



Spon Gate Primary School

Whistle-blowing

policy

Introduction

This Policy sets out Spon Gate Primary School's principles around Whistleblowing matters for all employees of the School.

LEGAL FRAMEWORK These provisions take account of the framework of statutory rights as set out in the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002.

Procedure incorporates the provisions determined by the National Joint Council for Local Government Services in the National Agreement on Pay and Conditions of Service.

Purpose

This policy sets out Spon Gate Primary School's approach to Whistleblowing matters. The policy aims to ensure that all employees are treated fairly and consistently and to ensure that you are aware of your rights and entitlements.

Roles and Responsibilities

The headteacher and nominated individuals are accountable to the Governing Body and Local Authority for the proper application of this Policy.

This policy will be reviewed no less frequently than 3 years, as a result of legislative change, or at the request of trade unions or Management.

POLICY

Introduction

1. The School takes malpractice seriously and encourages people to speak out if they are aware of any actual or potential misconduct or wrongdoing within the school. The School is committed to creating an open culture, where concerns can be raised without fear of suffering a detriment.

2. The whistleblowing policy is crucial in order to maintain high standards of openness and accountability and encourages those who have legitimate concerns to raise them using this policy.

3. Employees are encouraged to contact the named individuals in this policy in order to report their concerns. Any concerns will be addressed appropriately by the individual assigned.

What is Whistleblowing?

4. Whistleblowing is the making of a protected disclosure i.e. 'blowing the whistle' on actual or potential wrongdoing. It is a way to raise a concern over such wrongdoing. It is not a way to raise personal grievances and any such concerns should be raised through the School's grievance procedure.
5. It may be appropriate for your concern to be dealt with under another school procedure

e.g. safeguarding, grievance, etc. If this is the case then you will be notified accordingly.

6. Whistleblowing is covered by the Employment Rights Act 1996 Part IVA, as amended by the Public Interest Disclosure Act 1998.

When can a concern be raised?

7. To be covered by this policy, the wrongdoing must fall within one of the following grounds:

- a. A criminal offence
- b. Breach of any legal obligation
- c. Miscarriages of justice
- d. Danger to health and safety
- e. Damage to the environment
- f. The deliberate concealing of information about any of the above

8. If the concern relates to one of the above grounds, then you should raise the issue if you have a reasonable belief that the disclosure is in the public interest. A concern is of public interest if the matter goes beyond those which are of personal concern to you. You should reasonably believe that the allegation raised is substantially true.

Who can use this policy?

9. All employees of the School may use this policy. This includes permanent and temporary employees. It also covers agency workers and employees seconded to and from a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this policy. Contractors working for the School may use this policy to make the School aware of any concerns that they have with the School. The private concerns of the contractor relating to non-school business should be raised with the relevant employer.

Who to contact?

10. If an employee has a concern, they should raise it with the Headteacher, Jamie Wingrove (headteacher@spongate.coventry.sch.uk), School Business Manager, Mohammed Ali (admin@spongate.coventry.sch.uk) or Chair of Governors, Ian Horrabin (GovernorIHorrabin@spongate.coventry.sch.uk).

11. In the event that an employee feels they cannot raise the matter with the School directly, employees may also raise their concern with nominated council members: Chief Karen Tyler – Chief Internal Auditor Coventry City Council One Friargate Coventry CV1 2GN Email: Karen.tyler@coventry.gov.uk or Julie Newman – City Solicitor and Monitoring Officer Coventry City Council One Friargate Coventry CV1 2GN Email: Julie.newman@coventry.gov.uk.

12. In addition, employees can make initial contact with their supervisor, line manager or head of service. The relevant person will then notify the headteacher/ nominated individuals that a concern has been raised.

13. Further advice and guidance can be obtained from Protect (formerly known as Public Concern at Work) (020 3117 2520) <https://protect-advice.org.uk>. Protect is an independent charity that operates a confidential helpline to provide free impartial advice for those who wish to express a concern.

14. The School encourages the use of this policy in order to raise whistleblowing concerns. It is anticipated that issues would be raised within the School in the first instance to allow the School to respond to any concern. However, if you feel that it is right to report the matter outside the School/Council, then there are prescribed contacts to whom disclosures can be made. Prescribed persons include: the Information Commissioner, the Environment Agency, Public Health England, Health and Safety Executive, etc. A full list of prescribed persons can be found at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

15. If you report the matter outside the School/Council, you should ensure that you do not disclose confidential information. Disclosure to a person who is not a prescribed person or to someone who is not specified in this policy may constitute a breach of confidentiality and a breach of the employee Code of Conduct. Any breach of the Code of Conduct could lead to disciplinary action. Furthermore, disclosure to someone else will mean that the legal protection for whistleblowers is lost.

How to raise a concern

16. As much information as possible should be provided in order for your concern to be properly investigated. To allow any points to be clarified, you should provide details of how you can be contacted.

17. Appendix 1 to this document provides a standard reporting form which you can use. Appendix 1 can be used as a guide on the information that would be helpful to supply when reporting your concern. However, any reasonable method of communication is acceptable including verbal notification. When raising a concern, you should state clearly that you are raising concerns under the School's Whistleblowing Policy.

18. A concern can be raised anonymously. However, if the concern is raised anonymously then this will restrict the ability of the School to provide feedback on how the concern has been investigated. It may also restrict the extent to which the matter can be investigated.

When should a concern be raised?

19. A concern should be reported if you have reasonable belief that wrongful activity is taking or has taken place. You do not need to obtain conclusive evidence of the wrongdoing but the disclosure should have a factual basis. The earlier you report a concern, the easier it is to take the appropriate action.

What happens to the concern raised?

20. If the person dealing with the concern deems it necessary to hold any meetings with you, you have the right to be accompanied by a Trade Union representative or work colleague, except where a reasonable adjustment might allow a disability advocate to represent an employee where the employee has learning difficulties.

The meeting can be arranged away from the normal place of work, if requested.

21. You will be listened to and your concern will be taken seriously. The action taken by the School will depend on the nature of the concern. Any concern raised under this policy will be acknowledged in writing within 7 days. This will: acknowledge that the concern has been received; summarise the details of the concern; and identify who is dealing with the matter. The person dealing with the matter will decide on the appropriate course of action.

22. The School understands that individuals raising a concern need to be assured that the matter has been properly addressed and will notify them when the whistleblowing policy process has been completed. However, the information provided may be limited in accordance with other legislative provisions, such as the Data Protection Legislation.

Protection for those raising concerns

23. If you raise a concern under this policy, you are protected from suffering any detriment i.e. any disadvantage on the ground, that you have made a protected disclosure. A disclosure will only qualify for protection if you have a reasonable belief that it is made in the public interest.

24. The protection provided to employees raising concerns cannot be given to third parties. The School cannot guarantee protection to employees of third party organisations. However, we expect contractors to be aware of the legal obligations in relation to whistleblowing policy and to act in accordance with the requirements.

25. The School does not tolerate discrimination, victimisation or harassment and will take action to protect you if you have raised a concern using this policy.

Confidentiality

26. Every effort will be made to ensure confidentiality is maintained as far as is reasonably practical. Individuals should be aware that actions taken as a result of their report may lead to their identity being revealed, either by inference or as a result of disciplinary or legal proceedings. If this should happen, the School will not tolerate you being subjected to any detriment because you have made a protected disclosure.

Monitoring

27. Monitoring of the Whistleblowing Procedure will be undertaken by the headteacher, nominated individual(s), and/or Governing Body.

Appendix 1

– Raising Concerns at Work – Whistleblowing

Name of person reporting concern	
Job title	
Contact details	
Date form completed	
Summary of concern: (Please set out the details of your concern. If possible, provide examples, dates, times, locations and details of those who are involved. Please continue on a separate sheet if necessary)	
Please state why you believe this concern falls under the Whistleblowing policy:	
Declaration I confirm that the information entered on this form is true to the best of my knowledge and belief, and that I have made this disclosure in the public interest.	
Print Name	Signature
For school Use	
Date form received	
Name of recipient and job	

title	
Signature	
Date to notify individual (within 7days)	

6. Definitions

N/A

7. Training

No further training is required.

8. Monitoring Compliance with the Document

This policy will be reviewed no less frequently than 3 years, as a result of legislative change, or at the request of Trade Unions or Management.

9. References

N/A