

WHISTLEBLOWING POLICY AND PROCEDURE



**Our Lady
Help of Christians**



SS Peter and Paul Catholic Primary School



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WHISTLEBLOWING POLICY AND PROCEDURE

1. Introduction

- 1.1. The Trust is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the policies and procedures from time to time in force.
- 1.2. This policy reflects the Trust's current practices and applies to every individual working for irrespective of their status, level or grade. It therefore includes, the Principal / Head Teacher, Heads of Department, members of the Senior Leadership Team, governors, trustees, members, directors, employees, consultants, contractors, trainees, volunteers, home-workers, part-time or fixed-term employees, casual and agency staff (collectively referred to as "you" and "staff" in this policy) who are advised to familiarise themselves with its content.
- 1.3. As a public service organisation, the Trust will use public funds prudently and apply the highest standards of conduct throughout the organisation. This procedure encourages you to help maintain these standards, by enabling you to draw attention, within the Trust, to any concerns which you may have. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur. Public disclosure may well be justified at some point, but this should not happen before the Trust has had the opportunity to investigate the concern. Premature or unnecessary publicity may damage the Trust's reputation and impede proper investigations.
- 1.4. The aims of this policy are:
 - 1.4.1. To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
 - 1.4.2. To provide staff with guidance as to how to raise those concerns;
 - 1.4.3. To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2. What is Whistleblowing?

- 2.1. Whistleblowing is the disclosure of information which relates to suspected malpractice, wrongdoing or dangers at work. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect staff that “blow the whistle” on bad practice from being subjected to any detriment or unfairly dismissed as a result.
- 2.2. To qualify for the protection outlined in Paragraph 2.1, you must provide information of a concern that you reasonably believe shows a category of wrongdoing set out in the law;
reasonably believe that the concern is in the public interest and raise your concern in accordance with this policy.
- 2.3. Examples of concerns that may be raised under the procedure are:
 - 2.3.1. Criminal Activity
 - 2.3.2. Child protection and/or safeguarding concerns (including radicalisation of students)
 - 2.3.3. Miscarriages of justice
 - 2.3.4. Danger to Health and safety
 - 2.3.5. Damage to the environment
 - 2.3.6. Failure to comply with any legal or professional obligation or regulatory requirements
 - 2.3.7. Bribery or corruption
 - 2.3.8. Financial fraud or mismanagement
 - 2.3.9. Misconduct in public office and/or conduct likely to damage the Trust’s reputation
or financial wellbeing
 - 2.3.10. Negligence
 - 2.3.11. Breach of internal policies and procedures
 - 2.3.12. Unauthorised disclosure of confidential information
 - 2.3.13. Any other unethical or illegal conduct
 - 2.3.14. The deliberate concealment of any of the above matters.
 - 2.3.15. Allegations of Sexual Harassment
- 2.4. These acts may be in the past, present or future, so that, for example, a

disclosure qualifies if it relates to criminal activity that has happened, is happening or is likely to happen.

- 2.5. A whistle-blower is a person who raises a genuine concern that they believe is in the public interest relating to any of the above. The Trust wants normal management channels to be sufficiently open and effective for most concerns to be raised that way but recognises that this will not always be appropriate or possible. The Trust therefore has a Confidential Reporting Procedure, which offers the means to raise concerns you which reasonably believe are in the public interest and tends to show certain types of wrongdoing in regard to the conduct of staff, governors/elected members or other people acting on behalf of the Trust.
- 2.6. The procedure does not cover concerns that would be best dealt with by other procedures. For example, an employment problem may well be covered by the Trust's Grievance Procedure. The Whistleblowing policy should not be used for complaints relating to your own personal circumstances, such as the way you may have been treated at work. In those cases, you should submit a concern under the Grievance Policy and Procedure or Harassment and Bullying Policy as appropriate.
- 2.7. If you are uncertain as to whether your concern is within the scope of this policy, you should seek advice before taking action.

3. Confidentiality

- 3.1. The Trust hopes that all staff will feel able to voice whistleblowing concerns openly under this policy. Your concern will be treated in strict confidence, within this Procedure, and the Trust will endeavour to keep your identity secret in so far as is possible (if this is what you want). If it is necessary for anyone investigating your concern to know your identity, the Trust will discuss this with you first. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered support.
- 3.2. Although a concern may be made anonymously, the Trust encourages staff to put their name to their allegation whenever possible. Concerns that are expressed completely anonymously are much less powerful and proper investigation may be much more difficult or even impossible. It is also much more difficult to establish whether any allegations are credible and to protect your position or to give feedback on the outcome of investigations.
- 3.3. The Trust will consider anonymous concerns at its discretion, taking

into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

- 3.4. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed *below* and appropriate measures can then be taken to preserve confidentiality.
- 3.5. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect

Helpline: **020 3117 2520**

(Independent whistleblowing charity)

E-mail: whistle@protect-advice.org.uk

Website: www.pcaw.org.uk

4. Raising a Concern

- 4.1. The Trust hopes that in many cases, you will be able to raise any concerns with your Line Manager or Principal / Head Teacher speaking to them in person or putting the matter in writing if you prefer. Together, you may be able to agree a way of resolving the concern quickly and effectively.
- 4.2. Where your concern is regarding potential poor or unsafe practice or potential failures in the Trust's safeguarding regime, you should raise this initially with your Line Manager.
- 4.3. However, where the matter is more serious, or your Line Manager or Principal / Head Teacher has not addressed the concern or you would prefer not to raise it with them for any reason, then you should contact one of the following:
 - 4.3.1. A governor with responsibility for whistleblowing matters
 - 4.3.2. The Trust CEO
 - 4.3.3. A trustee

5. Who to approach?

- 5.1. Below is guidance on who to contact in the first instance when raising a whistleblowing concern:

Concerns regarding	To be raised with
Employee	Line Manager
Line Manager	Principal / Head Teacher
Principal / Head Teacher	Chair of Governors
Direct Trust employees	CEO
CEO	Chair of the Board
Governors	Chair of the Board
Directors	Chair of the Board
Chair of the Board	Director of Schools, Diocese of Shrewsbury

- 5.2. Depending on the nature of the concern the Local Authority Designated Officer (LADO) may also be informed.

6. How to Raise your Concern

- 6.1. You can raise your concern orally (i.e., face to face or over the phone) or in writing. If you write, mark the envelope 'personal and confidential'. Whichever way you choose, please give as much information as you can. Remember also to give your name, job and where you work and say if you do not want to be contacted at work (if so, give your home address and/or a private phone number).
- 6.2. The following headings may help you organise your thoughts, but you do not have to follow them exactly:
- 6.2.1. The nature of the concern
 - 6.2.2. Any background or history of the concern (giving dates where possible)
 - 6.2.3. Why you are concerned
 - 6.2.4. Why you believe your concern to be true
 - 6.2.5. Any other procedures which you have already used – and what happened
 - 6.2.6. The people who are involved and where they work
 - 6.2.7. The names and jobs of any other people who will (or may) support your concern.

- 6.3. The earlier a concern is raised the better. Whilst you will not be expected to prove that allegations are true, you will need to show that you have a reasonable basis for your concern.
- 6.4. The Trust will take a down a written summary of the concern raised and provide you with a copy as soon as practicable after the meeting. The Trust will also aim to give you an indication of how it proposes to deal with the matter.

7. Investigation and Outcome

- 7.1. After the meeting, the Trust will carry out an initial assessment to determine the scope of any investigation required. The Trust will inform you of the outcome of this assessment. You may be required to attend additional meetings in order to provide further information of the concerns you have raised.
- 7.2. In some cases, the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter (this may include externally appointed persons). The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.
- 7.3. The Trust will aim to keep you informed of the progress of the investigation and its likely timescale. It will endeavour to complete its investigation within a reasonable timeframe. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action or other action taken as a result. You are required to treat any information about the investigation as strictly confidential.
- 7.4. If the Trust concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may (where they are an employee) be subject to disciplinary action under the Disciplinary Policy and Procedure.

8. Involvement of your Trade Union or Professional Association

- 8.1. You may ask your trade union or professional association to raise a matter on your behalf or advise you on how to articulate the case yourself. In this case – if you wish – you can remain anonymous when the concern is first raised, but you may have to be involved personally if the matter goes further.
- 8.2. You may also be accompanied at any meetings under this procedure by a trade union representative, a member of a professional association or a work colleague at any meeting or interview.

9. Personal Support

- 9.1. The Trust will do all it can to minimise any difficulties that you may have because you have raised a concern. As far as the Trust can, you will be offered personal support, and this will be arranged by the Principal / Head Teacher. For example, if you had to give evidence in disciplinary or criminal proceedings, full advice about the procedure would be given to you.

10. If You are Not Satisfied with the Trust's Response

- 10.1. Whilst the Trust cannot always guarantee the outcome you are seeking, it will try to deal with the concern fairly, professionally and in an appropriate way. If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts outlined above.

11. External Disclosures

- 11.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The Trust expects that in almost all cases, raising a concern internally would be the most appropriate course of action and you should not find it necessary to alert anyone externally.
- 11.2. However, if, for whatever reason, you feel you cannot raise your concern internally and you reasonably believe the information and any allegations are substantially true, the law recognised that in some circumstances it may be appropriate for you to report your concern another prescribed person, such as a police, a regulator or professional body. It will rarely, if ever, be appropriate to alert the media. The Trust strongly encourages staff to seek advice from the independent whistleblowing charity, Protect, whose details are set out earlier in this policy. Protect has a list of prescribed bodies for reporting certain types of concerns and is able to provide advice with regards to whistleblowing and making a protected disclosure.
- 11.3. Where your concern is regarding the Trust's safeguarding practices, and you feel unable to raise it internally or have concerns about the way in which your concern has been or is being handled by the Trust, you may contact the National Society for the Prevention of Cruelty to Children (NSPCC) on their advice line (020 028 0285 – open from 8.00 am to 8.00 pm Monday to Friday) or by e-mail (hekp@nspcc.org.uk) or in writing to NSPCC, Weston House, 42 Curtain Road, London EC2A 3NH.
- 11.4. Whistleblowing concerns usually relate to the conduct of the Trust's

staff, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstance, the law will protect you if you raise the matter with the third party. However, you are encouraged to report such concerns internally first. You should contact one of the internal contacts set out in this policy, or Protect, for guidance.

12. Protection and Support for Whistleblowers

- 12.1. It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust is committed to good practice and high standards and aims to encourage openness. The Trust will support Staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 12.2. Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or your Principal / Head Teacher immediately. If the matter is not remedied to your satisfaction, you should raise it formally using the Grievance Policy and Procedure.
- 12.3. No member of staff must threaten or retaliate against an individual who has raised a concern in any way. The Trust will not tolerate any such harassment or victimisation, and anyone involved in such conduct will be subject to disciplinary action.
- 12.4. To ensure the protection of all staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest will also be liable to disciplinary action.
- 12.5. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Principal / Head Teacher in the first instance.