

Stoke Park  
School and  
Community  
Technology  
College



# Whistleblowing Policy

<b>Date of Last Review:</b>	<b>January 2017</b>
<b>Reviewed by:</b>	<b>Sue Jones - Head</b>
<b>Agreed by Governors:</b>	
<b>Signed by Governors:</b>	
<b>Shared with all Staff:</b>	
<b>Frequency of Review:</b>	<b>Annually</b>
<b>Date of next Review:</b>	<b>January 2018</b>

# Whistleblowing Policy

## Scope

The policy and procedure set out in this document applies to all Stoke Park employees; including teaching, support, fixed-term, part-time, full-time, permanent and temporary staff.

As a values-led organisation our values of respect, resilience, excellence, self-belief, enjoyment, care and tolerance are key to our purpose and underpin all that we do.

## 1. The Legal Position

1.1 The European Convention on Human Rights was incorporated into UK law by the Human Rights Act 1998, and the Public Interest Disclosure Act 1998 (PIDA) which reflects article 10 of the Convention in providing the right to freedom of expression. The PIDA came into force on 2 July 1999 and offers a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing (as defined below). Further provisions were introduced by the Enterprise and Regulatory Reform Act 2013.

## 2. Objectives

2.1 To ensure that Stoke Park develops and maintains a working environment in which all staff feel able and encouraged to speak up about any concerns they may have in relation to criminal activity, negligence and danger at work.

2.2 To ensure that the activities of Stoke Park, its officers and employees, whilst confidential in terms of commercial operations, are not subject to cover-up with regard to health and safety matters, criminality, negligence and the occurrence of danger at work.

## 3. Policy

3.1 It is the duty of every member of staff to speak up about genuine concerns in relation to:

- a) Criminal activity;
- b) Breach of a legal obligation (including negligence, breach of contract, breach of administrative law);
- c) Miscarriage of justice;
- d) Danger to health and safety or the environment;
- e) Breach of agreed governing body/Stoke Park procedures;
- f) Breach of established standards of good practice;
- g) Suspected financial or fraudulent malpractice;
- h) Improper conduct; *and*
- i) The cover-up of any of these in the workplace. Under these circumstances, it applies whether or not the information is confidential.

3.2 Stoke Park is committed to ensuring that any staff concerns of this nature will be taken seriously and investigated. A disclosure to Stoke Park will be protected if the member of staff:

- a) Has an honest and reasonable suspicion that one of the concerns listed at 3.1 above has occurred, is occurring or is likely to occur; *and*
- b) Has reasonable belief that the disclosure is made in the public interest.

3.3 Staff who raise concerns reasonably and responsibly will not be penalised in any way and will be protected from harassment and victimisation.

#### **4. Procedure**

4.1 Any individual who has reasonable concerns in relation to those matters listed at 3.1 above should initially take them to the Head Teacher. If they do not feel that this is the appropriate person, they should approach another senior manager or go direct to any of the following:

The Chair of Governors

4.2 It is recognised that for some individuals, raising a concern under this procedure may be a daunting and difficult experience. An individual may choose to be accompanied or represented by a colleague or by their Trade Union representative at any stage of this procedure.

4.3 All reported incidents will be investigated.

4.4 All reports will be dealt with in confidence, in accordance with Stoke Park's usual confidentiality in relation to possible disciplinary matters (see Stoke Park's Disciplinary Procedure).

4.5 The Headteacher or Chair of Governors will establish and record the basis of the concerns that have been raised and establish what further actions are required. The individual raising the concern will be advised of the outcome of the investigation as soon as possible, normally within 14 calendar days of the date of their disclosure. Where a longer period is needed for investigation, the member of staff will be informed in writing the reason for the delay and an estimated timescale.

4.6 The Chair of Governors will be informed of all reported disclosures and the actions being taken.

4.7 In the case of disclosures on alleged fraud and corruption, the Chair of the Finance Committee and the Chair of Governors will be informed immediately and subsequently coordinate the investigation of the alleged malpractice.

4.8 If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to the Chair of Governors who will arrange any further investigation as appropriate. The Chair of Governors will send a written response to the individual concerned within 14 calendar days.

4.9 The procedure should not be used to further private disputes and make unfounded allegations for malicious or vexatious reasons and that where such bad faith is established, disciplinary action may appropriately be taken against that individual.

#### **5. Guiding Principles**

5.1 To ensure that this policy is adhered to, and to assure staff that their concerns will be taken seriously, Stoke Park will:

- a) Not allow the person raising the concern to be victimised for doing so;
- b) Treat victimisation of whistle blowers as a serious matter, that will lead to disciplinary action that may include dismissal;
- c) Not attempt to conceal evidence of poor or unacceptable practice;
- d) Take disciplinary action if an employee wilfully or negligently destroys or conceals evidence of poor or unacceptable practice or misconduct (This clause should not be read as preventing corrective action from taking place in accordance with good practice);

e) Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise whistle blowing.

## 6. Independent Advice and Further Reading

6.1 Employees who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Public Concern at Work on 020 7474 6609 or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work.

6.2 Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS) – Telephone: 08457 47 47 47.

## 7. Reporting allegations

The LADO works on behalf of Coventry City Council and the Coventry Safeguarding Children Board to address, advise and manage allegations and concerns against staff, carers and volunteers by addressing matters of safety and wellbeing of children and young people.

The LADO is involved from the initial phase of the allegation through to the conclusion of the case and will:

- a) be involved in the management and oversight of individual cases
- b) provide advice and guidance to employers and voluntary organisations
- c) liaise with the police and other agencies
- d) monitor the progress of cases to ensure that they are dealt with quickly and fairly.

<b>Local Authority Designated Officer (DO), for allegations against staff:</b>	<b>Mona Cook</b>	at
<a href="mailto:LADO@coventry.gcsx.gov.uk">LADO@coventry.gcsx.gov.uk</a>		
Online referral form:	Tel: 024 7683 1730 (direct line)	
	<a href="http://www.coventry.gov.uk/ladorefferral">http://www.coventry.gov.uk/ladorefferral</a>	

## Professional Abuse Flow Chart

An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may Pose a risk of harm to children.

### Working Together to Safeguard Children 2015

If an allegation is made against any adult who comes into contact with children in either a paid or unpaid capacity in the setting, the childminder or any person in the childminder setting

Childcare provider contacts the  
1. LADO 024 76833443  
2. Ofsted 0300 123 1231

LADO to be consulted on initial planning and whether the member of staff/person concerned is to be informed of the allegation; the LADO will ask you to complete a referral form to be returned to the secure GSCX email address [LADO@coventry.gcsx.gov.uk](mailto:LADO@coventry.gcsx.gov.uk) . If there is an offence or on-going risk to the child you must make a referral to Social Care 024 76788555 or contact the Emergency Duty Team - Out of Hours 76832222 and or the Police)

Position of Trust (PoT) meeting may be convened to consider allegation and plan any further enquiries/investigation – this is a multi-agency meeting which may include the Police and Ofsted and is chaired by the LADO to exchange information and to decide on formal investigation processes. There are occasions when investigations are in process before a PoT is convened these are usually when the allegation has been made directly to the Police

Allegation is unfounded setting/CQRA to support member of staff/childminder returning to work

Allegation is founded, disciplinary procedures apply and any potential criminal proceedings.

Manager/Senior Officer to make a referral to DBS . In the event of Childminder settings Ofsted will withdraw registration and will liaise on the referral to the DBS - 01325953795

It is your duty to report concerns to the Manager or Safeguarding Officer. If you feel that your concern has not been dealt with appropriately you have a duty to report your concern directly.

**REMEMBER!**  
Is the child safe?  
Document everything  
Do not investigate