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University of Birmingham School

Whistleblowing Policy

March 2024

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| <p style="text-align: center;">At University of Birmingham School we refer to Pupils (who are in Years 7-11 and aged 11-16) and Students (who are in Years 12/13 and aged 17-18)</p> | |

1. Introduction

- 1.1 University of Birmingham School is committed to the highest possible standards of openness, probity and accountability.
- 1.2 In line with this commitment, the Governing Body encourages employees and stakeholders with serious concerns about any aspect of the School's work to come forward and voice these concerns.
- 1.3 This process is commonly referred to as 'whistleblowing'.
- 1.4 It is recognised that staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School.
- 1.5 They may also fear harassment or victimisation which may lead them to ignore the concern rather than report what may be a suspicion of malpractice.
- 1.6 Therefore, it is acknowledged that certain cases will have to proceed on a confidential basis.
- 1.7 This policy is intended to encourage and enable staff and stakeholders to raise concerns of suspected bribery, breaches of the law, and other serious wrongdoing - and make it clear that they can make reports without fear of reprisals.
- 1.8 The School is committed to ensuring compliance with relevant legislation, namely:

The Public Interest Disclosure Act:

<https://www.gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act--2>

The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

And, the Enterprise and Regulatory Reform Act (2013):

<https://www.legislation.gov.uk/ukpga/2013/24/notes/division/5/2/7>

The Act ensures that, in order to benefit from protection, whistleblowing claims must satisfy a public interest test and disclosures which can be characterised as being of a personal rather than public interest will not be protected. Matters outside of public interest should they arise may be better progressed under the School's other processes for complaints or grievance.

And, the Bribery Act (2010): <https://www.legislation.gov.uk/ukpga/2010/23/contents>

2. Aims

This policy aims to:

- a) Encourage staff and stakeholders to feel confident in raising serious concerns and to question and act upon concerns about practice;
- b) Provide avenues for stakeholders to raise concerns and receive feedback on any action taken – and to ensure that they receive a response to their concerns;
- c) Allow staff and stakeholders to take the matter further if they are dissatisfied with the Schools response to the concerns expressed;
- d) Reassure staff and stakeholders that they will be protected from possible reprisals or victimisation, if they have a reasonable belief that they have made a disclosure in good faith.

3. Scope

- 3.1 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment, and complaints procedures available for other stakeholders.
- 3.2 This policy is intended to cover concerns that fall outside the scope of the grievance procedure.
- 3.3 Any serious concern that a member of staff has about an aspect of service provision or the conduct of staff or Governors or others acting on behalf of the School can and should be reported under this policy.
- 3.4 This concern may be about something that is:
 - a) An offence or breach of law;
 - b) A disclosure relating to a miscarriage of justice;
 - c) A health and safety risk, including risk to the public as well as other employees;
 - d) Damage to the environment;
 - e) An unauthorised use of public funds;
 - f) Possible fraud and corruption;
 - g) Sexual or physical abuse of pupils, students, or staff;
 - h) Against the School policies;
 - i) Against established standards of practice, and ;
 - j) Other improper or unethical conduct.
- 3.5 The concern may be something that makes employees feel uncomfortable in terms of known standards, their experience or the standards to which they believe the School subscribes.

4. Safeguards

- 4.1 Harassment or victimisation
 - a) The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice or from the School as a whole.
 - b) The School will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action in order to protect a person who raises a concern in good faith.
 - c) Any investigation into allegations of potential malpractice raised by an individual will not influence or be influenced by any disciplinary or other procedure that is already affecting the individual.
- 4.2 Confidentiality
 - a) All concerns will be treated in confidence and every effort will be made not to reveal the identity if that is the wish of the individual.
 - b) However, it must be appreciated that any investigation process may reveal the source of the information and that the individual may need to come forward as a witness and provide a statement, as part of the evidence or in order to pursue the disclosure or complaint.

4.3 Anonymity

- a) This policy encourages members of staff and stakeholders who raise concerns to put their name to the allegation whenever possible.
- b) Concerns expressed anonymously are much less powerful but will be considered at the discretion of the School.
- c) 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 obtaining the necessary information.

4.4 False and Malicious Allegations

- a) The School will protect itself and its staff from false and malicious expressions of concern by taking disciplinary action where appropriate.
- b) If a concern, which is genuinely believed, proves to be unfounded on investigation, no action will be taken against the member of staff or stakeholder.
- c) The School will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.
- d) However, it acknowledges that it may not be possible to prevent all potential repercussions involved.

5 Raising a concern

- 5.1 Concerns should normally be raised with an appropriate level of line management (i.e. the immediate manager or his/her line manager) – or the Principal if from outside of the School.
- 5.2 However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 5.3 If a member of staff believes that the Principal is involved in a matter of concern an approach should be made to the Chair of Governors.
- 5.4 Concerns may be raised verbally or in writing.
- 5.5 Staff who wish to make a written report are invited to use the following format;
 - a) the background and history of the concern (giving relevant dates);
 - b) the reason why the member of staff or stakeholder is particularly concerned about the situation.
- 5.6 It should be noted that the earlier a concern is expressed, the easier it is to take appropriate action.
- 5.7 Although staff or stakeholders are not expected to prove the truth of an allegation that is made, it will be necessary that they are able to demonstrate that there are sufficient grounds for concern.
- 5.8 Staff may wish to get confidential advice from their trade union or professional association.
- 5.9 Staff may wish to consider discussing their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.
- 5.10 Staff may invite their trade union or professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns they have raised.

6 How the School will respond

- 6.1 The action taken by the School will depend on the nature of the concern.
- 6.2 Where appropriate, the matters raised may;
- a) be investigated by a senior member of staff, internal audit, or through the disciplinary process;
 - b) be referred to the police;
 - c) form the subject of an independent inquiry.
- 6.3 In order to protect individuals and the School, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take.
- 6.4 Concerns or allegations, which fall within the scope of specific procedures (for example, safeguarding or discrimination issues), will normally be referred for consideration under those procedures.
- 6.5 It should be noted that some concerns may be resolved by agreed action without the need for investigation.
- 6.6 Equally some issues may be investigated without the need for initial enquiries. If urgent action is required, this will be taken before any investigation is conducted.
- 6.7 Within ten working days of a concern being raised, the Principal (or Chair of Governors if it is regarding the Principal) will write to the person who has raised the concern:
- a) acknowledging that the concern has been received;
 - b) indicating how s/he proposes to deal with the matter;
 - c) giving an estimate of how long it will take to provide a final response;
 - d) telling the person whether any initial enquiries have been made;
 - e) supplying the person with information on staff support mechanisms;
 - f) telling the person whether further investigations will take place and, if not, why not.
- 6.8 Every effort will be made to resolve the matters raised as soon as possible, in the interests of the School, the person raising the concern and the person(s) being investigated.
- 6.9 The amount of contact between the Principal (or Chair of Governors) considering the issues and the member of staff or stakeholder raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 6.10 If necessary, further information may be sought from the person raising the concern.
- 6.11 Where any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.
- 6.12 The School will take appropriate steps to minimise any difficulties, which a member of staff may experience as a result of raising a concern.
- 6.13 For example, if staff are required to give evidence in criminal or disciplinary proceedings, the School will need to inform them and consider what steps are required to provide support.
- 6.14 The School accepts that staff raising a concern need to be assured that the matter has been properly addressed.
- 6.15 Thus, subject to legal constraints, the person raising the concern will receive as much information as possible as the investigation progresses.

7 Taking the matter further

- 7.1 This policy is intended to provide staff and stakeholders with an avenue to raise concerns within the School.
- 7.2 However, if a member of staff or stakeholder is dissatisfied with the School's response, she or he can raise the matter with the Governing Body, the Academy Trust Members and/or agencies external to the School such as the Department for Education, Ofsted, or the Health and Safety Executive.
- 7.3 If the matter of concern is taken outside the School, the member of staff or stakeholder should ensure that, as far as possible, it is raised without confidential information being divulged.
- 7.4 Other than in exceptional circumstances, it would be expected that staff and stakeholders will have exhausted the internal routes available first.

8 Monitoring the policy

The Principal and/or Chair of Governors will register the nature of any concerns raised and record the outcome.

This policy will be subject to annual review by the Audit Committee of Governors, and further ratified by the full Board in line with ESFA regulatory requirements.
