

ST. JOSEPH'S CATHOLIC INFANT SCHOOL



WHISTLEBLOWING POLICY

**THIS POLICY WAS REVIEWED/ADOPTED:
AUTUMN 2022**

This Policy will be reviewed as and when required

1. INTRODUCTION

- 1.1 Whistleblowing has been defined as: ‘the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’ (Public Concern at Work Guidelines 1997).
- 1.2 Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 (“PIDA”). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.
- 1.3 Employees may have concerns that are not covered by the definition above, which may be raised informally with the appropriate manager/senior teacher or by using the Grievance Procedure for School Based Staff or Harassment at Work Policy for School Based Staff, as appropriate to the nature of the complaint.
- 1.4 This policy applies to all school staff including full and part time, casual, temporary or substitute staff and to individuals undertaking work experience in the school.

2. AIMS AND SCOPE OF POLICY

- 2.1 The governing body is committed to high standards in all aspects of the school and will treat whistleblowing as a serious matter. In line with the governing body’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.
- 2.2 This policy aims to:
- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
 - provide members of staff with avenues to raise concerns
 - ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
 - offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

2.3 This policy covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, fraud, corruption or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- damage to the environment
- inappropriate or unauthorised use of public or other funds
- breaches of financial regulations or policies
- sexual, physical or emotional abuse of pupils or members of staff
- any attempt to prevent disclosure of any of the issues listed.

2.4 The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow.

3. SAFEGUARD AGAINST REPRISAL, HARASSMENT, AND VICTIMISATION

3.1 The governing body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the governing body's staff disciplinary procedures.

3.2 Under the Public Interest Disclosure Act (PIDA) it would be automatically unfair to dismiss or make any member of staff redundant because they made a protected disclosure; and it would be unlawful to submit them to any other detriment, such as a demotion or a fine.

4. CONFIDENTIALITY

4.1 The governing body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

4.2 However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

5. ANONYMOUS ALLEGATIONS

- 5.1 Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the governing body will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

6. UNTRUE AND MALICIOUS/VEXATIOUS ALLEGATIONS

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the governing body will consider taking disciplinary action against the member of staff.

7. ALLEGATIONS CONCERNING CHILD PROTECTION ISSUES

- 7.1 If a member of staff raises a concern related to a child protection issue, the headteacher (or chair of governors, if the concern is about the headteacher) should urgently consult the LEA officer designated to lead on child protection (known as the “Child & Vulnerable Adult Safeguarding Officer”) on 01639 763363 or 07979932216) so that the action for the handling of such allegations under the school’s disciplinary procedure for staff and the child protection procedures established by the Western Bay Safeguarding Children Board can be initiated.
- 7.2 However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the local authority’s social services team for child protection (known as “Children & Young People Services” (CYPS)) on 01639 686803 either before raising their concern with the governing body or where the headteacher or chair of governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

8. PROCEDURE FOR MAKING A WHISTLEBLOWING ALLEGATION

- 8.1 You should raise your concern in writing to the headteacher (or chair of governors, if the concern involves the headteacher). (It is expected that the person receiving the allegation will become the investigating officer. However it is at the discretion of this

person, having sought advice from the LEA, to delegate the investigation to another person if he/she feels it is appropriate.). You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing (or the matter is urgent due to child protection – see the contact details in paragraph 7 above) you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

8.2 If you feel you cannot express your concerns within the school, it is open to you to raise your concern with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further'. However, it would usually be expected that the Director of Education, Leisure & Lifelong Learning or the Council's Internal Audit Service would be the person/s to whom you express your concerns outside of the school.

8.3 Where the concern relates to a child protection matter, if you do not want to raise this through the school, you must consult the LEA officer designated to lead on child protection on 01639 763363 or 07979932216 or the local authority's Children & Young People Services (CYPS) on 01639 686803. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

9. RESPONSE TO WHISTLEBLOWING

9.1 The matter raised may:

- need inquiry internally in the school
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the Council's Internal Audit Service if it is a complaint about financial management or financial propriety in schools
- need to be referred to the LEA officer designated to lead on child protection if there is a concern relating to child protection, or if that person is not available the local authority's Children & Young People Services (CYPS)

9.2 At this stage concerns/allegations are neither accepted nor rejected.

10. TIMESCALE FOR RESPONSE

You will normally receive a written response within 5-10 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made
- advising whether further investigations will take place and, if not, why not
- informing you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

11. THE INQUIRY PROCESS

11.1 The investigating officer will:

- look into the allegation - seeking evidence and interviewing witnesses as necessary.
- maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous.
- if appropriate, bring the matter to the attention of the LEA appointed person dealing with complaints about financial management of schools.
- if appropriate, for concerns of criminal behaviour refer the matter to the Police.
- if appropriate, for concerns of child protection, refer the matter to the LEA officer designated to lead on child protection/local authority's social services team for child protection (known as "Children & Young People Services" (CYPS)). The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

11.2 If the investigating officer needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

11.3 The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

12. THE INQUIRY REPORT

12.1 Following completion of the inquiry process the investigating officer will make a written report. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.

12.2 The report will normally set out:

- how the investigation arose;
- who the suspects are;
- their positions and responsibilities;
- how the investigation was undertaken;
- the facts and evidence identified;
- a summary of the findings and recommendations.

12.3 The Chair of Governors, together with one independent person from outside the governing body, e.g. the LEA or a governor from another school, will receive the written report and meet to decide on the action to be taken. If the Chair of Governors acted as investigating officer, he/she will be replaced by a governor from the school (excluding any governors employed at the school). If the recommendations involve possible disciplinary action, the decision-making meeting will be held in accordance with the school's disciplinary procedure. This should normally take place within 10 working days following receipt of the inquiry report.

12.4 Following notification of the panel's decision, you will be notified of the outcome normally within 5 working days (except in relation to anonymous allegations), including the action to be taken or that no further action is to be taken and the reasons why.

13. TAKING THE MATTER FURTHER

13.1 If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body's complaints procedure or raise your concerns with other organisations as listed below:

- a trade union or professional association
- the local authority
- a diocesan authority (for Church schools)
- a solicitor
- the Police - for concerns of criminal behaviour
- the Children's Commissioner for Wales
- Education Workforce Council

13.2 An employee or worker can also contact a Prescribed Body, as outlined below. Should a worker wish to make a whistle-blowing disclosure outside the Council, care should be taken not to disclose confidential information. Advice on rights and responsibilities may possibly be gained from the party the complaint is taken to.

A 'prescribed body' is one which is identified under PIDA as able to receive concerns about organisations. Most regulators are prescribed bodies.

An employee or worker can raise concerns with a prescribed body, or any other such body, if it is relevant to that body. Such disclosures are protected under PIDA law, where the whistleblower meets the criteria for disclosure. They must also reasonably believe that the matter is substantially true and relevant to the regulator.

Examples of prescribed bodies are:

- The Public Services Ombudsman for Wales
- HMRC
- Financial Services Authority
- Health and Safety Executive
- The Information Commissioner
- Regulator of Social Housing
- Care Inspectorate Wales
- Pensions Regulator
- Food Safety Agency
- Audit Wales
- Qualifications Wales

Independent advice may be sought before raising a concern, by contacting a trade union or professional regulatory body, or referring to guidance issued by them. Free, confidential advice can be obtained from independent whistle-blowing charity Protect (formerly Public Concern at Work):

Protect
The Green House
244 – 254 Cambridge Heath Road
London
E2 9DA

: <https://protect-advice.org.uk/contact-protect-advice-line/>
: 020 3117 2520
<https://protect-advice.org.uk>

Policy Approved on.....

Chair of Governors