- 8.1 It is expected that all employees maintain high standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of school property and facilities.

9. Relationships at Work

- 9.1 Employees may in the course of their duties enter into a personal relationship with a colleague. In the event of this happening, they should ensure that such a relationship does not conflict with their work activities or the school. In order to avoid accusations of a possible conflict, employees in this situation are strongly advised to disclose this relationship in confidence to the relevant manager(s)/chair of governors concerned. If an employee feels uncomfortable in broaching this issue with their manager then they should seek confidential and impartial advice from their trade union representative or a HR Advisor. Employees should be aware that in order to demonstrate transparency and integrity, there should be no line management responsibility and accountability between the two employees, especially if the objectivity and professionalism of the manager could be called into question. Where this is not possible due to the size of the school for example, then the management arrangements must be professional, impartial and of the highest professional standards.
- 9.2 Employees must take reasonable care to avoid putting themselves at risk of allegations of abusive or unprofessional conduct through relationships with pupils/students or their parents or carers, this includes actions taken by employees on social networking sites as this may lead to disciplinary action, including dismissal.
- 9.3 Employees must maintain clear professional boundaries and confidentiality in such relationships at all times.

10. Conduct Outside of Work

- 10.1 Employees must not engage in conduct outside work which could seriously damage the reputation and standing of the school, or the employee's own reputation or the reputation of other members of the school community. In particular, criminal offences that involve violence or possession or misuse of drugs, or sexual misconduct are likely to be regarded as unacceptable.
- 10.2 Employees must exercise caution when using information technology and be aware of the risks to themselves and others.
- 10.3 Employees must take reasonable care when using social networking sites to ensure that they comply with the Code of Conduct and the schools policy for Internet use. Failure to comply with such action could result in disciplinary action against them, not excluding dismissal.
- 10.4 Employees have a duty to ensure that the contents of such media;

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- is not defamatory against the school, its employees, pupils/students or their parents/carers;
- does not bring the school into disrepute;
- does not damage the reputation of the school, the employee, or the community; and
- does not include pictures of children, employees at the school, without prior permission.

11. Confidentiality

- 11.1 Where employees have access to confidential information about pupils/students or their parents or carers, they must not disclose such information, except to those colleagues who have a professional role in relation to the pupils/student.
- 11.2 All employees are likely at some point to witness actions which need to be confidential. For example, where a pupil/student is bullied by another pupil/student (or by a member of staff), this needs to be reported and dealt with in accordance with the appropriate school procedure. It must not be discussed outside the school, including with the pupil's/students parent or carer, nor with colleagues in the school except with a senior member of staff with the appropriate role and authority to deal with the matter.
- 11.3 Employees have an obligation to share with their manager or the school's Designated Senior Person, any information which gives rise to concern about the safety or welfare of a pupil/student. Employees must **never** promise to a pupil/student that they will not act on information that they are told by the pupil/student.

12. Equal Opportunities

- 12.1 All employees are expected to, in their actions:
- 12.1.1 give fair and equal consideration in the work they perform to all pupils/students and work colleagues, irrespective of the hours they work or their sex, race, colour, national or ethnic origin, marital status, parental status, caring responsibilities, disability, sexual orientation, nationality, age, trade union activity, expired offences (where legally admissible), political or religious belief;
- 12.1.2 not to make any judgements or actions that are influenced by any form of personal prejudice.

13. Dual employment

- 13.1 Employees may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the school or its ethos, not be to a level which may contravene the working time regulations or affect an individual's work performance. This applies to all employees including those on secondment,

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temporary assignment and working with voluntary organisations or trusts, or board members.

14. Health and Safety

- 14.1 Employees must by law take reasonable care for the health and safety of themselves and other people, including their students/pupils or colleagues, who might be affected by anything they do at work.
- 14.2 Employees should not do anything intentionally or recklessly or take any action which might endanger themselves or others, or interfere with what is provided in the interests of health, safety and welfare.
- 14.3 Employees should make sure that they are familiar with their school's health and safety policy and act in accordance with it.

15. Alcohol and drugs

- 15.1 Consumption of alcohol is discouraged and must not at any time, impair the level of quality of an employee's work or cause a hazard to the health and safety of themselves, pupils/students or colleagues. Employees should not consume alcohol during normal working hours.
- 15.2 **At all times** employees are personally responsible for making sure that their consumption of alcohol does not in any way conflict with their responsibilities at work or conditions of employment.
- 15.3 Employees are required to have regard to the law in respect of recreational drugs. Use of recreational drugs must not at any time impair the level or quality of an employees work or cause a hazard to their health and the safety of themselves, pupils/students or colleagues.
- 15.4 Employees must not consume recreational drugs during working hours and/or at any time that could impact on working hours.
- 15.5 Inappropriate or excessive consumption of alcohol and or use and/or abuse of recreational drugs at work may lead to disciplinary action, not excluding dismissal. However, discretion will be given to employees that have a genuine drink/drug related problem and are receiving counselling and/or medical intervention for this.
- 15.6 Some prescription drugs may impair your performance at work due to their side effects. If you are taking prescription drugs, you must seek the advice of your doctor or other medical practitioner to determine whether it is safe and appropriate for you to come to work or undertake your normal duties. Employees should not drive or operate machinery etc if there is any risk that the prescription drugs may impair their ability to do so safely and effectively.

16. Handling Complaints

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16.1 The school has a complaints procedure which deals with any issues that are not covered by other agreed procedures already in existence. Complaints should be dealt with promptly and in a courteous and sympathetic way. Employees who investigate complaints must make sure that any unexpected delays, difficulties or poor quality of service are explained to our customers as courteously and as sympathetically as possible. Serious complaints must be reported to Headteacher, or the Chair of Governors should the complaint be against the Headteacher.

17. Disclosure of wrongdoings – whistleblowing

17.1 Employees must advise their manager of any possible irregularity in procedures or their operation. In circumstances where employees are aware of or suspect that actions are being taken without proper or sufficient authority, there is a duty for them to report this to their manager or the manager of the employee taking the unauthorised action.

If the lack of authority is not remedied promptly this must be reported in writing to the Headteacher, or the Chair of Governors, where the Headteacher has failed to take appropriate action.

17.2 Employees are protected in the disclosure or wrongdoings by an Act of Parliament called the *Public Interest Disclosure Act 1988*. This Act makes provision for the disclosures that may be protected, the circumstances in which such disclosures are protected. This matter is fully covered by the school's Whistleblowing Code.

17.3 Employees are recommended to advise their manager, in some instances where their prescription drugs may impact on their work.

18. Press and other media

18.1 Only certain employees are authorised to interact with and give information to the press and other media. If you are approached by the press or media, advise that it is not appropriate to give any information or comment on the matter and refer the enquiry to the head teacher immediately. Employees authorised to give information to the press and other media must give only the facts of a situation and must not express an opinion in relation to these facts.

18.2 Employees must not contact the press or other media unless specifically authorised to do so. Contacting the media without such permission may lead to disciplinary action, not excluding dismissal.

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