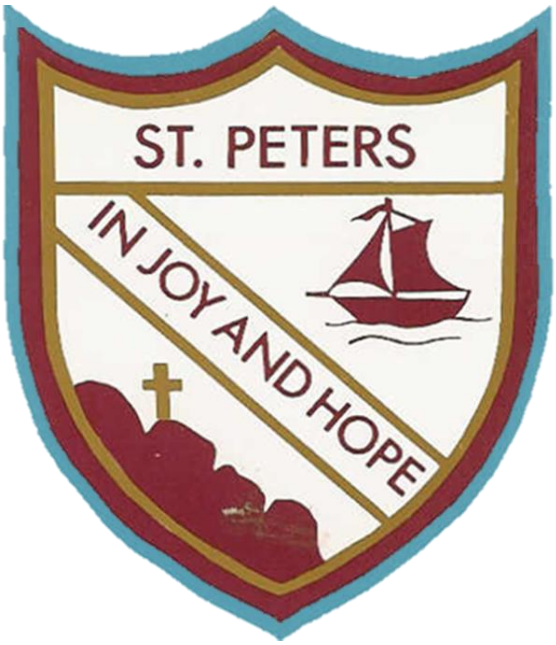
St Peter's Catholic Primary School



Whistle Blowing Policy

The Governing Body of St Peter's Catholic Primary School have adopted the whistle blowing policies and procedures of Wirral Local Authority

Date of Approval by Governors_____

Chair of Governors _____

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'INDIVIDUAL' IS USED THROUGHOUT THE POLICY AND PROCEDURE AND IT APPLIES TO ALL EMPLOYEES AND THOSE CONTRACTORS WORKING IN THE SCHOOL, FOR EXAMPLE AGENCY STAFF. IT ALSO COVERS SUPPLIERS AND THOSE PROVIDING SERVICES UNDER CONTRACT WITH THE SCHOOL.
THE POLICY AND PROCEDURE ALSO APPLIES TO VOLUNTEERS, GOVERNORS AND OTHERS NOT WITHIN AN EMPLOYMENT CONTRACT, ALTHOUGH THE PROVISIONS OF THE PUBLIC INTEREST DISCLOSURE ACT DO NOT PROTECT THEM.

1. INTRODUCTION

The Public Interest Disclosure or "Whistleblowing" Act came into force in July 1999. "Whistleblowing" is about accountability and responsibility.

This may cover something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the school subscribes to
- is against the Council's Standing Orders and school policies
- falls below established standards of practice
- amounts to improper conduct

The earlier concern is expressed the easier it is to take action.

Serious concerns include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public or employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- other unethical conduct.
- Falsifying statutory returns
- Breach of statutory legislation
- Safeguarding concerns should be raised with the Wirral Safeguarding Board through the Local Authority designated officer

This school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of school life to come forward and voice those concerns. Individuals are often the first to realise that there may be something seriously wrong within the school. However they may not feel able to express their concerns because they believe that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. They may feel it would be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

In the majority of cases, individuals with concerns will share those concerns with a member of the school's senior management team but it is recognised that certain cases will have to proceed on a confidential basis. The Policy and Procedure makes it clear that individuals can follow the procedure without fear of reprisals. It is intended to encourage and enable all individuals to raise serious concerns **within** the school to maintain public confidence, rather than overlooking a concern, or 'blowing the whistle' outside of school.

The overriding concern is that it would be in the public interest for the malpractice or concern to be corrected and, if appropriate, sanctions applied.

2. SCOPE

The Policy and Procedure applies to all school employees and contractors working for the school. It also applies to volunteers, governors and others not within an employment contract, including ex-employees, although the provisions of the Public Interest Disclosure Act do not protect them.

It is **not** to be used by individuals who are aggrieved about their personal position. The school's Grievance Procedure should be used under those circumstances.

It is not to be used by individuals who have concerns over child protection issues. These concerns should be dealt with under the LA's Child Protection Procedures.

3. POLICY AND PROCEDURE OBJECTIVES

The Policy and Procedure aims to:-

- ensure that serious concerns and malpractice are identified, investigated and corrected.
- encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice.
- provide avenues for individuals to raise those concerns and receive feedback on any action taken.
- ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- reassure individuals that they will be protected from possible reprisals or intimidation if they have a reasonable belief that they have made any disclosure in good faith.
- minimise any difficulties experienced as a result of raising a concern, e.g. if an individual is required to give evidence in criminal or disciplinary proceedings the school will arrange for advice and support.
- ensure that individuals against which malicious allegations have been made are supported.

4. ROLES AND RESPONSIBILITIES

GOVERNING BODY AND HEADTEACHER (include DCS / Head of Legal Services/District Auditor

- To establish a culture whereby all individuals fully understand that it is safe and accepted to raise whistleblowing concerns.
- To actively want and expect individuals to raise whistleblowing concerns.
- To ensure that victimisation of anyone who uses the "Whistleblowing" procedure is not tolerated.

HEADTEACHER/CHAIR OF GOVERNORS

The governing body has designated the Headteacher to specifically deal with matters concerning "Whistleblowing".

If the concern is about the Headteacher, then the designated person is the Chair of Governors. If the concern is about the Chair of Governors, then the designated person is the Director of Children's Services.

Their responsibilities are to:

- Reassure and support individuals to use these procedures.
- Receive concerns raised by individuals.
- Respect an individual's request that a concern is raised in confidence.
- Ensure that they effectively communicate with individuals.
- Record concerns on the school's Confidential Reporting Form (CRF1 – see Appendix 3).
- Carry out an initial assessment.
- Acknowledge the concern to the person raising it, within **ten working days** of it being raised; indicate how it is proposed to deal with the matter; estimate how long it will take to provide a final response; advise whether any initial enquiries have been made and supply information on individual support mechanisms (see Appendix)
- Inform, **where appropriate**, the person against whom alleged concerns have been raised of the nature of the concerns and how it is proposed to deal with the matter.

5. SAFEGUARDS

Harassment or Victimisation

The school recognises that the decision to report a whistleblowing concern can be a difficult one to make, not least because of the fear of reprisal from those responsible.

Harassment, victimisation or subsequent discrimination or disadvantage of anyone raising a genuine concern will not be tolerated when individuals are acting in good faith and the school will take action to protect such individuals. This assurance does not include anyone who maliciously raises a matter they know is untrue.

Confidentiality

The school will do its best to protect a person's identity when they raise a concern and do not want their name to be disclosed. It should be appreciated, however, that after an investigation has been conducted as a result of "whistleblowing", it is likely that the source of the information may be revealed or a signed statement may be required as part of the evidence or evidence may be needed in a Court of Law.

Anonymous Allegations

The school encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful but they will be considered.

The factors to be taken into account would include the:

- seriousness of the issues raised
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them.

If, however, it becomes apparent from the investigation that the individual making the disclosure has acted frivolously, maliciously or for personal gain, that individual may be subject to disciplinary action.

6. HOW TO RAISE A CONCERN – THE PROCEDURE

Concerns may be raised verbally or in writing. The concern will be formally recorded on form CRF1 and the matter will be treated as confidential.

Individuals who wish to make a written report should include:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation.

Although individuals 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.

WHO TO CONTACT

In most circumstances the concern will be raised with the Headteacher (see Section 4).

If, due to the seriousness and sensitivity of the issues involved, or the individual is not satisfied with the response, they can contact:

- Director of Children's Services
- Wirral Council's Chief Executive or Head of Legal Services
- Wirral Council's Internal Auditor

If the above is inappropriate or an individual is dissatisfied with the responses then they can:

- seek independent advice
- consider if they want to take the matter any further
- contact the District Auditor

INDEPENDENT ADVICE

Individuals may wish to talk to a teacher professional association or trade union representative. Individuals can also contact **Public Concern at Work, Tel. No. 0207 404 6609** who will give free confidential advice at any stage about how to raise a concern about serious malpractice.

HOW THE SCHOOL WILL RESPOND

The concern will be recorded using the school's Confidential Reporting Form (CRF1-See Appendix 3)

An initial assessment will be undertaken by the Headteacher* in order to establish whether the concerns:

- may be resolved without the need for an investigation
- require urgent action being taken before any investigation is conducted
- fall within the scope of specific procedures (for example, Child Protection) and should be dealt with under those procedures
- require an investigation and, if so, what form it should take.

The overriding principle which the school will have in mind is the public interest.

* Refer to Section 4.

The concerns may:

- be investigated by internal audit or through the school's disciplinary procedure
- be referred to the police or District Audit
- form the subject of an independent inquiry.

Within ten days of a concern being raised the individual will receive a written acknowledgement stating that the concern has been received:

- indicating how it is proposed to deal with the matter

- estimating how long it will take to provide a final response
- advising whether any initial enquiries have been made
- supplying information on individual support mechanisms
- advising whether further investigations will take place and if not, why not.

The Headteacher* will inform the individual of the outcome of any investigation, subject to legal constraints or where this would infringe a duty of confidence owed by the school to someone else.

COMMUNICATION WITH THE PERSON AGAINST WHOM ALLEGED CONCERNS HAVE BEEN RAISED

The Headteacher* will, ***where appropriate,*** inform the person against whom alleged concerns have been raised of the nature of the concerns and how it is proposed to deal with the matter.

Within legal restraints, and the restraints of the investigation, information will be provided and he/she will be informed of the outcome of the investigation.

HOW THE MATTER CAN BE TAKEN FURTHER

The Policy and Procedure is intended to provide individuals with an avenue **within** the school or the Council to raise concerns. If they feel it is right to take the matter outside the school or Council, the following are possible contact points.

- Teacher Professional Association
- Trade Union
- Public Concern at Work Tel.No. 0207 404 6609
- Health & Safety Executive-**Prescribed Regulator**
- Financial Services Assoc.-**Prescribed Regulator**
- Environment Agency – **Prescribed Regulator**
- Police
- District Auditor
-

* Refer to Section 4

If individuals do take the matter outside the school or Council, they should ensure that they are acting in good faith, and they have evidence to back up their concern and that they do not disclose confidential information.

MONITORING

Any concerns raised under the Act will be reported annually by the Headteacher to a full Governing Body meeting and by the Director of Children's Services, acting as Monitoring Officer, to Cabinet.

APPENDIX 1

DEFINITIONS

Confidential reporting and "whistleblowing" is the raising of concerns, either internally or externally, about possible malpractice.

Malpractice
The Act applies to people at work raising genuine concerns about crime, failure to comply with any legal duty (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and cover-up of any of these. It applies whether or not the information is confidential and whether the malpractice is occurring in the UK or overseas.

Individual is used throughout the Policy and Procedure and applies to all employees and those contractors working for the school, for example agency staff. It also covers suppliers and those providing services under a contract with the school in their own premises.
The Policy and Procedure also applies to volunteers, governors and others not within an employment contract, although the provisions of the Public Interest Disclosure Act do not protect them.

A Prescribed Regulator is an external authority, prescribed by the Act with whom concerns can be raised. See the 'How the Matter Can Be Taken Further' section of the Procedure.

APPENDIX 2

LEGISLATION

The Public Interest Disclosure Act 1998 (which came into force on 2 July 1999) provides a worker with potential protection from victimisation and dismissal for making a 'qualifying disclosure'. However, the Act encourages workers to raise matters internally with employers initially and disclosures will only be protected if they meet strict legal requirements. These requirements differ depending on the person the disclosure is made to, but, generally, the worker must be acting in good faith and reasonably believe that the information disclosed falls into a defined category.

The Public Interest Disclosure Act provides its protections, primarily, by inserting new sections into the **Employment Rights Act 1996**, which is why its protection is concerned with those in an employment contract.

Full Protection

Where a worker or employee is victimised for "blowing the whistle" in breach of the Act, s/he can bring a claim at an Employment Tribunal for compensation. Awards for victimisation short of dismissal will be uncapped and based on what is just and equitable in all the circumstances.
Where an employee (but no other workers) is dismissed for "blowing the whistle", s/he may apply within 7 days for an interim order. Where the Tribunal considers that the employee is likely to win at the full hearing, it will order that s/he keeps their job or is paid their wages pending the full hearing.

Individuals covered by the protection of the Act

The usual employment law restrictions on minimum qualifying period and age do not apply. The Act does not cover the genuinely self-employed e.g. individual consultants or volunteers, although they are included and covered by this Policy and Procedure.

Internal Disclosures

A disclosure to the employer will be protected if the "whistleblower" has an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur. Where a third party is responsible for the malpractice, this same test applies.

Regulatory Disclosures

Special provision is made for disclosures to bodies prescribed under the Act. Such disclosures will be protected where the "whistleblower" meets the tests for internal disclosures and, additionally, honestly and reasonably believes that the information and any allegation contained in it are substantially true.

Wider Disclosures

Wider disclosures (e.g. to the police, the media, MPs, and non prescribed regulators) are protected if, in addition to the tests for regulatory disclosures, they are not made for personal gain and the following provisions are met:

- the concern must have been raised with the employer or a prescribed regulator, or
- the concern has not been raised with the employer or a prescribed regulator, because either:

    - the worker reasonably believed s/he would be victimised, if s/he did so, or
    - there is no prescribed regulator and the worker reasonably believed there would be a cover-up, or
    - the matter was exceptionally serious.

If these provisions are met and the tribunal is satisfied that the disclosure was reasonable, the “whistleblower” will be protected.

In deciding the reasonableness of the disclosure the tribunal will consider the identity of the person it was made to, the seriousness of the concern, and whether the disclosure breached a duty of confidence the employer owed a third party. Where the concern had been raised with the employer or a prescribed regulator, the tribunal will also consider the reasonableness of their response.

Finally, if the concern had been raised with the employer, the tribunal will consider whether any “whistleblowing” Policy in the organisation was or should have been used.

APPENDIX 3

Confidential Reporting Form(CRF1)

Does the person want this matter to be dealt with in confidence? (tick box)	YES		NO	

Person raising concern	
Role/Post	
Contact Address	
	Tel.No**:**
Date of disclosure	

Background and history of the concern (giving relevant dates):
Have any other persons and/or organisations been contacted? (tick box) YES☐ NO☐ If yes, please give details

Does the individual have any personal interest in the matter? (tick box) YES☐ NO☐ If yes, please give details

Does this concern fall more properly within another school procedure? (tick box) YES☐ NO☐ If yes, please state which procedure:

Initial Action taken by the Headteacher* and outcome - ensuring any urgent action is undertaken:
RECOMMENDED Further Action (tick appropriate box) None required ☐ Investigation by School Management ☐ Internal audit ☐ Disciplinary Process ☐ Refer to: Police ☐ External audit ☐ Other, please state

Signed: ……..…….…….. Headteacher*	Date:
Individual person raising the concern:Please sign below and enter any comments, if any, in this box.	
Signed: …….	Date:

- **If the concern is about the Headteacher the designated person is the Chair of Governors. If the concern is about the Chair of Governors the designated person is the Director of Children's Services**