**CHRIST THE KING CATHOLIC PRIMARY SCHOOL**

Whistleblowing Policy

|  |  |
| --- | --- |
| Date policy last reviewed: | June 2024 |

|  |  |  |  |
| --- | --- | --- | --- |
| Screen Shot 2016-05-24 at 09Signed by: | | | |
|  | Headteacher | Date: | 13/06/2024 |
| G:\Office\My Documents\Letterhead & Logo\Brian O'Connell's signature 23.jpg | Chair of governors | Date: | 13/06/2024 |

Last updated: 23 August 2022

**Contents:**

[Statement of intent](#_Statement_of_intent_1)

1. [Legal framework](#_Legal_framework_1)
2. [The Public Interest Disclosure Act](#_Introduction)
3. [Definitions](#_[New]_Definitions)
4. [Roles and responsibilities](#_[New]_Roles_and)
5. [Harassment and victimisation of staff](#_[Updated]_Harassment_and)
6. [Non-employees](#_[New]_Non-employees)
7. [Good practice principles](#_[New]_Good_practice)
8. [Procedure](#_Procedure)
9. [Interview and investigation](#_Interview_and_investigation)
10. [What the school asks of whistleblowers](#_What_the_school)
11. [Appeal process](#_Appeal_process)
12. [Unfair treatment](#_Unfair_treatment)
13. [Monitoring and review](#_Monitoring_and_review)

## **Statement of intent**

Christ the King Catholic Primaryis committed to open and honest communication and ensuring the highest possible standards in integrity, we will always treat whistleblowing as a serious matter.

In line with the school’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as “blowing the whistle”, a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school’s Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the school’s Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

* Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
* Provide members of school 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.

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

* Employees of the school
* Voluntary workers working with the school
* Trainees, such as student teachers

# Legal framework

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

* Public Interest Disclosure Act 1998
* Employment Rights Act 1996
* ESFA (2021) ‘Academy trust handbook 2021’
* DfE (2022) ‘Keeping children safe in education 2023’
* GOV.UK (2012) ‘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
* Retention Policy
* Complaints Procedures Policy
* Data Protection Policy

# The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

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.

Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The [Non-employees](#_Non-employees) section of this policy includes further details on how whistleblowing affects non-employees.

# Definitions

**Whistleblowing** is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

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.

# Roles and responsibilities:

The governing board will be responsible for:

* Establishing and agreeing the whistleblowing procedure.
* Ensuring the agreed whistleblowing procedure is published on the school’s website.
* 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 employees of the school 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.
* Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
* Ensuring that whistleblowing forms part of the staff behaviour policy as part of a wider approach to having in place appropriate safeguarding policies and procedures

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 school staff.
* 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 staff will be responsible for:

* Raising any concerns that meet the definitions in the [Definitions](#_[New]_Definitions) section of this policy.
* Being truthful and reasonable with any concerns that they have.
* Not raising malicious or unfounded concerns.

# Harassment and victimisation of staff

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school’s Disciplinary Policy and Procedure.

# Non-employees

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

Where a whistleblower feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school’s Complaints Procedures 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.

# Good practice principles

The school will implement the core whistleblowing principles, as outlined in the ‘Freedom to speak up report’, 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, as outlined in the [Procedure](#_[Updated]_Procedure) section of this policy, 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
* Informing staff what protection is available to them if they report someone
* Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

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 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

# Procedure

When raising concerns, whistleblowers will express them in writing to the headteacher.

If a whistleblower is raising a concern about the headteacher, they should express their concerns in writing to the chair of governors. **How to raise reports and concerns**

When whistleblowers raise their concern, they will include the following information as far as possible:

* The background and history of the concern
* Any relevant names, dates and places
* Full details on the nature of the alleged wrongdoing and why the member of staff is particularly concerned about the allegation;
* Details of any evidence in support of the allegation;
* Name and contact details (unless they wish to remain anonymous); and
* Reasons why the concern should be taken forward

If an employee does not feel able to put the concern in writing initially, he or she should be allowed to telephone or meet the Headteacher or a member of the Senior Leadership Team (SLT) who will make a note of the concern and will explain the next steps in the process.

The school encourages whistleblowers to let their identity be known when they raise concerns.

Whistleblowers 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](https://www.protect-advice.org.uk/) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

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

In certain instances, it may be appropriate for the whistleblower to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the whistleblower to request that their trade union raises the matter.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school’s safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the Local Authority Designated Officer (LADO).

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

**How the school will respond**

The employee expressing concern will receive a written acknowledgement within 10 working days of the concern being received. This acknowledgement will indicate

* how the School proposes to deal with the matter;
* the policy under which the matter will be investigated (i.e. whether it is the whistleblowing policy or a different school policy);
* contact details for the person handling the investigation (the “Investigating Officer”);
* arrangements for confidentiality;
* an estimate of how long it will take to provide a response on the outcome;
* any initial enquiries which may have been made;
* whether further investigations will take place, and if not, why not.

Some concerns may be resolved without the need for investigation. In these cases, confirmation should be sought from the employee that they are satisfied that the matter has been resolved. This does not preclude matters being raised in the future if further concerns arise.

# Interview and investigation

Allegations will be handled confidentially and discreetly by all who are directly involved in the investigation process.

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 write a summary of the discussion.

The headteacher will explain the following to anybody raising a concern:

* How they will communicate with the whistleblower throughout the process. It should be noted, the need for confidentiality may prevent the school giving the whistleblower specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
* That the whistleblower’s identity will be kept confidential from the alleged wrongdoer.
* That the governing board will do everything in its power to protect the whistleblower from discrimination.
* That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the whistleblower.

If clear evidence is uncovered that the whistleblower’s concern is malicious or unfounded, disciplinary action may be brought against them.

The headteacher will act as or appoint an Investigating Officer. If the Investigation 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.

Witnesses may also be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the whistleblower, and particularly where witnesses are interviewed, it is important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

Where a complaint involves the headteacher, then an Investigating Officer who does not work at the school must be appointed, if deemed appropriate (and there is no conflict of interest) this may be the Chair of Governors. In any event, the Investigating Officer must be at an appropriate level of seniority and must have sufficient experience and/or training to allow a thorough investigation to take place. Depending upon the circumstances, external agencies may also be involved in the investigation.

The investigation should normally be completed within 30 working days of the complaint being registered. Where cases prove to be more complicated and it may not be possible to complete within the time scale, it will need to be extended to accommodate the particular circumstances. Where the timescale will exceed 30 working days, the Investigating Officer will advise the whistleblower.

**Outcome of the investigation**

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 Protection Policy.

The investigation will conclude with a report by the Investigating Officer to the Chair of Governors summarising the Investigating Officer’s findings on the allegations and recommend further action which could include but is not limited to:

* a finding that the allegation was unfounded and therefore no action needs to be taken;
* a recommendation to take no further action on the complaint. This may be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue;
* a recommendation to take-action in order to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include:
  + written management advice; and/or
  + an instruction to a member of staff to undertake appropriate guidance and/or training; and/or
  + a recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.
  + Be referred to the police or an external auditor.
  + Form the subject of an independent inquiry.

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 whistleblower will be given an explanation.

# What the school asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

* Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA.
* Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

# Appeal process

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

# Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen’s Advice Bureau](https://www.citizensadvice.org.uk/), the whistleblowing charity [Protect](https://protect-advice.org.uk/), or from an individual’s trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

# Monitoring and review

The governing board will review this policy annually, ensuring that all procedures are up-to-date – the next review date for this policy is June 2025

Any changes made to this policy will be communicated to all members of staff.