



Whistle Blowing Policy

Date approved: 30.09.2020
Signed by Chair of Governors: Mr Nick Ager

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Date approved: 30.09.2020
Signed by Headteacher: Mrs Kate Pereira

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St John Fisher
Catholic High School

Policy and Procedures

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Whistle Blowing Policy

1. Purpose

- 1.1 To set out the Governing Body's Policy and Procedure for dealing with concerns raised by employees¹ which relate to suspected wrongdoing or dangers at work (see paragraph 3) Allegations of child abuse against teachers and other staff or volunteers are to be dealt with in accordance with Keeping Children Safe in Education statutory guidance for Schools and colleges September 2020 (as amended).

2. Background

- 2.1 As employees are often the first to realise that there may be something wrong within the School, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This Policy builds on the provisions of the Act.
- 2.2 The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees with information concerning wrongdoing are encouraged to come forward and voice their concerns. This Policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the School rather than overlooking a problem or before alerting anyone external to the School.
- 2.3 This Policy does not form part of any employee's contract of employment and it may be amended at any time.

3. Aims of the Policy

- 3.1 This Policy aims to:
 - Provide avenues for employees to pass on information concerning wrongdoing (this includes all members of staff, including supply staff and volunteers), internally as a matter of course, and receive feedback on any action taken;
 - Provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
 - Reassure employees that they will be protected from reprisals or victimisation for whistle-blowing where they have a genuine concern;
 - Allow employees to take the matter further if they are dissatisfied with the

¹ Employees may include officers, consultants, contractors, volunteers, casual workers, agency workers and others

Governing Body's response.

3.2 A **whistleblower** is an employee who passes on information concerning wrongdoing. This is called “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something witnessed whilst at work.

To be covered by Whistleblowing law, an employee making a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by Whistleblowing law.

The second thing that an employee must reasonably believe is that the disclosure tends to show past, present or future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone’s health and safety
- damage to the environment
- covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle’.

3.3 Before initiating the procedure employees should consider the following:

- All employees have responsibility for passing on information concerning wrongdoing or unacceptable practice or behaviour;
- Employees should use line management or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern and which may not involve, or initially involve wrongdoing;
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, the information that employees may uncover could prevent wrongdoing, which might damage the School’s reputation and/or performance, and could prevent serious harm.

4. Safeguards

4.1 Harassment or Victimisation

4.1.1 The Governing Body recognises that the decision to blow the whistle can be a difficult one to make, not least because of the fear of reprisal from those responsible for the wrongdoing. The Governing Body will not tolerate harassment or victimisation and will take action to protect any employee when they blow the whistle in good faith.

4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing Policy.

4.2 Confidentiality

4.2.1 The Governing Body hopes that staff will feel able to voice whistleblowing concerns openly under this Policy. All reasonable efforts will be made to protect an employee's identity if confidentiality is requested.

4.2.2 As indicated above, identity will be protected as far as possible unless required by law to disclose it, but should the investigation require the employee to be named as the source of the information, the employee will be advised before their name is disclosed;

4.3 Anonymous Allegations

4.3.1 Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if further information cannot be obtained, and it is also more difficult to establish whether allegations are credible. Whistleblowers should be aware that making a disclosure anonymously means it can be more difficult for them to qualify for protections as a whistleblower. This is because there would be no documentary evidence linking the whistleblower to the disclosure for the employment tribunal to consider.

4.4 Untrue Allegations

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, the investigation concludes that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

4.5 Unfounded Allegations

4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern within the confines of School Policies and Procedures. Feedback is vital so that whistleblowers understand how their disclosure has been handled and dealt with.

4.6 Support for Employees

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and

support will be made available, as appropriate, to both the whistleblower(s) raising the concerns and any employee(s) subject to investigation.

5. How to raise a Concern

- 5.1 As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Headteacher or Chair of Governors. An employee (including the Headteacher and members of the Leadership Team) can by-pass the direct management line and/or the Governing Body if s/he feels the overall management and/or Governing Body of the School is engaged in an improper course of action. In such cases please refer to section 7 below.
- 5.2 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing Policy.
- 5.3 The earlier an employee raises a concern, the more likely it is that a thorough investigation can be undertaken leading to a comprehensively considered outcome.
- 5.4 Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 5.5 In some instances it may be appropriate for an employee to ask the relevant trade union to raise a matter on the employee's behalf following discussion with the relevant union official. This course of action will follow the same procedure under the whistle blowing Policy as it would for the employee.
- 5.6 At any meeting under this Policy the employee may bring a colleague or trade union representative. That individual must agree to respect the confidentiality of the disclosure and any subsequent investigation and any such undertaking should be recorded in writing.

6. The Role of Senior Managers

- 6.1 A Senior Manager may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the Policy, in person; in writing or by telephone.
- 6.2 The Senior Manager should respond immediately by arranging an initial meeting with the employee to discuss the concern(s) as soon as possible.
- 6.3 Stage One:

6.3.1 At that initial meeting the Senior Manager should establish that:

- There is genuine cause and sufficient grounds for the concern; and
- The concern has been appropriately raised via the Whistle Blowing Policy.
- In the case that the Senior Manager finds that there is not sufficient grounds for the concern; this should be discussed with the employee and full reasons given.

6.3.2 The Senior Manager should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unwilling to do this the Senior Manager will take down a written summary of the employee's concern/s and provide the employee with a copy after the meeting. The Senior Manager should make notes of the discussions with the employee. The employee's letter, if any, the Senior Manager's summary if appropriate and notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- The background and history of the concerns; and
- Names, dates and places (where possible); and
- The reasons why the employee is particularly concerned about the situation.

6.3.3 The employee should be asked to date and sign their letter, if provided, and/or the notes of any discussion including the Senior Manager's summary and notes of the discussion. The Senior Manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

6.3.4 The Senior Manager should follow the Policy as set out above and in particular explain to the employee:

- who he/she will need to speak to determine the next steps (eg Headteacher)
- what steps s/he intends to take to address the concern;
- How s/he will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the School giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that the employee will receive a written response from the investigating officer within ten working days of the meeting date;
- that all reasonable efforts will be taken to ensure their identity is protected, but should the investigation into the concern require the employee to be named as the source of the information, that this will be

- discussed with the employee before their name is disclosed;
- that the Governing Body make all reasonable efforts to protect the employee from discrimination and/or victimisation;
- that the matter is being taken seriously and will be investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that the employee has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- The investigation may confirm the employee's allegations to be unfounded in which case the Governing Body will confirm the investigating officer's conclusions, and deem the matter to be concluded unless new evidence becomes available.

6.4 Stage Two:

6.4.1 Immediately following the initial meeting with the employee, the Senior Manager should consult with the Headteacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what details are required and appoint an investigating officer. A record should be made of the decisions and/or agreed actions.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Senior Manager, Headteacher or Chair of Governors should take the following factors into account:

- The seriousness of the issue(s) raised;
- The credibility of the concern(s); and
- The likelihood of confirming the allegation(s) from attributable sources.

6.4.3 In some cases, it may be possible at this stage to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally by the appointed investigating officer;
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry. This may be undertaken by the Local Authority, Diocese or other appropriate independent body dependent on the nature of the disclosure.

6.4.4 All Senior Managers, the Headteacher and Chair of Governors should have a working knowledge and understanding of other School Policies and

procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from EPM. (The School's retained personnel advisors).

6.5 Stage Three

6.5.1 Within ten working days of a concern being received, the Senior Manager receiving the concern (at paragraph 5.1 above) must write to the employee:

- Acknowledging that the concern has been received;
- Indicating how the matter will be dealt with and by whom;
- Giving an estimate of how long it will take to provide a final response; and/or
- Telling the employee whether any initial enquiries have been made; and
- Telling the employee whether further investigations will take place, and if not why not; and/or
- Letting the employee know when s/he will receive further details if the situation is not yet resolved.

7. Raising Concerns outside the School

7.1 The aim of this Policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice from an appropriate professional, before reporting a concern to anyone external. If an employee is not satisfied with the School's response, the Senior Manager should ensure that the employee is made aware with whom the matter may be raised externally:

- [‘Public Concern at Work’](#) Tel no 0207 404 6609*;
- Recognised Trade Union;
- A Senior LA Officer;
- The External Auditor;
- Relevant professional bodies or regulatory organisations;
- A solicitor;

7.2 The Senior Manager should stress to the employee that if s/he chooses to take a concern outside the School, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party without the express approval of the Headteacher or Chair of Governors.

**Public Concern at Work is a registered charity that employees can contact for advice to*

assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

8. Monitoring and Review

- 8.1 The Headteacher will be responsible for monitoring the implementation and effectiveness of this Policy/procedure and for reporting to the Governing Body on any issues raised under the Policy. The Policy/procedure will be reviewed annually by the Governing Body or sooner as a result of relevant changes to legislation.

Reviewed by Full Governing Body: 30 September 2020

Next Review Date: October 2021

Staff Member Responsible: Deputy Headteacher