

# ST RICHARD'S R C PRIMARY SCHOOL



## WHISTLE BLOWING POLICY 2023 - 2025

Policy reviewed 18.10.23

Proposed by JM

Seconded by .....

Approved

Signed by ..... Chair of Governors

Date .....

## **Introduction**

This policy is designed to allow those employed by the school to report genuine and legitimate concerns about something that may be seriously wrong within the school. This policy makes it clear that anyone reporting a genuine and legitimate concern can do so without fear of reprisal, victimisation or suffering a detriment.

The school expects the highest standard of conduct from all employees and will treat any concern raised about illegal or improper conduct seriously, in confidence and will carry out a thorough investigation.

This Policy accords with current education and employment law. It has been adapted from the HR & People, One Education Whistleblowing Policy and Procedure January 2017.

## **Scope of the Whistle Blowing Policy**

1. The policy is primarily concerned with allegations made by employees.
2. However, the principles outlined in these procedures and guidance, as far as they can be, will be applied to Whistle blowing allegations received from sources other than employees of the school. In these cases, particular consideration needs to be given to matters of confidentiality.
3. Existing internal procedures enable employees and others to lodge various concerns and these should normally be followed without recourse to the Whistle blowing arrangements. These concerns cover e.g.:
  - Grievances relating to employees conditions of employment;
  - Harassment;
  - Complaints relating to service delivery; etcHowever, these matters can be raised if there are concerns that the appropriate procedures may be subverted or not pursued diligently.
4. The Whistle blowing Policy is intended to cover concerns that fall outside the scope of these existing procedures and is aimed at addressing areas relating to possible malpractice or wrongdoing.

## **Definitions**

5. The law does not define the term “whistleblowing”. Whistleblowing can be described as the action of an individual exposing evidence of wrongdoing by employers or third parties in the context of the workplace. The term “whistleblowing” describes the practice which allows persons, usually employees, to express concerns about malpractice which may be occurring in the workplace.

Aspects of malpractice and wrongdoing which may be raised under the provisions of the Whistle blowing Policy include: -

- A criminal offence
- Failure to comply with a legal duty
- [Financial fraud or corruption]
- [Abuse of authority]
- [Serious breaches of school policies or procedures]
- A miscarriage of justice
- A danger to the health and safety
- [Negligence]
- [Unethical conduct and actions deemed unprofessional or inappropriate]
- Damaging the environment
- [Conduct likely to damage the School's reputation]
- A deliberate attempt to conceal any of the above

*(N.B. points in [ ] above are not recognised qualifying disclosures for the purposes of the legislation but are often extra categories referenced in disclosures)*

6. The Governing Body will investigate those matters that fall clearly within its area of operational responsibility or will formally refer the matter to the Diocese. In all cases the responsibility for investigating the allegation quickly will be accepted.

### **Safeguards**

7. In order to ensure that allegations are investigated in the right spirit with the right outcome, the following safeguards or principles should be applied:

**Harassment or victimisation:** The Governing Body acknowledges that the decision to report a concern can be a difficult decision for an employee to take, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take appropriate action to protect any person who raises a concern in good faith.

The Governing Body will monitor how employees are subsequently treated after raising a matter of concern and if there is any evidence of harassment or victimisation, it will be dealt with under disciplinary arrangements.

**Confidentiality:** The Governing Body will do everything possible to protect an employee's identity when a concern is raised and the individual does not want their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

### **Anonymous allegations**

8. Concerns expressed anonymously are much less persuasive than when an employee is prepared to come forward formally. Nevertheless, anonymous allegations will be considered at the discretion of the Governing Body depending upon: -
- The seriousness of the issues raised;
  - The credibility of the concern; and
  - The likelihood of confirming the allegations from attributable sources.

### **False and malicious allegations**

9. While encouraging employees to bring forward matters of concern, the Governing Body will guard against bogus claims (not least because the cost of investigation is high) but also claims made deliberately to damage the reputation of other employees in the school.
10. Consequently, if an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action will be taken - the Public Interest and Disclosure Act only offers protection to the individual if the disclosure is made in good faith.

### **How to Raise a Concern**

11. The earlier an employee expresses a concern, the easier it will be to take action.
12. Employees should normally raise their concerns with their immediate line manager. However, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
13. For example, if an employee believes that their manager is involved in the matter of concern any of the following may be contacted: -
- The Headteacher in the first instance, then the Chair of Governors if the matter has not been resolved (contact details available from school)

Diocesan Authorities (VA Schools only) (817 2222)

14. Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why the employee is particularly concerned about the situation.
15. However, if an employee does not feel able to put the concern in writing, he or she should be allowed to telephone or meet the appropriate officer.
16. Although an employee is expected to prove the truth of an allegation, he or she will need to demonstrate to the person contacted that there are sufficient grounds for a concern to be raised and to enable the matter to be taken forward.
17. Employees may wish to invite their Trade Union to raise a matter on their behalf.

**How the Matter will be investigated**

18. Allegations will be handled confidentially and discreetly by those who are directly involved in the investigating process.
19. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. As outlined above, concerns or allegations which fall within the scope of specific procedures (for example disciplinary procedures) should normally be referred for consideration under those procedures.
20. Some concerns may be resolved by agreed action, once the employee's concerns have been explained, without the need for investigation. In these cases confirmation will be sought from the employees that they are satisfied that the matter is resolved but they will be invited to raise the matter again if the agreed actions do not resolve the problem.
21. An employee expressing a concern will receive a formal acknowledgement within 10 working days of the concern being received.
22. If necessary, further information will be sought from the employee. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.
23. At any meeting arranged to discuss an employee's concerns the employee has the right, if they so wish, to be accompanied by their Trade Union representative or a friend who is not involved in the area to which the concern relates.
24. The Governing Body will take steps to minimise any difficulties that an employee may experience as a result of raising a concern. For example an employee is required to give evidence in criminal or disciplinary proceedings, the Governing Body will ensure that appropriate advice be provided to the employee about the procedures in terms of what will happen and what will be expected of them.

25. In order to assure the employee that the matter has been properly addressed the employee will receive information, subject to legal constraints, about the outcomes of any investigations.

### **Monitoring, Awareness and Training**

26. The Governing Body will ensure that all members of their staff are aware of the procedures and that any training needs are addressed which may arise from the application of the procedures.

27. Raising awareness of the Whistle blowing Policy will form part of the induction training for all employees.

28. The governing body will maintain a confidential central record of all Whistle blowing allegations that have been raised, the responses provided and action taken. In respect of anonymous allegations, should the Governing Body consider that further action would be inappropriate, details of the allegation and reason for the decision will be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the process of reporting on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act.

### **How the Matter Can be Taken Further**

29. It is intended that the whistle-blowing policy and these procedures will enable governing bodies to deal satisfactorily with concerns raised by employees. If an employee is not satisfied, and feels it appropriate to take the issue further, the employee may make a protected disclosure to a third party, in accordance with the provisions of the Public Interest Disclosure Act 1998. There is an independent charity "Public Concern at Work" (telephone 0171 404 6609) which provides free advice to employees wishing to express concerns about fraud or other serious malpractices.

30. The Governing Body will make every effort to ensure that a satisfactory conclusion is reached to minimise the cases where the employee feels they must resort to these measures.