Working in Partnership

WHISTLEBLOWING/ PUBLIC DISCLOSURE

MODEL POLICY STATEMENT FOR SCHOOLS

ConnectEd Partnership highly recommend the use of this policy. The policy is considered best HR practice; it has been developed in accordance with current employment law and has been negotiated with all recognised professional associations and HR providers across the City of Wolverhampton.

Adopted by:	**The Wulfruna Partnership**
Ratified Date:	**April 2024/July 2026**
Adopted Date:	**12 October 2026**
Signed (Chair of Trust Board):	**N Round**
Minute Number:	

Key Amendments made to this document in July 2026

1.3 added “which from April 2026 also explicitly recognises sexual harassment”.

1.4 added “protection applies only where the disclosure meets legal criteria”.

3.3 added “**However:** from **April 2026**, disclosures relating to **sexual harassment** *may* amount to protected whistleblowing if the concern affects others or meets the public-interest threshold”

4.3.1 added “Regular updates should be provided to the whistleblower throughout the process”.

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1 Statement of Intent

1.1 The employer is committed to promoting the highest standards of integrity and accountability for all its employees/workers.

1.2 In implementing this policy, the intention is to ensure, so far as is reasonably practicable, compliance with the provisions of the relevant legislation, including employee rights conferred through the Public Interest Disclosure Act 1998. The Act introduced specific rights for those who disclose information to a third party about an alleged wrongdoing, in defined circumstances.

1.3 The Employment Rights Act (ERA) 1996 also protects individuals who have disclosed information in the public interest regarding a qualifying disclosure, as specified in section 43B, which from April 2026 also explicitly recognises sexual harassment.

1.4 There is no general right for all whistleblowers to receive special protection; protection applies only where the disclosure meets legal criteria. Therefore, the aim is to channel disclosures through the appropriate sources.

1.5 The Employment Rights Act 1996 protects individuals who make qualifying disclosures in the public interest regarding matters specified under section 43B. Concerns relating to sexual harassment may constitute protected disclosures where they involve breaches of legal obligations, safeguarding concerns, systemic misconduct, or otherwise satisfy the public interest test

1.6 The law also covers a deliberate attempt to cover up any malpractice.

1.7 Individuals are protected by law if they make a qualifying disclosure of information about the specific areas outlined in section 3.1 of this policy.

1.8 Personal grievances regarding the employment of an individual are not covered by whistleblowing legislation unless the case is in the public interest. See section 3.3 for further details.

2 Purpose

2.1 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.

2.2 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.

3 Definition and Scope

3.1 Qualifying Disclosures (Legally Protected Categories)

The following constitute qualifying disclosures when the employee reasonably believes the information shows wrongdoing:

* Unlawful acts
* Breach of Local Authority or Trust/Governing Board Policy or Procedure
* Miscarriage of justice
* Conduct or 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

A qualifying disclosure means that it is the reasonable belief of the employee making
the disclosure that one or more of the above has occurred, is occurring or is likely to occur.

3.2 **Specifically, the Policy covers suspected financial irregularities, e.g.**

* Theft or abuse of Council/School/Trust/Academy property
* Deception or falsification of records, e.g., fraudulent time or expense claims
* Falsification or misreporting of performance data

3.3 The Policy does not cover personal and/or employment related grievances including e.g. harassment, disciplinary, child protection, dignity at work / or other work-related complaints procedures. In these cases, the appropriate separate Policy should be followed/invoked. **However:** from **April 2026**, disclosures relating to **sexual harassment** *may* amount to protected whistleblowing if the concern affects others or meets the public-interest threshold.

3.4 The Policy applies equally to all those working in The Wulfruna Partnership, including teaching, non-teaching staff, agency/supply staff and contractors' and their employees. Employees who are based in schools but employed by Council managed services can be directed to the Council's Whistleblowing Policy by contacting the People Support Desk @ peoplesupportdesk@wolverhampton.gov.uk

4 Key Principles

4.1 Advice and Support

4.1.1 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, trade union/professional association representative or a HR representative. If the employee is unsure whether

their disclosure qualifies for protection, they should seek to clarify this in advance. The advice available to employees is set out below.

4.1.2 If, after initial consideration, an individual decides to pursue the issue formally, under the Policy, ongoing advice and support can be accessed through the resources set out in paragraph 4.1.1 and/or additional external sources of advice, if necessary.

4.1.3 The whistleblower has the right to consult with and be accompanied by a trade union representative during the operation of the procedures under the Policy. If the whistleblower is not an employee, they also have the right to consult with and be accompanied by a representative, during the operation of the procedures under the Policy.

4.1.4 A free, confidential employee advice line service (Tel: 020 3117 2520) is provided by the independent charity "Protect" which offers independent advice to anyone worried about malpractice in the workplace. Further information is available online at https://protect-advice.org.uk.

For staff who do not feel able to raise concerns regarding **child protection failures** internally, staff are now able to report their concerns via the NSPCC whistleblowing helpline on 0800 028 0285.

For further information follow Whistleblowing Advice Line | NSPCC

This advice line is not intended to replace any current practices or responsibilities of organisations working with children. NSPCC encourages professionals to raise any concerns about a child to their own employer in the first instance.

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4.2 Reporting Arrangements

4.2.1 The procedure should be published, brought to the attention of all employees and made available in the workplace. This policy provides an opportunity for employees to raise concerns internally in the first instance. The appointed person(s) to whom concerns should be initially addressed/reported must be clearly identified. This will usually be the Headteacher in the first instance.

4.2.2 Where the concern relates to the Headteacher/**CEO**, it may be appropriate for the disclosure to go to the Chair of Governors/**Chair of Trustees** or to go outside the normal line management structure, to an independent third party, for example, the Regional (DfE) Director, Ofsted or for schools, to The Wulfruna Partnership. Where the concern relates to a contractor working on a school site, the concerns should be raised with the Headteacher.

4.2.3 Concerns about exceptionally serious issues may be raised outside of

the school, for example, to the Police, a Trade Union, the Local Citizens Advice Bureau or, for maintained schools, the Council. Other external bodies include, for example, Ofsted, the Health and Safety Executive, HMRC, Information Commissioner's Office (ICO), Charity Commission or the DfE. For any disclosure to be deemed as protected under the legislation, the individual making the disclosure through an external route must show at least one of the following:

* 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.

4.2.4 The Governing Board (or Trust Board in the case of academies) will maintain a register of complaints lodged under the Policy, report those complaints to the relevant body and will make available for external inspection, such reports/statistical information as may be required. The relevant body may be, for example: The Financial Services Authority, the Regional (DfE) Director, Local Professional Association or Trade Union, Exam Board or the Council (in the case of maintained schools). Where the Council receives a whistleblowing complaint under this Policy, it will be reported to Audit Services for recording on its register of whistleblowing complaints.

4.2.5 Further external bodies may include:

- A Legal advisor provided it is done in the context of obtaining legal advice
- A government minister if the individual is appointed under a Parliamentary Act by the minister and the disclosure is made in good faith
- A person (e.g. HMRC, the Health and Safety Executive, Ofcom, Ofsted etc), in which case the following conditions below must be met:
    - individual must reasonably believe the disclosure is substantially true and made in the public interest
    - the disclosure must be to a person prescribed for a particular purpose (e.g. the Commissioners of the Inland Revenue).
    - the employee must reasonably believe the disclosure falls within the recipient's remit.
    - the employee must also believe the information and any allegation contained in it are substantially true.

4.2.6 If disclosure is to some other person to whom it is reasonable to disclose:

- individual must reasonably believe the disclosure is substantially true and made in the public interest
- the employee must reasonably believe the information and any allegation contained in it are substantially true
- the disclosure must not be for personal gain

In addition to the above one of the conditions below must also be satisfied through which the employee can demonstrate that:

- At the time that disclosure is made, they reasonably believe they will be subjected to detriment by their employer if the disclosure is made to the employer, or to a prescribed regulator instead; or
- There is no prescribed regulator, and they reasonably believe that disclosure to the employer will lead to the destruction or concealment of evidence; or
- they have previously made a disclosure of substantially the same information to their employer, or a prescribed regulator.

4.2.7 Employees to seek advice before reporting a qualifying concern to anyone external (see sections 4.1.3 and 4.1.4).

4.2.8 Prescribed persons are mainly regulators and professional bodies. A complete list of prescribed persons can be found at: Whistleblowing: list of prescribed people and bodies - GOV.UK (www.gov.uk)

4.2.9 Any employee who approaches the media with their concerns is likely to lose their rights under whistleblowing law. In doing so an employee cannot be acting for personal gain and must reasonably believe the information they disclose is substantially true. If an employee bypasses this internal procedure or a prescribed person before contacting the media, they must reasonably believe that the organisation will subject them to detriment for making the disclosure internally.

Disclosure to the media is not encouraged and are rarely, if ever, appropriate. An employee considering making a disclosure to the media is strongly urged to take advice from their Trade Union before doing so.

The procedures set out in this Policy are in place to ensure an appropriate way to raise public interest concerns and should be used in such cases. Accordingly, the School/Academy/Trust would normally treat any unnecessary contact with the press, on matters for which this Policy applies, as a serious disciplinary issue, which may lead to dismissal.

4.2.10 Where applicable, data should be kept in line with the employer's retention schedule. Retention of data will be proportional to the purpose for which the data is collected, whilst considering any legal or statutory requirements in terms of retention periods.

4.3 Investigation

4.3.1 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 employers Grievance/Complaints Procedures. In exceptional circumstances and by agreement between the parties concerned, time limits for responses may be varied, depending on the complexity and nature of the allegations and stakeholders involved, but should not normally exceed 3 months. Regular updates should be provided to the whistleblower throughout the process.

4.3.2 In all cases involving a disclosure outside the normal line management structure, the complainant should inform or submit a copy of the complaint to the Governing Board who will arrange for the matter to be investigated.

4.3.3 Where there has been a whistleblowing allegation the Governing Board must appoint an investigator. 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. A recommendation for an appropriate course of action will be made. The investigator must make it clear to all parties, including the whistleblower, that the allegation may be required to be shared during the process. If the whistleblowing allegation is a safeguarding allegation, this will be dealt with through the Safeguarding Policy.

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

4.3.5 Information relating to whistleblowing concerns will be processed in accordance with the UK GDPR and Data Protection Act 2018. Information will only be shared where necessary, proportionate, and lawful. Absolute confidentiality cannot be guaranteed where disclosure is required by law, safeguarding obligations, regulatory investigation, or fair process requirements.

4.4 Safeguards

Harassment or Victimisation

4.4.1 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 employer will not tolerate harassment or victimisation and will take action to protect anyone who reasonably believed the disclosure I o be substantially true and made in the public interest. Protection against reprisal or victimisation applies equally if the concern turns out later not to be justified.

4.4.2 The activation of this Policy will not, however, halt the operation of other procedures which may be in place affecting the complainant.

4.4.3 If an employee feels they have been treated unfairly because of making

a disclosure, they should raise their concerns through the Grievance Policy. Any suspected cases of victimisation or where an employee feels they have been treated unfairly because of making a disclosure, will be dealt with through disciplinary and grievance policies.

Confidentiality

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

4.4.4 Confidentiality will also be maintained during investigation and hearings other than in circumstances where there is a need for disclosure. Breaches of confidentiality will be investigated and may be dealt with under disciplinary policies.

Anonymous Allegations

4.4.5 Individuals are encouraged to put their name to allegations. Concerns expressed anonymously are much less powerful, but employers should satisfy themselves of whether the allegation has any substance by considering:

* The seriousness of the issues raised
* The credibility of the concern
* The likelihood of confirming the allegations from attributable sources.

It may be appropriate for the Governing Board/School/Trust Board to contact the appropriate audience, to explain that little can be done without further information, but matters are taken seriously, are deeply concerning and the school is committed to investigating, thereby encouraging individuals to come forward in good faith and without fear. All endeavors will be made to maintain the confidentiality of the whistleblower, who may be interviewed alongside other witnesses.

Untrue Allegations

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

4.4.7 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.** The investigating officer should refer to the Terms of Reference for any subsequent investigation.

4.5 **Action/Responses**

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

4.5.2 In order to protect individuals and the employer, initial enquiries will be made to establish what form an investigation may take.

4.5.3 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.

4.5.4 In all cases, written records will be kept of the initial concern/complaint, details of the investigation and the outcome and action, recommended, if any. For allegations regarding staff conduct and the safeguarding of children, schools should record these in their “bound book” and retain in line with their Policy relating to the retention of records.

5 Equality and Diversity

The employer is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.