



St. Theresa's
Catholic Primary School



BARNET
LONDON BOROUGH

Whistleblowing Policy

Our Mission Statement

At St. Theresa's School
We learn together
We play together
We pray together
We grow together in the love of God.

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Next review: November 2021

Policy written by: Barbara Costa
Policy reviewed & passed by: Finance Committee

1. Introduction

The Governors at St. Theresa's School firmly believe in open and honest governance. It is the school's policy that all those who raise honest concerns about anything the school does will be treated with respect, supported and protected from any adverse treatment.

The essence of a whistleblowing system is that staff should be able to by-pass their direct management line, as this may be the area about which their concerns arise. They should be able to go outside the organisation if they feel the overall management is engaged in an improper course of action.

The role of the whistleblowing policy is to assist with the deterrent and detection of wrongdoing.

Any person may raise concerns without fear that they may be victimised, discriminated against or disadvantaged in any way as a result.

2. Legal Framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996

This policy has been created with regard to the following guidance documents:

- GOV.UK (2015) 'Whistleblowing for employees'
- DfE (2014) 'Whistleblowing procedure for maintained schools'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Complaints Policy
- Data Protection Policy

3. Definitions

Whistleblowing: Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

Qualifying disclosures: As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest

to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

4. Roles and Responsibilities

The Governing Body will be responsible for:

Establishing and agreeing the whistleblowing procedure.

- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where members of the school community can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the governing board include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.

The Headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by the school community.
- Being the first point of contact regarding whistleblowing.

The Chair of Governors will be responsible for receiving any concerns raised about the Headteacher.

All members of the school community will be responsible for:

- Raising any concerns that meet the definitions in section 3 of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

5. The Scope of the Policy

The type of activity or behaviour, which is dealt with under this policy includes financial matters such as:

- the criminal offence of fraud, corruption or theft
- conduct which is an offence, breach of the law or contrary to church teaching
- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- unauthorised use of public or church funds
- false insurance claims
- damage to the environment

and also:

- any criminal activity
- abuse of position
- misconduct
- miscarriages of justice
- abuse or ill treatment of any member of staff or service recipient
- abuse or ill treatment of vulnerable adults or children
- danger to Health and Safety
- deliberate non-compliance to a school policy, an official code of practice, law or regulation
- deliberate concealment of information relating to any of the above

Under this policy, any of the following can raise a concern:

- Employees of the school
- Employees of contractors working for the school, for example, agency staff, builders and drivers
- Employees of suppliers
- Voluntary workers working with the school
- A trainee, such as a student teacher
- Pupils
- The wider community
- Governors

This policy does not cover reports about:

- Issues affecting you as an employee (these should be raised through the school's Grievance Policy and Procedure)
- Trade Union or staff consultation

Non-employees

The PIDA and the Employment Rights Act 1996 **do not** protect non-employees as far as whistleblowing is concerned. However, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Policy.

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

6. Good Practice Principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report' (http://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_web.pdf) to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- ✓ Of safety in the school.
- ✓ Where people feel confident with raising concerns.
- ✓ Free from bullying.
- ✓ Of visible leadership.
- ✓ Of valuing staff.
- ✓ Of reflective practice.

By providing a clear procedure for mediating and resolving cases, the school will ensure that all cases are efficiently handled. This procedure includes:

- ✓ How to raise and report concerns.
- ✓ How investigations will be conducted.
- ✓ How the school will mediate and resolve disputes.

The school will implement **measures to support good practice** by ensuring adherence to the following principles:

- ✓ Offering relevant training to staff
- ✓ Providing the necessary support to staff
- ✓ Providing support to staff who are seeking alternative employment
- ✓ Being transparent
- ✓ Being accountable
- ✓ Conducting an external review of any concerns raised, where necessary
- ✓ Undertaking regulatory action as required

We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- ✓ Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- ✓ Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
- ✓ Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- ✓ Ensuring staff are empowered and protected, enabling them to raise concerns freely

7. What action should the Whistle-blower take?

The Headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the Headteacher, the concern will be raised with the Chair of Governors.

The whistle-blower may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters should be treated in strict confidence and anonymity respected wherever possible.

Once an individual has raised a concern, the school will be responsible for investigating it.

Alternatively if the whistle-blower considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed to either, the **Council's Corporate Anti-Fraud Team (CAFT)**; the Council's Whistle-blowing contact details are

Whistle-Blowing Hotline number	020 8359 6123
Fraud hotline	020 8359 2007
Email	CAFT@barnet.gov.uk

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed here www.protect-advice.org.uk, or they can be contacted on 020 31172520.

8. Respecting Confidentiality

Individuals reporting wrong doing should note:

- Everything possible will be done to respect your confidentiality, if that is what you want. Sometimes, though, it is necessary to take a statement as part of the investigation and enforcement process. In that case the issues will be discussed with you beforehand.
- Completely anonymous reports carry much less weight. They will only be acted upon at the discretion of the Council, having regard to the seriousness of the issues, the credibility of the report and the likelihood of obtaining confirmation elsewhere,
- The earlier you express concern the easier it is to take action,
- You will not be required to prove your allegation but you will be asked to give as much detail as possible. It is much better to do this in writing but as an alternative you can speak to someone at a meeting. LA officers will arrange for this process to be handled by someone outside the school. You can bring a trade union representative or a friend to a meeting if you wish.

9. How will the matter be progressed?

- ❖ The Headteacher will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.
- ❖ The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Headteacher will establish if:
 - There are grounds for a concern and that it is genuine.
 - The concern was raised in accordance with this policy.
- ❖ During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing.
- ❖ The Headteacher will explain the following to anybody raising a concern:
 - How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
 - That the complainant's identity will be kept confidential from the alleged wrongdoer.

- That the Governing Body will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.
- ❖ If an investigation is carried out, the whistleblower will be informed of the final outcome.
- ❖ A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Data Retention Policy.
- ❖ It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
 - Be investigated by senior management, an internal audit or through the disciplinary process.
 - Be referred to the police or an external auditor.
 - Form the subject of an independent inquiry.
- ❖ If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.
- ❖ A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.
- ❖ The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

10. Protection from reprisal

The Public Interest Disclosure Act 1998 gives statutory protection for employees who report in good faith on crime, illegality, miscarriages of justice, danger to health or safety, damage to the environment or on deliberate concealment of these. The protection covers reports to the employer or a regulating authority.

Any person who makes a report will be protected from victimization or reprisal. The Act protects the employee from being subjected to discipline, dismissal or any other detriment from making the report. In addition, the school will treat any victimization or harassment of an employee who has made the report under this procedure as a serious disciplinary offence – harassment of a whistleblower could amount to gross misconduct and may lead to dismissal without notice.

The Act protects the employee from being subjected to discipline or dismissal or any other detriment from making the report.

An individual who victimizes or harasses an employee who has made a protected disclosure can be personally liable in court for their actions.

If a member of staff is already the subject of disciplinary, capability or redundancy procedure they will not necessarily be halted as a result of your whistle-blowing.

11. Raising unfounded malicious concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

12. Appeal Process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Policy.

If you are not satisfied with the response to your whistle-blowing report within your school you can contact the Head of CAFT or Monitoring Officer. If you are not satisfied with the response from these officers you can contact the Chief Finance Officer or the Chief Executive, both of whom have personal responsibility for probity within the Council.

The Council hopes that you will be satisfied with the whistle-blowing routes offered by this policy. But if you are not and you want to take the matter up outside the Council, you can contact your ward Councillor (if you live in the borough), the external auditor, the Department for Children Schools & Families, or the police, or take legal advice. If you do this make sure that you do not put yourself at legal risk by disclosing confidential information in circumstances where that is not allowed. Ask the person you contact about this.