Birmingham City Council

YARDLEY WOOD COMMUNITY PRIMARY SCHOOL

Whistleblowing and Serious Misconduct Policy

Autumn 2026
To be reviewed autumn 2027

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1. Introduction

1.1 Birmingham City Council ("the Council") is committed to ensuring that it, and the people working for it, complies with the highest standards of openness, honesty, and accountability. The Council is not prepared to tolerate improper practice and/or wrongdoing. In line with that commitment, we expect employees, and others that we deal with, who have any serious concerns about any aspect of the council's work to come forward and voice those concerns. Wherever possible, individuals are encouraged to use relevant council procedures to report issues in an open and transparent way.

1.2 Individuals within the Council can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within the Council. However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of wrongdoing.

1.3 This Policy and the associated Procedure does not form part of any employee's contract of employment, any other contract or any service agreement. It may be amended at any time. BCC reserves the right to vary any part of the policy and procedure, including any timeframes. Any changes to this Policy and Procedure will be meaningfully consulted upon with our recognised Trade Unions.

1.4 'Whistleblowing' is the term used when an individual passes on information concerning serious wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) (PIDA).

1.5 The information passed on must always be more than a general assertion (or an un-particularised allegation), or mere opinion. In this policy, receipt of any such information will simply be referred to as a "**disclosure**."

1.5 An individual includes a direct employee of the Council, agency staff, contractor or consultant, volunteers and elected members doing work for the Council, collectively referred to in this policy as "**individuals**."

1.6 Individuals are also those employed or working in maintained schools, Community Schools, Community Special Schools, Voluntary Controlled Schools, Pupil Referral Units and Maintained Nursery Schools

1.7 To this end, where this policy makes reference to a "**Whistleblower**", it

refers to individuals who make a disclosure.

1.8 This policy is designed to provide guidance on how an individual should report any suspected serious misconduct as well as reassurance that any disclosure can be made safely.

1.9 This policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services.

1.10 This policy seeks to:

1.10.1 encourage Whistleblowers and/or their representatives to feel confident in raising disclosures in the public interest about suspected serious misconduct in the Council and its services;

1.10.2 set out how the Council will handle and respond to disclosures and what you can do if you are not satisfied with the feedback received;

1.10.3 reassure Whistleblowers that they will be protected from possible reprisals or victimisation if there is reasonable believe that the disclosure made is in the public interest; and

1.10.4 ensure consistency and fairness in dealing with whistleblowing across the Council.

1.11 Where any individual reasonably believes:

1.11.1 they are acting in the public interest; and

1.11.2 that the disclosure shows past, present or likely future wrongdoing by the Council, members and/or individuals undertaking work for the Council (whether employees, contractors, suppliers or consultants) falling into one of more of the following categories:

- failure to comply with a legal obligation;
- a criminal offence;
- a miscarriage of justice;
- a danger to the health or safety of any individual or damage to the environment, or;
- information tending to show that any of the above matters is being deliberately concealed;

these concerns should be reported and the Council will assess the

disclosure and, where appropriate, investigate and take action accordingly.

1.12 The Council may, where such behaviour has been identified, take disciplinary action against any employee responsible for harassment, victimisation, or unfair treatment against a Whistleblower as a result of the disclosure they have made.

2 Exemptions

2.1 This policy will not apply where there is already an appropriate procedure in place for dealing with the concern. Specifically, this policy is not designed to be used:

2.1.1 for raising or reconsideration of matters that clearly come under existing internal procedures following initial assessment e.g. Grievance, Disciplinary, Capability, Dignity at Work, or the Council's general complaints procedure; or

2.1.2 for allegations that fall within the scope of specific statutory procedures (for example child or vulnerable adult protection) which will normally be referred for consideration under the relevant process, unless the Whistleblower has good reason to believe that the appropriate process is not being followed or will not be followed effectively, in which case the provisions of this policy shall apply in relation to that allegation; or

2.1.3 as an appeal process from any complaint or grievance handled under any of the above procedures.

2.2 Where a disclosure falls outside the scope of this policy, the Council will advise the Whistleblower of this and consult with them in respect of taking the matter further, if appropriate. Wherever possible, the Council will comply with the reasonable views of the Whistleblower in relation to the disclosure of information, but there may be situations where the Council is legally required to pass on details of a disclosure, without the consent of the Whistleblower, such as in Police investigations or legal proceedings.

2.3 Likewise, if a disclosure made under a separate Council procedure falls under the remit of a "serious misconduct," the Council will notify the Whistleblower of this and investigate the allegation under this policy instead.

3 Disclosures made by Individuals

3.1 This is called making a "Protected Disclosure" under PIDA, and when it is made in the public interest and in accordance with this policy, an employee

or worker (including agency workers and individuals supplied to work via an intermediary where the agency or intermediary introduces them to or finds them the post, and the terms of their employment are substantially determined by the agency or the Council) arelegally protected from harassment or victimisation and will not be subject to any other detriment as a result of the disclosure.

3.2 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).

3.3 If an individual does not feel comfortable making a disclosure to the Council, they shall be entitled to make a disclosure to other prescribed persons. For further information please see Schedule 1.

4 Protecting an employee Whistleblower

4.1 Individuals should feel safe making a disclosure and are protected against repercussions if:

- they reasonably believe that the information disclosed, and any allegations contained in it, are substantially true;
- they think they are telling the right person; and
- they believe that their disclosure is in the public interest

even if the disclosure turns out to be mistaken.

4.2 The Council is committed to preventing harassment or victimisation. If an employee claims that, despite that commitment, he or she has been victimised for making a disclosure, they should make a further complaint under this whistleblowing procedure directly to the City Solicitor.

4.3 Any allegation that an employee has victimised a Whistleblower will be taken seriously by the Council and managed appropriately, however a decision a decision on whether it has occurred can only be determined by an employment tribunal in appropriate cases.

5 Advice to individuals wishing to make a disclosure

5.1 The Council hopes that individuals have the confidence to use our internal procedures, however individuals can also seek independent advice, for example, from their trade union or the charity Protect (0203 117 2520 – https://protect-advice.org.uk), to see whether the information which they wish to report would be a disclosure under this policy, or some other procedure.

6 How to report a concern

6.1 An individual who wishes to report any concerns to the Council should contact the Council either by:

Email: whistleblowing@birmingham.gov.uk

Post: Whistleblowing
Professional Standards
Birmingham City Council
PO BOX 15992
Birmingham
B2 2UQ

Setting out the following information:

- Name (unless you wish to be anonymous)
- Contact details (unless you wish to be anonymous – although please note that it will not be possible to provide feedback on the concern if no contact details are provided)
- Who has committed the alleged serious misconduct?
- What is the nature of the alleged serious misconduct? (please include as much background and history (including dates) as possible and why you are concerned about the situation).
- That you are using the Whistleblowing Policy to raise the concern.

6.2 Employees are also entitled to make a disclosure through their manager if they feel confident in approaching a manager. The manager must follow the obligation of confidentiality, but must, as soon as possible, and no later than 2 working days after receiving the protected disclosure, log the disclosure in accordance with 9.1 above, and then confirm to the employee concerned, in writing or email, that this matter has been recorded.

6.3 Individuals can report the matter through the external Vivup whistleblowing service. Vivup is a specialist, independent, external provider who record the concern and pass it to the City Council to be investigated. Vivup can act as an intermediary if required. Vivup can be contacted 24 hours a day, 7 days a week by phone on 0808 502 2289, by email at externalspeakup@vivup.co.uk or through their website http://bcc.vivup.co.uk.

6.4 In the event that an employee does not feel comfortable in making a disclosure to the Council or through Vivup, they are entitled to make a protected disclosure to a number of other organisations. For further information as to whom, other than the Council, a protected disclosure can made, see schedule 1.

7 How the Council will respond to a disclosure

7.1 The Council will acknowledge receipt of a disclosure within 2 working days. In some cases, if insufficient information is provided with the initial disclosure (in the reasonable opinion of the Council), the Whistleblower may be asked to provide further information and the procedure may not continue until this has occurred. All initial contact will be made by the Council's Professional Standards Team.

7.2 The Council will consider and decide whether the disclosure falls under the criteria within this policy and, if not, wherever appropriate, it will recommend how those concerns can instead be taken forward using appropriate existing council procedures. The Council's decision will be given to the person making the disclosure, wherever possible, as soon as possible after receipt of the disclosure and usually within 5 working days after acknowledging receipt of the disclosure. The decision notification will state whether or not the disclosure is considered to fall under the policy and how it will be dealt with.

7.3 There are situations where the Council 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 Council 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 or any further details.

7.4 When a disclosure is considered to come under the Whistleblowing Policy the Council will appoint an investigator at its earliest opportunity. This may be an appropriate officer within the Council, or an independent investigator, dependent on the nature of the disclosure and at the reasonable discretion of the Council. Once the Council has assigned an investigator, they will be instructed to contact the Whistleblower at the first available opportunity and in any event no later than 10 working days from the date of their appointment, to advise them of the following:

7.4.1 the name of the investigator appointed to undertake the investigation;

7.4.2 arrangements for confidentiality;

7.4.3 how the person making the disclosure will be expected to contribute to the investigation;

7.4.4 an estimate of how long the investigation is likely to take;

7.4.5 the right of an employee Whistleblower to representation by a recognised trade union or work colleague at any meeting; and

7.5 In any event, the Council will arrange to keep the Whistleblower updated throughout the process and, wherever possible, will seek to advise the Whistleblower of the outcome of the investigation but will not provide a copy of the investigators report. However, the Council is bound by the Data Protection Act 1998 and the Human Rights Act 1998 in respect of allegations relating to individuals and may not be able to disclose specific information in certain circumstances.

7.6 The Council shall treat all disclosures consistently and fairly.

8 Confidentiality and Anonymity

8.1 The Council will seek to treat all disclosures in confidence as a means of preventing victimisation and will endeavour to avoid disclosing information identifying any Whistleblower. However, there may be situations where, due to the circumstances of the alleged serious misconduct, it may be impossible to avoid disclosing information identifying any Whistleblower. In these circumstances, the Council will consult with the Whistleblower prior to the disclosure taking place.

8.2 The Council may also be required to disclose the identity of the Whistleblower to third parties, where necessary for the purposes of undertaking investigations, for example where the disclosure relates to criminal offences where the Council considers that the Police should investigate.

8.3 There may also be situations where the Council is obliged to disclose information, such as where there are legal proceedings following on from investigation of the disclosure. This may require the disclosure of witness statements or correspondence, and there is also the possibility that the Whistleblower may be expected to give evidence at any hearing. In these circumstances, the Council will discuss the implications for the Whistleblower and, where appropriate, discuss appropriate support arrangements.

8.4 Anonymous disclosures will be considered at the discretion of the Council taking into account on the seriousness of the information given, the credibility of the evidence and the likelihood of confirming the allegation from attributable sources. There may not be enough information or sufficient evidence to pursue an investigation without the investigator being able to contact the Whistleblower for further information.

9 Untrue Allegations

9.1 As set out in paragraph 3.1 above, if a Whistleblower makes an allegation which is believed to be true and in the public interest, but it is

not confirmed by the investigation, no action will be taken against the employee. However, the Council will view very seriously any false or malicious allegations or allegations made for personal gain and where the whistleblower is an employee, disciplinary action may be taken against the Whistleblower under the Council's Disciplinary Policy.

10 Recording and monitoring complaints

10.1 The Council is legally required to maintain a list of disclosures raised by individuals

10.2 For the purposes of investigating whether or not there are any systemic issues that need to be addressed, and to monitor the performance of any investigation, an anonymised summary of all disclosures of serious misconduct, made by employees, will be sent on a quarterly basis to the Heads of Service for the directorate to which the complaints relate and every six months to the Chief Executive and Deputy Leader of the Council.

10.3 The Council will record details of all disclosures made under this policy, anonymising the identity of the Whistleblower and use this information for the purposes of identifying areas of concern, which may indicate further action is required, and where appropriate, share this information with other regulatory bodies.

10.4 Both lists are maintained in accordance with the Data Protection Act 1998.

10.5 A report on the number of concerns will be provided to the Councils External Auditors annually. This report will not include any information identifying any Whistleblower.

11 Version Control

Version	Date	Notes
2.0	August 2019	
2.1	May 2023	
2.2	January 2024	

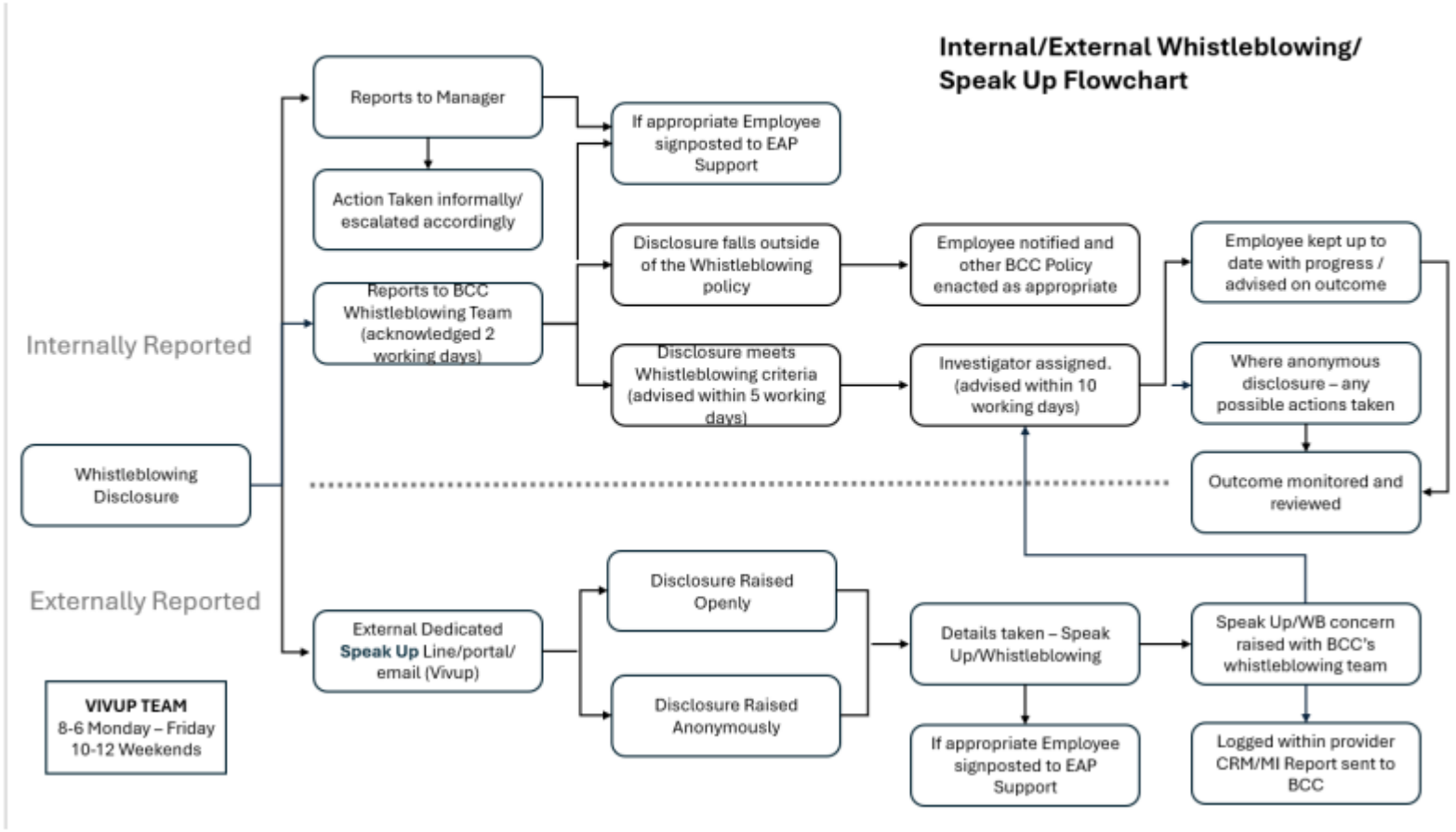
Schedule 1

List of other bodies a whistleblowing disclosure can be made to.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/40433 0/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf

Schedule 2

Complaint flowchart



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Policy adopted by the Governing Board:

Signed: ……(Chair of the Governing Board)

Date: ……