Whistle Blowing Policy

John Gulson Primary School

January 2024

JOHN GULSON
PRIMARY SCHOOL

Policy adapted from LA Policy: January 2024

Written by: Mrs V Watson

Ratified by: Headteacher

Frequency of review: Biennially

Date of next review: January 2026

MISSION STATEMENT

John Gulson Primary School reflects passionate ambition and commitment to learning and we recognise the uniqueness of every individual in the pursuit of excellence.

VISION

Our mission is driven by our desire to offer the best education for our pupils in partnership with parents, carers, Governors and the wider community. We believe our approach will inspire a love of learning and unlock the talents that lie within all of our children, preparing them to be kind, happy, successful and responsible citizens of the future.

VALUES

Whistleblowing (All)
September 2008

1. Introduction

1.1 The Council/Schools take malpractice seriously and encourages people to speak out if they are aware of any actual or potential malpractice within the organisation. The Council/Schools are committed to creating an open culture, where concerns can be raised without fear of reprisals.

1.2 The whistleblowing policy exists to help individuals raise concerns over any wrongdoing within Coventry City Council/Schools relating to unlawful conduct, financial malpractice, or dangers to the public or the environment. It does not apply where employees are aggrieved about their own personal position – in such instances the Council/School's grievance procedure applies. The Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

1.3 The policy is intended to encourage and enable individuals to raise serious concerns within the Council/Schools rather than overlook a problem. The policy also outlines how individuals may properly raise concerns outside the Council.

1.4 The policy supports the Council's Fraud and Corruption policy and complements other specific investigation procedures developed to support vulnerable groups i.e. Safeguarding Children and Vulnerable Adult[1] Protection.

1.5 **If you have a concern, you should contact:**

- **For fraud and financial irregularity - the Internal Audit Manager (024 7697 2186)**
- **For all other matters – the Council's Monitoring Officer (024 7683 3720)**

Both can be written to at Coventry City Council, One Friargate, Station Square, Coventry, CV1 2GR.

1.6 All employees of the Council/Schools may use this Code. This includes permanent and temporary employees. It also covers agency workers and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this Code. Contractors working for the Council/Schools may also use the provisions of this Code to make the Council/Schools aware of any concerns that the contractor's employees may have with regard to contractual or other arrangements with the City Council/Schools. The private concerns of the contractor relating to non-council business should be raised with the relevant contractor and/or other suitable agency/regulator - including the police, if appropriate.

1.7 This Policy applies to Teachers and School employees, subject to its adoption by Governing Bodies. In Voluntary Aided schools, the Governors are the employers of the staff and not the City Council. Employees based within such establishments may wish to report concerns to the Diocesan authorities, or the external sources referred to at paragraph 8 below.

1.8 Matters reported directly to the Council by a school based Council employee will be referred to the Director of Education and Skills (or representative) before further action is taken. Matters reported directly to the Council by an employee of a Voluntary Aided School will be referred to the Diocesan authority by the Director of Education and Skills (or representative).

1.9 Details of how to raise a whistleblowing concern are given in section 4 of this document.

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[1] A Vulnerable Adult is 'a person aged 18 years or over, who is in receipt of or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'

2. Policy statement

2.1 The Council/Schools are committed to the highest possible standards of openness, probity, and accountability and will take action to address improper practices. As part of this commitment, the Council is determined to follow best practice on whistleblowing and:

- provide opportunities for individuals to raise concerns outside of their line management structure;
- not allow any individuals who come forward with concerns raised in good faith to be discriminated against or victimised;
- ensure concerns are treated in confidence and make every effort not to reveal the identity of the whistleblower. (The Council/Schools cannot give a complete assurance that an individual's identity would not be revealed – see section 6.);
- investigate all concerns, ensure individuals get a response to their concerns, and take all possible action against wrongdoers;
- take action against anyone found to have made a false allegation maliciously.

3. When does the whistleblowing policy apply?

3.1 The Public Interest Disclosure Act 1998 sets out the categories where the statutory whistleblowing protection applies. These are:

- a criminal offence;
- a failure to comply with a statutory or legal duty;
- improper unauthorised use of public funds or other funds;
- a miscarriage of justice;
- sexual or physical abuse of any employee or service recipient;
- discrimination of an employee or service recipient on the grounds of sex, age, race, disability, religion, belief or sexual orientation.
- endangering of an individual's health and safety;
- damage to the environment;
- deliberate concealment of any of the above.

3.2 In addition, the Council/Schools will provide similar protection to any employee "blowing the whistle" on any issue deemed to be a breach of the code of conduct.

3.3 The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

3.4 The policy is subject to any relevant legislation and specifically will operate within the requirements of the Data Protection Act.

4. How to raise a concern

4.1 The Public Interest Disclosure Act encourages individuals to raise their concern with their employer. Within the Council, the key contacts to raise whistleblowing concerns with are:

<u>Potential fraud or financial irregularity</u>

- Internal Audit Manager (024 7697 2186) (One Friargate, Station Square, Coventry, CV1 2GR).

<u>Other concerns</u>

- The Council's Monitoring Officer (024 7683 3720) (One Friargate, Station Square, Coventry, CV1 2GR)

In addition, employees can make initial contact with any of the following:

- Supervisor, manager, or Head of Service
- Head of Establishment or Head Teacher
- Trade Union representative

Any of the above will provide advice on how to take the issue forward and will ensure that the relevant key contact is notified that a whistleblowing concern exists.

If the concern is connected with a direct line manager/supervisor then, if appropriate, the Directorate's HR Manager will provide confidential advice as to whom the concern should be directed. Alternatively, the Internal Audit Manager or the Council's Monitoring Officer should be contacted directly.

4.2 Whilst individuals can raise concerns verbally, it is often better to put them in writing[2], but any method of communication is acceptable. The information needed is the background and history of the concern giving names, dates and places where possible, and the reason for the particular concern. To allow any points raised to be clarified, individuals will need to provide details of how they can be contacted.

4.3 The earlier concerns are raised; the easier it will be to take action.

4.4 Advice and guidance on how matters of concern may be pursued can be obtained from the following:

- Line Manager, Head Teacher
- Human Resources
- Internal Audit Services
- Trade union/professional association
- Protect. This is an independent charity that operates a confidential helpline to provide free impartial advice for persons who wish to express concern about fraud and other serious malpractice. The telephone number is **020 3117 2520**. Further details are available from their website – protect-advice.org.uk/

4.5 Trade Union representatives may support an employee raising an issue of concern throughout the process.

5. How the Council/School will respond.

5.1 Any concern raised either in writing or verbally under the whistleblowing policy, will be acknowledged in writing within 3 days. This will:

- Acknowledge that the concern has been received;
- Summarise the details of the concern;
- Identify who is dealing with the matter.

5.2 The action taken by the Council/School will depend on the nature of the concern. The matters raised may be:

- investigated internally by an appropriately skilled and experienced employee, knowledgeable in the area concerned e.g. Manager, Internal Audit, Social Care Manager, Benefits Investigation Team, Human Resources, Chief Executive, the Council's Monitoring Officer, Vulnerable Adults Protection Coordinator, the Safeguarding Children Officer etc;
- referred to the Police;
- referred to the Health and Safety Executive
- referred to the External Auditor or Ombudsman;
- referred to the National Standards Board;
- the subject of an independent enquiry.

5.3 In order to protect individuals and the Council/Schools, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations

[2] This can be handwritten or by e-mail. If using e-mail you must consider the security and confidentiality aspects of this method.

that fall within the scope of specific procedures (for example, safeguarding children, vulnerable adults' protection, or discrimination issues) will normally be referred for consideration under those procedures.

5.4 Some concerns may be resolved by agreed action without the need for further investigation.

5.5 The amount of contact between the officer(s) considering the issues and the employee reporting the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be obtained from the individual reporting the concern in a discreet manner.

5.6 When any meeting is arranged, individuals will have the right, if desired, to be accompanied by a trade union or other representative. The meeting can be arranged away from the normal place of work, if requested.

5.7 The Council/School will take steps to minimise any difficulties which individuals may experience as a result of raising a concern and provide any appropriate support. For instance, if the individual is required to give evidence in disciplinary or criminal proceedings, the Council/School will provide advice about the procedure.

5.8 The Council/Schools accept 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. This will normally be within 20 working days of a concern being raised. In addition, details will be given on what action has been taken to correct working practices, which have been found to be at fault by the investigation.

5.9 If an allegation is received anonymously, it may restrict what the Council/School is able to do.

There is an expectation that the person reporting a matter will disclose their identity to the Audit Manager, as this will facilitate the investigation. The Council/School will endeavour to maintain the person's anonymity wherever possible.

5.10 The following factors will be considered when establishing the scope and depth of any investigation:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from recognised sources and information available.

6. Safeguards

6.1 The Council/Schools recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Council/Schools will not tolerate harassment or victimisation and will take action to protect individuals wherever possible provided that:

- The concerns are raised in good faith;
- The information provided is believed to be true, even if the allegation is not subsequently confirmed by the investigation;
- Allegations are not made for personal gain.

The Internal Audit Manager or the monitoring officer will carry out a risk assessment to determine safeguards as necessary.

6.2 Every effort will be made to ensure confidentiality 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 Council/Schools will not tolerate any individual being victimised in any way.

6.3 Support will be provided to help overcome any difficulties experienced as a result of raising a concern. During the investigation, any meetings with the individual raising the concern can be arranged away from their place of work and they will have the opportunity to be accompanied by a

representative of their choice, if they wish. If the individual is required to present evidence as a witness, arrangements will be made to provide them with support through the process. Access to counselling and support is available to all employees.

6.4 Every effort will be made to keep the individual reporting the matter of concern informed. However, the information provided will be determined by the nature of the investigation and whilst safeguarding the rights of other individuals involved in the process.

7. Malicious Allegations

7.1 The Council/Schools will take action against any individual found to have made a malicious or vexatious allegation. For an employee, this could result in disciplinary proceedings.

8. Raising concerns outside of the Council/Schools.

8.1 This policy is intended to provide employees with an avenue to raise concerns **within** the Council/Schools. If an employee instead takes the matter outside the Council/Schools, they should ensure that they do not disclose confidential information. Employees should also check that they do not contravene the Public Interest Disclosure Act as this does not provide blanket protection and only allows individuals to disclose matters to their employer or specified bodies. Any breach of the Act could lead to disciplinary action.

8.2 If an individual wishes to raise a concern outside the Council/School or feels that the Council/School has not handled their concern appropriately, the following possible contact points may be relevant –

- The Ombudsman – 0300 061 0614 (https://www.lgo.org.uk/)
- Relevant professional bodies or regulatory organisations
- Trade Union/Professional Association – details are available from Human Resources
- Your solicitor
- The Police
- The Health and Safety Executive

9 Monitoring

9.1 Monitoring of the Whistleblowing Procedure will be undertaken by the Council's Standards Committee in accordance with the Constitution