

# Whistle Blowing Policy

## St Joseph's Catholic Primary School



<b>Policy Date:</b>	September 2018
<b>Review Date:</b>	September 2019



**Blessed Holy Family**  
Catholic Academy Trust

# St Joseph's Catholic Primary School

## Whistleblowing Policy & Procedure

### 1. Policy Statement

St Joseph's Catholic Primary School is committed to the highest possible standards of conduct, openness, honesty and accountability and takes seriously any issues of malpractice or wrongdoing. Staff are often the first to realise there may be something seriously wrong within the workplace and the Local Governing Body expects employees who have serious concerns about any aspect of the School's work to come forward and voice those concerns and to feel supported when doing so.

The Public Interest Disclosure Act 1998 (PIDA) protects employees who 'blow the whistle' about malpractice or wrongdoing within an organisation. This Act makes provision on the kinds of disclosures which may be protected, the circumstances in which such disclosures are protected and persons who may be protected.

### 2. Who is covered by the Policy?

This policy and procedure applies to all St Joseph's Catholic Primary School employees, permanent and temporary, our governors, agency employees, contractors and their staff. It also covers suppliers and those providing services under a contract with the School.

This policy does not form part of an employee's contract of employment.

### 3. Why do we need a Policy?

This policy and procedure is intended to encourage and enable employees to raise serious concerns within the School rather than overlooking a problem or feeling the need to "blow the whistle" outside.

This policy and procedure aims to:

- encourage employees to feel confident in raising serious genuine concerns and to question and act upon concerns;
- provide avenues for employees to raise those concerns and receive feedback on any action taken;
- encourage and enable employees to raise serious concerns within the School rather than overlooking a problem or taking it outside of the School.
- ensure that employees are aware of how to pursue concerns if they are not satisfied with the action taken;
- reassure employees in the strongest terms that they will be protected from possible reprisals or victimisation for Whistleblowing in good faith in accordance with this procedure.
- ensure consistency and fairness in dealing with Whistleblowing across the school.

It is recognised that cases may have to proceed on a confidential basis.

### 4. What is covered by this Policy?

Disclosing a concern which the employee honestly and reasonably believes suggests that

malpractice or wrongdoing has happened, is in the process of being committed or is likely to be committed, would qualify for protection under PIDA. (Public Interest Disclosure Act)

Malpractice or wrong doing include:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above.

Although not covered by PIDA, it should be noted that School employees have a duty to report to the Local Governing Body any impropriety, breach of procedure or failure of the manner in which services are being provided without fear of recrimination.

Employees can seek guidance and advice on how to pursue matters of concern from the Headteacher, Chair of the Local Governing Body.

## **5. Safeguards against Harassment or Victimisation**

The School will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, within its power, to protect employees when a concern is raised. Employees who suffer harassment or victimisation should inform the individual with whom they raised their initial concern. We uphold our Mission Statement that is further indorsed by commitment to British Values (DfE guidance 2015); Democracy, The Rule of Law, Individual Liberty & Mutual Respect and Tolerance.

Employees raising an issue referred to in Section 4 in good faith and in accordance with the PIDA, are protected from harassment, victimisation or any other detrimental treatment, even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation.

### **PROCEDURE FOR RAISING A CONCERN**

See Appendix 1

## **6. How to Raise a Concern**

- Concerns may be raised orally or in writing.
- The individual needs to ensure that the person with whom they raise the concern is fully aware that they are using this procedure.
- Employees may wish to discuss their concern in confidence with their Trade Union representative or work colleague and/or invite their trade union representative or work colleague to be present during any meetings or interviews in connection with the concerns raised.
- Employees can seek guidance or advice on how to pursue matters of concern from the Human Resources and advice/support may also be sought from a Trade Union Representative.
- The earlier the concern is raised the easier it is to take action.

- It will be helpful to provide the background and history of the concern (giving relevant dates, names & locations), the reasons for the particular concern about the situation and details of evidence / witnesses.

## **7. To whom do I Report my concerns?**

Concerns should normally be raised with the Headteacher. However, if the concern relates to the Headteacher, this should be referred to the Chair of the Local Governing Body.

**For guidance on raising concerns outside the School, see Section 9 below.**

## **8. How the School will Respond**

- 8.1 Within 5 working days, the person with whom the concern was raised will acknowledge its receipt in writing, irrespective of how the concern was raised.
- 8.2 Where the concern has been raised with the Headteacher, Chair of LGB(s) together with an HR Adviser (or other relevant representative eg from Audit or Child Protection Unit) will decide whether the matter needs to be referred to a more senior officer.
- 8.3 Investigation does not imply either acceptance or rejection of an individual's concerns
- 8.4 The initial enquiry will be undertaken, wherever possible within 10 working days, by the most appropriate Officer(s). This will not involve a detailed investigation; however, sufficient information will need to be gathered in order that a decision can be made as to whether further investigation will take place.
- 8.5 Where appropriate, the matters raised may:
  - be investigated by the Headteacher, Chair of the LGB as appropriate or through the disciplinary process
  - be referred to the police
  - be referred to the external auditor or other external investigation
  - form the subject of an independent inquiry
  - be investigated under another procedure e.g. child/adult protection
  - be investigated under other forms of prosecution and inspection e.g. to protect public health and safety
- 8.6 In order to protect individuals and those accused of misdeeds or possible malpractice or wrongdoing, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.7 Within fifteen working days of a concern being raised, the person with whom the concern has been raised will write to the individual who raised the matter:
  - indicating how they propose to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - informing them whether any initial enquiries have been made
  - supplying them with information on staff support mechanisms, and
  - informing them whether further investigations will take place and who will conduct that investigation, or
  - explaining the reasons why no investigation is to be carried out.

- 8.8 It may be necessary, as part of the investigation, to obtain additional information from the individual who raised the concern.
- 8.9 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the concern until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud.
- 8.10 The School accepts that individuals who raise a concern need to know that the matter has been properly addressed. Thus, subject to legal constraints, the employee will be given feedback on any action taken. However, it will not include information relating to specific individuals, which will remain confidential.

## 9. How the Matter can be taken Further

This policy and procedure is intended to provide employees with an avenue within the School to raise concerns. The School hopes employees will be satisfied with any action taken. If not, and they feel it is right to take the matter outside the School; the matter can be raised with the relevant organisation(s) as listed in Appendix 2.

There may be circumstances where an employee considers that (s)he needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the employee considers that the matter has not been properly addressed, or that the employee reasonably believes that the matter will be covered up.

If an individual is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice or wrongdoing at work.

Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at [www.acas.org.uk](http://www.acas.org.uk).

In circumstances where an employee decides to raise the matter externally, (s)he will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the PIDA. This means that the disclosure must fall under one of the categories listed in paragraph 4 above and must be made in one of the following ways:

- a) in the course of obtaining legal advice
- b) to a prescribed regulatory body (listed in Appendix 2) provided the disclosure is made in good faith and the employee reasonably believes the prescribed body is responsible for the matter of concern and that the allegations are substantially true;
- c) to other third parties where the employee makes the disclosure;
  - in good faith, with reasonable belief that the information and allegations are substantially true, and
  - does not make the disclosure for personal gain, and
  - has already raised the matter with the School or prescribed regulator, unless the employee reasonably believes that (s)he will suffer a detriment, or there is not prescribed regulator and (s)he reasonably believes that evidence will be concealed or destroyed if (s)he makes the initial disclosure to the School, and
  - in all of the circumstances it is reasonable to make the disclosure.

d) The disclosure is of an exceptionally serious nature and the whistleblower makes the disclosure:

- In good faith, with reasonable belief that the information and allegations are substantially true, and
- Does not make the disclosure for personal gain, and
- In all of the circumstances it is reasonable to make the disclosure.

School employees who wish to take the matter outside the School should check with their Trade Union representative or Human Resources that they are not in breach of the School's Code of Conduct.

**Employees should not, in any circumstances, approach the media/press.**

## **10. Support for Employees raising a Concern and others affected by the Raising of a concern**

- The School is committed to good practice and high standards and wants to be supportive of individuals who raise concerns.
- The School will also support individuals affected by the raising of a concern as appropriate.
- School employees experiencing stress as a result of their involvement in this process can seek counselling and support from the Council's Occupation Health Service or Employee Assistance Programme.
- School employees can also approach their Trade Union for advice/support throughout the procedure.
- School employees may also approach their Employee Support Group for support throughout the procedure.
- The employee may find it helpful to involve his or her manager, particularly if they can identify specific support that would be helpful and which the manager feels is reasonable.
- The School will take steps to minimise any difficulties which individuals may experience as a result of raising a concern, eg if they are required to give evidence in criminal or disciplinary proceedings the School will arrange for them to receive advice about the procedure and, if necessary, be fully prepared for a Court appearance.
- Where the raising of a concern affects a group of staff, the relevant manager will, having made an assessment, take appropriate action to support the workgroup.

## **11. Confidentiality**

If an employee raises an issue, every effort will be made not to reveal their identity. It must be recognised, however, that in order to investigate the matter, information must be obtained and/or other employees questioned, therefore total confidentiality cannot be guaranteed. If criminal proceedings require that information is passed on it may become necessary to reveal the employee's identity. In such situations the employee will be consulted before this action is taken, however, the School will endeavour to maintain confidentiality whenever possible.

## **12. Anonymous Allegations**

Where a concern is raised anonymously, these will be considered at the discretion of the School taking into account the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources.

## **13. Untrue Allegations**

The School expects that whistleblowing will be made in "good faith" and will treat abuse of the Whistleblowing procedure extremely seriously. The School reserves the right to take appropriate action against the whistleblower if they are found not to be acting in good faith.

## **14. The Responsible Officer**

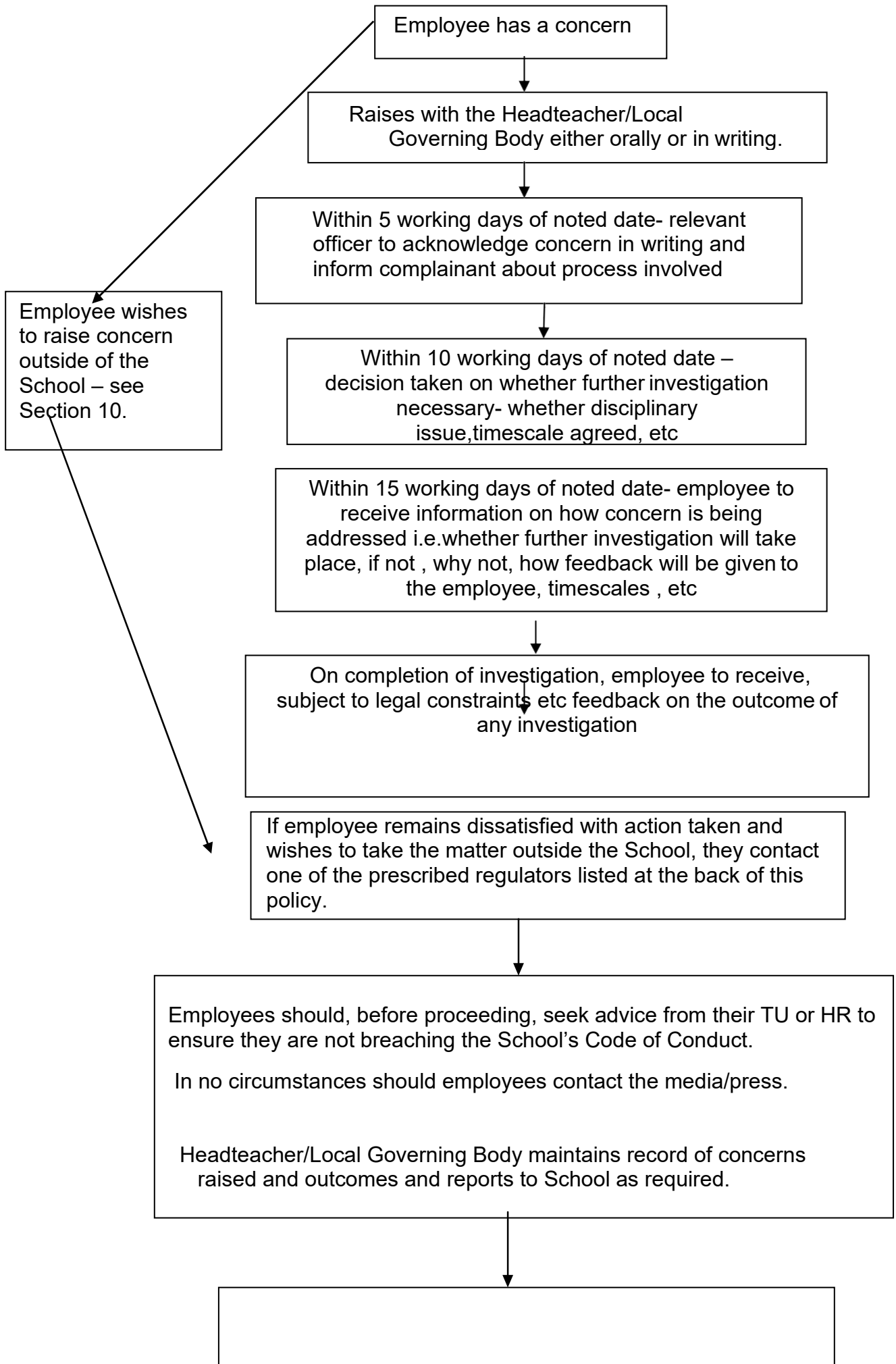
The Headteacher has overall responsibility for the maintenance and operation of this policy and procedure. S/he maintains a record of concerns raised and the outcomes and will report as necessary to the Local Governing Body (but in a form which does not endanger confidentiality). Any concerns raised through this policy and procedure regarding the Headteacher should be reported to the Chair of the Local Governing Body.

Compiled By: Mr. Briggs and Mrs French

Revision Number: 4

Approved by: Governing Body

**APPENDIX 1**





## APPENDIX 2

This is an edited list of the Prescribed Regulators for England, Scotland and Wales - a copy of the full list is available on the Public Concern at Work website: [www.pcaaw.co.uk](http://www.pcaaw.co.uk)

Prescribed Regulator	Matters in respect of which regulator is prescribed
<p>Independent Police Complaints Commission P O Box 473 Sale M33 0BW Tel: 0300 020 0096 <a href="http://www.ipcc.gov.uk">www.ipcc.gov.uk</a></p>	<p>Matters relating to the conduct of a person serving with the police (as defined in section 12(7) of the Police reform Act 2002) or of any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions in or under any legislation.</p>
<p>Centro 4 20-23 Mandela Street London NW1 0DU Tel: 020 7255 9540 <a href="http://www.csci.org.uk">www.csci.org.uk</a></p>	<p>Matters relating to the provision of regulated social care services as defined in the Care Standards Act 2000, and the inspection and performance assessment of English local authority social services as defined in section 148 of the Health and Social Care (Community Health and Standards) Act 2003.</p>
<p>The Commissioners for Her Majesty's Revenue and Customs Cross Cutting Policy Room 1E/041 Parliament Street London SW1A 2BQ Freephone: 0900 595 000 Free fax: 0800 523 0506 E-mail: <a href="mailto:customs.confidential@hmrc.gov.uk">customs.confidential@hmrc.gov.uk</a></p>	<p>Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods. come tax, corporation tax, capital ins tax, petroleum revenue tax, heritage tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.</p>
<p>Comptroller and Auditor General of the National Audit Office 157-197 Buckingham Palace Road Victoria London SW1W 9SP Tel: 020 7798 7999 <a href="http://www.nao.gov.uk">www.nao.gov.uk</a></p>	<p>The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services.</p>
<p>The Director of the Serious Fraud Office Elm House 10- 16 Elm Street London WC1X 0BJ Tel: 020 7239 7272 Fax: 020 7837 1689 <a href="http://www.sfo.gov.uk">www.sfo.gov.uk</a></p>	<p>Serious or complex fraud.</p>
<p>The Environment Agency Rio House Waterside Drive Aztec West Almondsbury Bristol BS12 4UD Tel: 0800 807060 (24 hour line) or enquiries 01454 624400 Fax: 01454 624409 <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a></p>	<p>Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.</p>
<p>Food Standards Agency Personnel and Establishments Division Food Standards Agency Room 111C, Aviation House 125 Kingsway London, WC2B 6NH Tel: 020 7276 8120 Fax: 020 7276 8132 <a href="http://www.food.gov.uk">www.food.gov.uk</a></p>	<p>Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.</p>
<p>Advisory Conciliation Arbitration Service (ACAS) Tel: 08457 47 47 47 <a href="http://www.acas.org.uk">www.acas.org.uk</a></p>	<p>Matters relating to employment rights for both employees and employers. Providing clear, confidential and impartial advice.</p>

<p>Health and Safety Executive  Caerphilly Business Park Caerphilly  South Wales CF83  3GG Tel: 0845 345 0055  Fax: 0845 408 9566  <a href="http://www.hse.gov.uk/employees/whistleblowing">www.hse.gov.uk/employees/whistleblowing</a></p>	<p>Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work.</p>
<p>Local Authorities  (The local authority which under section 18 of the Health and Safety at Work etc Act 1974 is responsible for the enforcement of the relevant statutory provisions)</p>	<p>Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work.</p>
<p>Information Commissioner  The Office of the Information Commissioner  Wycliffe House  Water Lane  Wilmslow Cheshire  SK9 5AF Tel: 01625  545700  Fax: 01625 524510  E-mail: <a href="mailto:mail@ico.gsi.gov.uk">mail@ico.gsi.gov.uk</a>  <a href="http://www.informationcommissioner.gov.uk">www.informationcommissioner.gov.uk</a></p>	<p>Compliance with the requirements of legislation relating to data protection and to freedom of information*.</p> <p>(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)</p> <p>(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold).</p>
<p>National Care Standards Commission St  Nicholas Building  St Nicholas Street  Newcastle NE1 1NB  Tel: 0191 233 3556  Email: <a href="mailto:enquiries@ncsc.gsi.gov.uk">enquiries@ncsc.gsi.gov.uk</a></p>	<p>Matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000.</p>
<p>The Pensions Regulator  Napier House  Trafalgar Place  Brighton BN1 4DW  Tel: 0870 6063 636  Textphone: 0870 2433 123  Fax: 0870 2411144  <a href="http://www.thepensionsregulator.gov.uk">www.thepensionsregulator.gov.uk</a></p>	<p>Matters relating to occupational pension schemes and other private pension arrangements.</p>
<p><b>LOCAL AUTHORITIES WHICH HAVE RESPONSIBILITY FOR ENFORCEMENT OF CONSUMER PROTECTION LEGISLATION</b></p>	<p>Compliance with the requirements of consumer protection legislation.</p>
<p>Local authorities which are responsible for the enforcement of food standards</p>	<p>Compliance with the requirements of food safety legislation.</p>