



# Whistleblowing Policy

Agreed:

Date: 22 October 2020

Review Date: Autumn 2022

*Live fully, act justly.*

The Federation of St Joseph's and St Thomas More Roman Catholic Voluntary Aided Primary Schools operates within legal requirements and regulations and expects all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of another employee acting inappropriately is obliged to report this activity.

This guidance applies to all employees and applies equally to those designated as casual, temporary, volunteers or those gaining work experience, governors and those contractors working for the school or LA on school premises, for example agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Diocese, Multi Academy Trust or LA.

The grievance procedure is in place to enable employees to lodge a concern relating to their employment. The Whistle Blowing Guidance is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Dangerous procedures or practice risking Health and Safety, including risks to the public as well as other employees
- Damage to the environment
- Dangerous practices
- The unauthorised use of public funds
- Inappropriate use of the Multi Academy Trust's Standing Orders, Financial procedures or Contract Regulations
- Fraud or corruption
- Practice which falls below established standards or practice
- Action which is contrary to the code of conduct for employees
- Sexual or physical abuse of pupils or others
- Other unethical conduct

The Schools are committed to tackling malpractice and employees should know that any matter regarding malpractice and other illegal acts will be dealt with seriously.

A trade union or employee representative or other representative of their choice may accompany any employee to meetings involving this procedure

If a matter results in any disciplinary action, the Disciplinary Procedure will apply.

The Whistleblowing Guidance encourages and enables employees to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage.

The Governing Body will not tolerate any harassment or victimisation and will take appropriate action to protect employees when a concern is raised in good faith.

The Schools are committed to the highest standards of openness, honesty and accountability. In line with that commitment we encourage employees, and others that we deal with, who have serious concerns about any aspect of the schools' work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

Expected standards of conduct and practice derive from a variety of sources including:

- Job descriptions
- Policies, Procedures and Guidelines
- Professional standards
- Legal requirements and guidelines
- Inspection standards and reports
- Code of Conduct

The system for maintaining good standards is founded on proper induction, supervision and performance management, team meetings and briefing sessions, training and development and, where necessary, the positive use of the Capability and Disciplinary Procedures

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect them.

All concerns will be treated in confidence and every effort will be made not to reveal employees' identities if that is their wish. However, this cannot be guaranteed.

When an employee feels concerned about bad practice he or she will need to identify the issues carefully. An employee must be clear about the standards against which he or she is judging practice:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it against Multi Academy Trust guidelines?
- Is it against the LAs guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident? If so he or she should write it down
- Did anyone else witness the incident at the same time? If so they should write it down.

An employee or volunteer should normally raise concerns with the headteacher

If an employee's concern is about the Headteacher, he or she should contact the Chair of Governors

Once an employee is certain that bad practice exists the following action should be considered:

- Concerns may be raised verbally or in writing. Employees or volunteers who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action
- If the employee wishes he or she may ask for a private confidential meeting with the person to whom he or she wishes to make the complaint
- An employee may take another person with them as a witness or for support
- The employee should take to the meeting – if possible - dated and signed written supporting statements from anyone who can confirm the allegations.
- When making the complaint verbally, the employee should write down any relevant information and date it. Keep copies of all correspondence and relevant information.
- The employee should ask the person to whom he or she is making the complaint what the next steps will be and if anything more is expected of them.
- Ask to be informed of the outcome of the investigation into the complaint.

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Employees may ask their trade union or professional association representative to advise them, or be present during any meetings or interviews in connection with the concerns they have raised.

Employees will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns. All employees have legal protection under the Public Interest Disclosure Act 1998. This Act protects employees from victimisation by their employer as a result of raising genuine concerns both inside or outside their organisation. However, this does not apply where allegations are found to be malicious or deliberately false. Such behaviour will be dealt with under the Disciplinary Procedure.

Employees are encouraged to put their name to any allegation whenever possible.

Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or in conjunction with HR through the disciplinary procedure,
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. The overriding principle the Schools will have in mind is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

In all cases, when an employee raises a concern, the headteacher or chair of governors will seek advice from HR, Governor Support or other partner services, as appropriate to the concern.

Within ten working days of a concern being raised, the headteacher will write to the employee, and:

- Acknowledge the concern has been received
- Indicate how the matter will be dealt with and who will be involved
- Where possible, give an estimate of how long it will take to provide a response
- Tell the employee whether any initial enquiries have been made
- Check whether he or she needs any personal support
- Tell the employee whether further investigations will take place and if not why not.

The amount of contact between the officers considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Schools will seek further information from the employee, as part of the investigation process.

The Schools will take steps to minimise any difficulties which employees may experience as a result of raising any concerns. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Schools will arrange for them to receive support.

The Schools accept that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, we will inform them of the outcome of any investigation, and the action that is to be taken against those whose action caused the concern. Also if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

If employees make an allegation in good faith, but it is not confirmed by the investigation no action will be taken against them. If however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. In such cases, the Disciplinary Procedure will apply.

In respect of concerns raised internally within the schools the headteacher will maintain a record of concerns raised and the outcome and will report as necessary to the Governing Body.

If the employee is not satisfied with the outcome, they may take the matter to the Chair of Governors if they have not already been involved. Within ten days the Chair of Governors will write to the employee to acknowledge the concern has been received and indicate the steps that will be taken. The Chair of Governors may choose to set up a small group of governors to investigate. The Chair of Governors will then inform the employee of the outcome on the same basis as above.

If employees take their concerns outside of the School, this guidance does not apply. They should take advice about their rights and responsibilities.

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

#### Equality statement

- The governors and staff are committed to providing the full range of opportunities for all pupils, regardless of gender, disability, ethnicity, social, cultural or religious background. All pupils have access to the curriculum, and the right to a learning environment, which dispels ignorance, prejudice or stereotyping.
- This policy has been impact assessed by governors in order to ensure that it does not have an adverse effect on race, gender or disability equality.

#### UNICEF: Rights of the Child

##### Article 3

The best interests of the child must be top priority in all decisions and actions that affect children.

#### UNICEF: Rights of the Child

##### Article 19

Every child has the right to be protected from all forms of violence, abuse, neglect and bad treatment.

## UNICEF: Rights of the Child

### Article 37

Children should not be subject to cruel or degrading treatment or punishment.