

St Vincent's Catholic Primary School



Whistleblowing Policy

Approved by: Governing Body

Last reviewed on: January 2021

**Next review due
by:** January 2024
Governing Body

Mission Statement

At St Vincent's Primary School we aim to provide a welcoming and inclusive environment where everyone feels happy, safe and secure. We promote an atmosphere of truth and honesty in which everyone feels valued and shows respect for each other and their surroundings. As a team, we are committed to high expectations and continuous improvement. We adopt a child centred approach to high quality teaching and learning, inspiring everyone to achieve their full potential.

Introduction

Employees are often the first to realise that there may be something seriously wrong within a school however they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of a serious issue.

This Whistleblowing Policy is intended to encourage and enable employees, members of the governing body, contractors and suppliers to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside.

This policy applies to all employees, members of the governing body, contractors and suppliers, and provides them with a secure basis for reporting suspicions of impropriety, in the knowledge that if requested the matter will be treated confidentially.

Aims and Scope of this Policy

Whistleblowing can be described as a disclosure made by an employee, member of the governing body, contractor or supplier who has concerns about a danger or illegality that has a public interest to it, usually because it threatens others.

A grievance or private complaint is by contrast, a dispute about an individual's own employment or personal position and has no public interest to it.

The Whistleblowing Policy has been developed in line with best practice and aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Provide reassurance that you will be protected from possible detriment if you have a reasonable belief that any disclosure you have made is true.

The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Criminal offences
- Failure to comply with legal obligations or statutory requirements.
- Dangers to Health and Safety, including risks to pupils and the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Other unethical conduct
- Deliberate concealment of any of the above categories

If your concerns relate to your own employment, contractual position or your personal position as a member of governing body then they do not fall under the scope of this policy and should be raised via the school's Grievance Procedure.

This policy does not cover members of the public and any reports received will be dealt with under the Complaints Policy.

Concerns around Child Protection should be referred through the school Safeguarding Procedure.

We 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 malpractice.

As a result, we will not tolerate any detrimental treatment (including informal pressures) and will take appropriate action to protect you when you raise a concern_ that you believe to be true.

Subjecting a worker to a detriment means subjecting the worker to any disadvantage because they blew the whistle. This could include (but is not limited to) any of the following:

- failure to promote
- denial of training
- closer monitoring
- ostracism
- blocking access to resources
- unrequested re-assignment or re-location
- demotion
- suspension
- disciplinary sanction
- bullying or harassment
- victimisation
- dismissal
- failure to provide an appropriate reference
- failing to investigate a subsequent concern

If someone is found to have subjected a bona fide whistle blower to any detriment this will be dealt with under the schools disciplinary procedure

Should you believe that you have suffered a detriment as a result of raising a concern you should raise the issue through the school's grievance procedure.

Please be aware however, that should you already be the subject of disciplinary or redundancy procedures, the procedures will not be halted as a result of the whistleblowing report.

OPEN DISCLOSURES

The best culture is one where individuals have sufficient faith in the whistleblowing arrangements and culture of the school to allow them the confidence to make open disclosures. This is where those involved know what the issues are along with who raised them.

This is the aim for St Vincent's Primary School and it is hoped that any individual with a whistleblowing concern will feel able to raise their issues openly.

This openness makes it easier to assess the report, gather additional information and carry out an investigation.

It also allows any hidden agendas to be identified, helps to prevent witch hunts and reduces the risk of mistrust and paranoia developing within the area being investigated.

CONFIDENTIALITY

It is, however, recognised that some individuals may not feel that they can make such a report. Where this is the case the policy provides the whistleblower with the option of requesting that their name remains confidential.

Where confidentiality is requested we will do our best to ensure that your name is not revealed. This cannot, however, be guaranteed as there are certain circumstances where the name of the whistleblower may be made known. For example:

- The report is found to be knowingly false, or
- Disclosure is ordered by the courts.
- A formal statement is required as part of a police investigation.

ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible and actively discourages anonymous reports.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school.

In exercising this discretion the factors to be taken into account would include:

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

Anonymous reports also raise a specific problem with regard to the legal requirement that personal data should only be collected fairly.

In addition, people making anonymous reports cannot be covered by the safeguards put in place to protect named whistleblowers.

UNTRUE ALLEGATIONS

If you make an allegation that you believe to be true, but it is not confirmed by the investigation, no action will be taken against you.

If, however, you make allegations that you know to be false, then disciplinary action may be taken against you under the school's procedures.

HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with the Deputy Head teacher or Head Teacher. However, depending upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, this may not be appropriate.

Where this is the case you should report your concern directly to the Chair of Governors.

When there is a whistle blowing disclosure it should be in writing, either by sending a letter or email to the relevant person.

The following details are requested;

- Your name and contact details
- Names of those committing the wrongdoing
- Dates and places

- As much evidence and context as possible
- Whether you wish your name to remain confidential
- Whether you want feedback
- The names and jobs of any other employees who may support your concern.
- Staff raising a concern should also include details of any personal interest in the matter.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Should you wish to obtain independent advice in relation to a potential whistleblowing report then you may contact Public Concern at Work.

You may wish to consider discussing your concern with your trade union first.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

HOW THE SCHOOL WILL RESPOND

The school will respond to your concerns. Do not forget that sharing your concerns is not the same as either accepting or rejecting them.

The Governing Body has appointed Head teacher to be the Designated Officer to be the point of contact for concerns raised under the Whistleblowing Procedure.

As part of this process contact will be made with you to clarify your concerns and obtain any further information that you may have.

Where appropriate, the matters raised may:

- Be investigated internally
- Be referred to the police or any other relevant bodies.

In order to protect individuals and those accused of misdeeds or possible malpractice, 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.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The amount of contact between the designated officer and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the designated officer will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

The School will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the School will arrange you to receive advice and support about the procedure.

The School understands that you may wish to be assured that the matter has been properly addressed. Therefore, where possible an estimate of the length of any investigation will be provided and, subject to legal constraints, if requested we will keep you updated at least on a monthly basis during the process and will inform you of the outcome of any investigation. This may include where disciplinary action is taken as a result of an investigation but not details of any sanctions that may be issued.

HOW THE MATTER CAN BE TAKEN FURTHER

This

policy is intended to provide you with an avenue to raise concerns within the School and it is hoped that you will utilise it. However, should you feel unable to raise your concerns internally the following are possible alternative contact points:

- Public Concern at Work
- OfSTED
- The Police
- Department for Education (DfE) (In these circumstances, the DfE will assess whether all school processes have been applied and that the person investigating has done everything possible to resolve the issue. If this is not the case, the DfE will refer the matter back to the person investigating)
- Member of Parliament
- National Audit Office
- Health and Safety Executive

It is stressed that this list is not exhaustive and you are free to contact any organisation that you feel will be able to deal properly with your concerns. This may include;

- Your solicitor
- Other relevant professional or regulatory bodies as prescribed by the Secretary of State

You should, however, take legal advice before reporting an issue to a body other than those specified above to ensure that you are making a protected disclosure.

You will be protected under the Public Interest Disclosure Act 1988 if you raise your concerns with any of the above, provided that;

- You believe the disclosure to be in the public interest
- You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- You do not make the disclosure for personal gain

If you do take the matter outside the school, you should ensure that you do not disclose confidential information.

MALICIOUS OR VEXATIOUS ALLEGATIONS

Staff are encouraged to raise concerns when they believe there to potentially to be an issue. If an allegation is made in good faith but the investigation finds no wrong being there will be no disciplinary action against the member of staff that raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

THE LAW

This

policy has been written to take into account the Public Interest Disclosure Act 1988, which protects workers making disclosures about certain matters of concern, where those disclosures are made within the act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.

REVIEW

The policy

will be reviewed in the light of operating experience, changes in legislation , further issued guidance from the DfE or every three years if there have been no changes.