



## St Mary's College



## WHISTLE BLOWING POLICY

**Date policy produced:** March 2017  
**Produced by:** St Cuthbert's RC Academy Trust  
**Date policy reviewed:** June 2017  
**Reviewed by:** Pastoral Governors

Other related academy policies that support this Whistle Blowing policy include:- Child Protection, Complaints, Physical Intervention, Special Educational Needs & Disability, Staff Code of Conduct & Supporting Children with Medical Needs.

## **Aims**

1. The school prides itself on having an open and honest culture, and is committed to the highest possible standards of probity and accountability. The academy trust recognises that, from time to time, situations will arise where employees become aware of poor practice that can affect the well-being of the users of our services, our employees and the long-term reputation of the school and the wider academy trust. In line with that commitment, we encourage employees with serious concerns about any aspects of the school's work to come forward and voice those concerns. Confidentiality will be maintained as far as is possible.
2. No one who raises a genuine concern about poor practice will be put at risk of losing their job, or suffering any form of retribution as a result of doing so. Harassment or victimisation of Whistleblowers will not be tolerated. The school expects all managers to recognise their responsibilities in this matter, and to adopt and implement this policy and adhere to its procedures with regard to whistle blowing by any employee.

## **Introduction**

3. Employees are often the first to realise that there may be something wrong within the school, and they should be encouraged to speak up and not feel that it would be disloyal to their colleagues or to the school.
4. This policy is intended to make it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the school, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
5. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Whistle Blowing Policy is intended to cover concerns that fall outside the scope of those procedures and is not a substitute for the school's other policies. There are separate complaints policies/procedures for service users/pupils, and their relatives.
6. This Whistleblowing policy does not replace other policies and procedures including the following:

- Child Protection/Safeguarding
- Complaints
- Disciplinary
- Grievance
- Physical Intervention/Positive Handling Plan
- Staff Code of Conduct

### **Eligibility**

7. All people who work at the school are covered in this policy.

### **Legal Framework**

8. The Public Interest Disclosure Act, commonly called the “Whistleblowers Act”, came into force on 2 July 1999. The Act encourages people to raise concerns about malpractice in the workplace by providing protection for workers who disclose information that might otherwise be regarded as confidential and was strengthened by the Enterprise and Regulatory Reform Act 2013.
9. The Act provides protection from dismissal, or action short of dismissal, and makes void any term in a contract of employment which would prevent the employee from making a protected disclosure (so called “gagging clauses”), providing that the disclosure is a “qualifying disclosure” and it is made in the public interest and is a genuinely held belief that the information is true.
10. A qualifying disclosure is defined as “any disclosure of information” which, “in the reasonable belief” of the worker making the disclosure, tends to show:
- a criminal offence has been, is being, or is about to be committed;
  - the employer is failing to comply with his legal obligations;
  - a miscarriage of justice has happened or is likely to happen;
  - an individual's health and safety is being jeopardised;
  - the environment is being, or is likely to be damaged;
  - information falling into any of the above categories has been, is being or is likely to be deliberately concealed.

11. The belief does not need to be correct and the whistle blower does not need to provide evidence; an investigation may subsequently find that they were wrong, however the employee only needs to show that they held the belief and that it was a reasonable belief in the circumstances at the time of disclosure.
12. The 'public' in the public interest can be a subset of the wider population and so can be interpreted as all of the people employed by an employer e.g. the school.
13. The disclosure is protected if it is made to the correct authority. This will be either internally to their manager at the school (or another person who they reasonably believe to be solely or mainly responsible for the relevant failure) or externally to a 'prescribed person'. These are certain statutory bodies - or people within them - who have the authority to receive disclosures relevant to the role of that particular body. A list of these bodies can be accessed at the following link: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

#### **Raising a Whistleblowing Concern**

14. The employee will report any suspicions covered by this policy to the Headteacher, except where the disclosure may involve them, in which case the Trust Director should be informed. They should be prepared to explain the reasons for their suspicion, but they do not have to be able to prove them. The intention of these procedures is that wherever possible any employee's concerns should be raised locally at least in the first instance.
15. The person receiving the concern should reassure the employee that the matter will be treated in confidence, and initiate an investigation. The investigation will be escalated up the academy management structure to an appropriate level.
16. Should the investigation uncover a criminal offence then the police will be involved as soon as this is known. If the concern is about a safeguarding matter the safeguarding policy should be referred to and the section detailing allegations against staff/volunteers should be followed.
17. If the investigation shows that misconduct is likely to have occurred, then the matter will be dealt with through the disciplinary procedure.
18. Should it be found that any employee has raised a spurious or malicious concern through this procedure, or that an employee 'goes public' with a claim when it was

unreasonable to do so, and they were pursuing a personal grudge against the school then their actions will be regarded as misconduct which will be dealt with through the disciplinary procedure.

19. If requested, within 5 working days of a concern being received, the person raising the concern will be written to by the person in the organisation who received it. The letter will acknowledge that the concern has been received and provide information on who is dealing with the matter and who to contact if there are any questions. If feedback is requested by someone who wishes to remain anonymous then they will need to put in place a mechanism to do this; e.g. an anonymised email address or a pre-arranged telephone call.
20. So that the employee who raised the concern can be sure that the matter has been properly addressed, they will be given feedback on how their concern has been handled and the outcome of any investigation. However, the organisation may not be able to fully disclose full details owing to confidentiality in relation to other people involved or owing to legal constraints. This situation would be explained to the employee.
21. Whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. If the matter is taken outside of the Academy Trust individuals should be mindful of breaches to the Data Protection Act, 1998.

#### **Independent advice**

22. If at any stage in the procedure employees are unsure about what to do and would like independent advice, they may like to discuss their concerns with someone at Public Concerns at Work (PCaW). PCaW is an independent charity staffed by lawyers that offer confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on whom else employees may contact and about what legal protection may be available. PCaW's legal helpline can be contacted on 020 7404 6609 or by e-mailing [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) . Their web site is; <http://www.pcaw.co.uk>
23. Professional associations, trade unions and the Citizens Advice Bureau can also offer advice concerning raising concerns.

24. The NSPCC operate a whistleblowing helpline for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

<https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>

Government advice about Whistleblowing can be found at:

<https://www.gov.uk/whistleblowing/what-is-a-whistleblower>

### **Protection and Support for Whistleblowers**

25. Any person who blows the whistle is protected from harassment or bullying by the academy trust or anyone on behalf of the academy trust (this includes co-workers or contractors). Anyone in the academy trust (or their representative) who subjects a whistle blower to 'detriment' will be subjected to the disciplinary process.

26. Every effort will be made to ensure that the employee's identity is kept confidential if they so wish. However, it must be appreciated that an investigation process may reveal the source of the information. The academy trust may need the Whistleblower to give evidence at disciplinary or criminal proceedings. If it becomes necessary to reveal the employee's identity in order to pursue the investigation, this will be discussed with them at the earliest stage. In such circumstances it may affect the academy trust's ability to continue the investigation if s/he does not agree to be identified.

27. If an allegation is not confirmed by the investigation, no action will be taken against the Whistleblower. If, however, it is found that she/he has made maliciously false allegations, disciplinary action will be taken against her/him.

28. The academy trust hopes that all employees will feel able to put their name to the allegation, as concerns expressed anonymously are more difficult to investigate. If employees raise a concern anonymously, their identity may be deduced. If, contrary to this policy they then suffer reprisals, it may be difficult to show that this was the result of raising a concern.

**Communication, Awareness & Training**

All managers and staff should be made aware of their responsibilities when a disclosure occurs, and reminded of the need for confidentiality and protecting the employee who has blown the whistle. This policy will be brought to staff's attention during initial induction and staff will be reminded through staff training/briefings. A copy of this policy is available in the staff shared area and on request.