

Whistle-blowing policy

St Aidan's Catholic Primary



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1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the Academies Financial Handbook.

This policy has been written in line with the above document, as well as government guidance on whistle-blowing, which can be found in Appendix 3

We also take into account the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but aren't limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- Further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure can be found in Appendix 2
- A free and confidential advice line

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

4.2 Who to report to

Staff should report their concern to the headteacher. If the concern is about the headteacher or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the chair of the board of trustees.

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

5. Trust procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received by the headteacher- referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the chair of trustees and/ or chair of the personnel committee, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Escalating concerns beyond the trust

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included in Appendix 1.

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

8. Approval

This policy will be reviewed every three years.

These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

9. Links with other policies

This policy links with our policies on:

- Complaints procedure
- Child protection policy

Appendix 1: List of bodies who you staff can complain to

Her Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')

Contact them about matters relating to the welfare of children provided with accommodation by boarding schools, colleges and residential special schools.

The Chief Inspector
Ofsted
Piccadilly Gate
Store Street
M1 2WD

Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk

Office of Qualifications and Examinations Regulation (Ofqual)

Contact them about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Whistleblowing and malpractice
Complaints investigation manager
Ofqual
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

Tel: 0300 303 3344

Email: whistleblowing@ofqual.gov.uk

Online form:

www.smartsurvey.co.uk/s/ofqual-whistleblowing/

Secretary of State for Education

Contact them about matters relating to the following educational institutions in England:

- maintained schools
- maintained nursery schools
- independent schools (including academies and free schools)
- non-maintained special schools
- an institution within the further education sector
- special post-16 institutions

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Appendix 2: Guidance on the difference between a grievance and whistleblowing

What is the difference between raising a grievance and whistleblowing?

A grievance is making a complaint about something that affects you or your **individual** employment contract. For example, if your employer doesn't pay you on time, or if you are demoted unfairly, or given an unreasonable workload.

Whistleblowing matters are those raised by those concerned about workplace wrongdoing more generally - the whistleblower is usually the **witness providing information** to the employer about a concern which it is in the public interest to raise.

What is the difference between the processes for grievances and whistleblowing?

A grievance will usually involve you meeting with your employer or HR team and there may be an investigation. Your employer has to follow a **proper process** for dealing with grievances, which as a minimum must meet the Acas Code of Practice. You have a **right to be accompanied** at grievance meetings where the complaint is about your employer breaching a term of your employment contract. You should be given an **opportunity to appeal**. The remedy for a grievance is a private one, often affecting only the person who raised the grievance (eg an apology, payment due, or a change to the working practices that affect them).

There is **no set process** that the employer must follow to investigate a whistleblowing concern, but good practice would be for the employer to respect a whistleblower's wish for confidentiality and to provide some feedback about any action taken, as far as they are able. There is **no right to be accompanied** to a meeting with an employer to discuss your concerns. There is **no general right to appeal** if you are unhappy with how your employer deals with a whistleblowing concern (but check your employer's policy if they have one). You may never know the outcome of a whistleblowing concern (for example, if your employer investigates the behaviour of another individual and disciplines them as a result - that would be confidential information between the employer and that other individual).

Should I raise my concerns about bullying as a grievance or as a whistleblowing concern?

Bullying is a very difficult matter to tackle. If you are being bullied yourself, you should raise this, possibly as a grievance. If your employer has an anti-bullying policy, follow the process there. If the matter affects the whole team, then it may be better to use the whistleblowing process - but you will want to check what your employer's policy says and whether you can argue that it is in the public interest to raise your concerns. For example, if you are in a health setting and the bullying has an impact on the quality of care your team can provide, that may engage the public interest.

From an employer perspective, even when an individual says that there is a bullying culture in one team, if no one else comes forward it can be hard for them to take action. It may be worth raising a collective grievance, or seeking the advice of a trade union or Acas. You may find the guidance here helpful. If in doubt, seek advice - call us on 020 3117 2520 or email whistle@protect-advice.org.uk

My employer doesn't have a whistleblowing policy - should I raise a grievance instead?

As we set out above, an employer should follow a different route for dealing with a whistleblowing concerns and grievances. Using the wrong process can make matters difficult. For example, it is difficult for a whistleblower to have their confidentiality respected if a grievance process is followed (a fair process may mean an individual complained about needs to know the basis of the problem to allow them to put their case). If you want to blow the whistle to your employer and they don't have a policy to follow call us on 020 3117 2520 for advice. We can help you think through who best to raise your concerns with, and how to express the concern as a matter of public interest, rather than a complaint about how you have been treated as an individual.

Appendix 3: What is whistleblowing – a guide for employees.

Whistleblowing for employees

Contents

1. What is a whistleblower
2. Who to tell and what to expect
3. If you're treated unfairly after whistleblowing

What is a whistleblower

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower you're protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law

You're protected if you're a worker, for example you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a Limited Liability Partnership (LLP)

Get independent advice if you're not sure you're protected, for example from Citizens' Advice. A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you're a whistleblower.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

Complaints that do not count as whistleblowing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

Report these under your employer's grievance policy.

Contact the Advisory, Conciliation and Arbitration Service (Acas) for help and advice on resolving a workplace