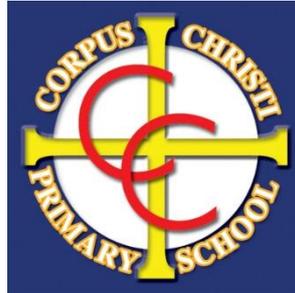


'Corpus Christi Catholic Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.'



Corpus Christi Catholic Primary School

Whistleblowing Policy

Designation	Name	Date Approved	Date of Renewal
Headteacher	Mrs Samantha Birchall	Nov 2019	Nov 2020
Chair of Governors	Mr John Williams	Nov 2019	Nov 2020

Together we DREAM, Together we Learn

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Statement of intent

Corpus Christi is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's **Data Protection Policy**.

1. Legal framework

- 1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:
 - Public Interest Disclosure Act 1998
 - Employment Rights Act 1996
- 1.2. This policy has been created with regard to the following guidance documents:
 - GOV.UK (2015) 'Whistleblowing for employees'
 - DfE (2014) 'Whistleblowing procedure for maintained schools'
 - Sir Robert Francis (2015) 'Freedom to speak up report'
- 1.3. This policy operates in conjunction with the following school policies:
 - **Disciplinary Policy and Procedure**
 - **Records Management Policy**
 - **Complaints Procedures Policy**
 - **Data Protection Policy**

2. Introduction

- 2.1. The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true.
- 2.2. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.
- 2.3. The **headteacher** is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the **chair of governors**.
- 2.4. Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. [Section 7](#) includes further details on how whistleblowing affects non-employees.

3. Definitions

- 3.1. **Whistleblowing:** Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

- 3.2. **Qualifying disclosures:** As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:
- A criminal offence has been committed, is likely to be committed or is being committed
 - A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
 - A miscarriage of justice has occurred, is occurring or is likely to occur
 - The health or safety of any individual has been, is being or is likely to be endangered
 - The environment has been, is being or is likely to be damaged
 - Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed
- 3.3. **In the public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:
- The number of people in the group whose interests the disclosure served
 - The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
 - The nature of the wrongdoing disclosed
 - The identity of the alleged wrongdoer
- 3.4. **Blacklisting** refers to an individual who is being refused work because they are viewed as a whistleblower.
- 3.5. **Grievances** involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

4. Roles and responsibilities:

- 4.1. The **governing board** will be responsible for:
- Establishing and agreeing the whistleblowing procedure.
 - Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
 - Ensuring all members of the school community have access to this policy.
 - Investigating, in liaison with the headteacher, any concerns that are raised.
 - Ensuring this policy provides an open and transparent framework where members of the school community can raise their concerns.

- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the governing board include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.

4.2. The **headteacher** will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by the school community.
- Being the first point of contact regarding whistleblowing.

4.3. The **chair of the governing board** will be responsible for receiving any concerns raised about the **headteacher**.

4.4. All members of the school community will be responsible for:

- Raising any concerns that meet the definitions of [3.2](#) and [3.3](#) of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

5. Scope

5.1. This policy will:

- Give confidence to members of the school community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of the school community with avenues to raise concerns.
- Ensure that members of the school community receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

5.2. This policy will not be confused with the procedure on dealing with harassment at work or the school's **Grievance and Disciplinary Procedures**.

5.3. Under this policy, any of the following can raise a concern:

- Employees of the school
- Employees of contractors working for the school, for example, agency staff, builders and drivers
- Employees of suppliers

- Voluntary workers working with the school
- A trainee, such as a student teacher
- Pupils
- The wider community
- Governors

6. Harassment and victimisation of staff

- 6.1. The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.
- 6.2. Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.
- 6.3. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's **Disciplinary Policy and Procedure**.

7. Non-employees

- 7.1. The PIDA and the Employment Rights Act 1996 **do not** protect non-employees as far as whistleblowing is concerned.
- 7.2. Irrespective of 7.1, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.
- 7.3. Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's **Complaints Procedures Policy**.
- 7.4. Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

8. Good practice principles

- 8.1. The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.
- 8.2. The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:
 - Of safety in the school.

- Where people feel confident with raising concerns.
 - Free from bullying.
 - Of visible leadership.
 - Of valuing staff.
 - Of reflective practice.
- 8.3. By providing a clear procedure for mediating and resolving cases, as outlined in [section 9](#), the school will ensure that all cases are efficiently handled. This procedure includes:
- How to raise and report concerns.
 - How investigations will be conducted.
 - How the school will mediate and resolve disputes.
- 8.4. The school will implement **measures to support good practice** by ensuring adherence to the following principles:
- Offering relevant training to staff
 - Providing the necessary support to staff
 - Providing support to staff who are seeking alternative employment
 - Being transparent
 - Being accountable
 - Conducting an external review of any concerns raised, where necessary
 - Undertaking regulatory action as required
- 8.5. We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:
- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
 - Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
 - Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
 - Ensuring staff are empowered and protected, enabling them to raise concerns freely

9. Procedure

- 9.1. When raising concerns, individuals will express them in **writing** to the **headteacher**.
- 9.2. If an individual is raising a concern about the headteacher, they should express their concerns in writing to the **chair of governors**. Where this is the case, the chair of governors will take on the headteacher's duties outlined in [section 10](#).
- 9.3. When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
 - Any relevant names, dates and places
 - The reasons for the concern
- 9.4. The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.
- 9.5. Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.
- 9.6. Once an individual has raised a concern, the school will be responsible for investigating it.
- 9.7. In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.
- 9.8. The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

10. Next steps

- 10.1. The **headteacher** will write to the individual within **10 working days** of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.
- 10.2. The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the **headteacher** will establish if:
- There are grounds for a concern and that it is genuine.
 - The concern was raised in accordance with this policy.
- 10.3. During the initial interview, the **headteacher** will request the individual puts their concern in writing, if they have not already done so. The **headteacher** will write a summary of the concern if the individual is unable to put it in writing.
- 10.4. The **headteacher** will explain the following to anybody raising a concern:
- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.

- That the complainant's identity will be kept confidential from the alleged wrongdoer.
 - That the **governing board** will do everything in its power to protect the complainant from discrimination.
 - That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.
 - If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.
- 10.5. If an investigation is carried out, the whistleblower will be informed of the final outcome.
- 10.6. A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's **Records Management Policy**.
- 10.7. It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
- Be investigated by management, an internal audit or through the disciplinary process.
 - Be referred to the police or an external auditor.
 - Form the subject of an independent inquiry.
- 10.8. If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.
- 10.9. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.
- 10.10. The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

11. What the school asks of you

- 11.1. The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:
- Do not take the concern outside the school, e.g. gossiping.
 - Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

12. Appeal process

- 12.1. If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's **Complaints Procedure Policy**.

13. Unfair treatment

- 13.1. An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.
- 13.2. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.
- 13.3. Any claims of unfair dismissal needs be made within **three months** of the investigation ending.

14. Monitoring and review

- 14.1. The governing board will review this policy **annually**, ensuring that all procedures are up-to-date – the next review date for this policy is **date**.
- 14.2. Any changes made to this policy will be communicated to all members of staff.

1.1 Contents – St Helens Chapter

1. [Introduction and Definition](#)
2. [Legal Requirements](#)
3. [What To Do](#)
4. [Foster Carers Procedure for Reporting a Concern](#)

5. [Action by Regulatory Bodies](#)

[Further Information](#)

1.2

1. Introduction and Definition

The importance of raising concerns at work in the public interest or 'whistleblowing' is recognised by employers, workers, trade unions and the general public.

It is important for individuals to feel safe and listened to when raising concerns. An open approach to whistleblowing promotes the values of openness and transparency and encourages employees to treat service users with dignity, respect and compassion. In that way, the wellbeing and safety of service users and the provision of good care become part of the culture, and are seen as "the way we do things around here".

From the employer's point of view, there are good business reasons for listening to workers who raise concerns, as it gives an opportunity to stop poor practice at an early stage before it becomes normalised and serious incidents take place. Whistleblowing has been shown to be an effective way to achieve service improvement, which has led to better practice.

From the workers' perspective, the freedom to raise concerns without fear means that they have the confidence to go ahead and 'do the right thing'. It is part of encouraging workers to reflect on practice as a way of learning.

Definition:

Whistleblowing is when someone who works in or for an organisation passes on information, which they reasonably believe shows wrongdoing or a cover-up by that organisation. For example, the information may be about activity that is illegal or that creates risks to the health and safety of others. The concern may relate to something that has happened, is happening or that a person may fear will happen in the future.

1.3

2. Legal Requirements

The law provides legal protection to workers who have been victimised at work or lost their job because they have 'blown the whistle'.^[1] To receive the legal protection, a whistleblower must:

- Be a 'worker' for the organisation about which they are whistleblowing;
- Reasonably believe they are acting in the public interest;
- Whistleblow to either the appropriate people within their organisation or to a relevant third party, such as one that inspects or regulates the activity of that organisation.

The definition of 'worker' for whistleblowing purposes includes employees, temporary agency staff, home workers, trainees on vocational schemes, and those whose employment has ceased. It does not cover the self-employed, volunteers or foster carers. While these groups are not covered by the legislation that protects whistleblowers, their concerns would be listened to seriously and raised with the appropriate person responsible for the children's social care service/agency.

The Public Interest Disclosure Act 1998 (PIDA)^[2] amends the Employment Rights Act 1996 (ERA)^[3] by inserting Part IVA (protected disclosures) into the ERA. It offers protections to workers from any detriment from their employer that arises from the worker making a protected disclosure ('a qualifying disclosure'). Disclosure is another word for whistleblowing.

To receive these protections, a worker must make a qualifying disclosure. This is any disclosure of information where:

- In the reasonable belief of the worker making the disclosure, it is made in the public interest and tends to show one or more of the factors outlined in section 43B of the PIDA, www.legislation.gov.uk/ukpga/1998/23;
- The worker makes it to one of a number of specified persons outlined in sections 43C to 43F of the PIDA, www.legislation.gov.uk/ukpga/1998/23;
- It may also be appropriate for a worker to make a disclosure under section 43G (disclosure in other cases), or section 43H (disclosure of exceptionally serious failure) of the PIDA.

Complaints and grievances are different to whistleblowing and other employing organisations' policies and procedures should be followed.

1.3.1 The Professional Duty of Candour for Health professionals:

Every healthcare professional must be open and honest with patients when something goes wrong with their treatment or care which causes, or has the potential to cause, harm or distress. This means that healthcare professionals must:

- Tell the patient (or, where appropriate, the patient's advocate, carer or family) when something has gone wrong;
- Apologise to the patient (or, where appropriate, the patient's advocate, carer or family);
- Offer an appropriate remedy or support to put matters right (if possible); and
- Explain fully to the patient (or, where appropriate, the patient's advocate, carer or family) the short and long term effects of what has happened.

Healthcare professionals must also be open and honest with their colleagues, employers and relevant organisations, and take part in reviews and investigations when requested. Health and care professionals must also be open and honest with their regulators, raising concerns where appropriate. They must support and encourage each other to be open and honest and not stop someone from raising concerns.

[1] [Public Interest Disclosure Act 1998](#);

[2] www.legislation.gov.uk/ukpga/1998/23

[3] www.legislation.gov.uk/ukpga/1996/18/contents

1.4

3. What To Do

If a worker is unsure of what to do, there are a number of ways they can talk the matter over in confidence to decide how they would prefer to proceed:

- The union or professional body;
- The independent whistleblowing charity [Public Concern at Work](#);
- An independent legal adviser.

If the employer has a whistleblowing policy, the worker can refer to this. The St. Helens Safeguarding Partnership for the area and the Local Authority may also have a whistleblowing policy to which the worker can refer. Whistleblowing directly to the services the concerns are about can result in a quick response as they have the power to act immediately on the concerns.

The worker can also whistle blow to the relevant regulatory body for example Ofsted, the GMC or HCPC. Similarly, the various Ombudsman offices can be contacted such as the [Parliamentary and Health Service Ombudsman](#); or the [Local Government Ombudsman](#).

Whichever point the worker decides to make the disclosure to, they will ask a number of questions so that they can determine how to proceed. It is therefore good planning to set down the concerns clearly to ensure that the matter is dealt with more speedily. Some of the questions that may be asked:

- Does the worker believe that a service user is at immediate risk of harm?
- To set out the facts;
- Do other workers share the concerns?
- Whether the concerns have already been raised with the employer and, if so, what the response was?
- What the workers views are about what should be done?

The organisation receiving the concerns must tell the worker what they will do next, what the likely timescale will be and establish a way to keep in contact with the worker. There may be issues of confidentiality which mean that the worker may not be provided with all details but a report of an outcome should be provided.

1.5

4. Foster Carers Procedure for Reporting a Concern

The [St. Helens Fostering Handbook](#) on page 11 contains clear information for all foster carers who have a concern.

1.6

5. Action by Regulatory Bodies and Employers

The organisation will assess the information and determine the best way to investigate the concerns in a timely manner. The action they take will depend on the type of service the worker has contacted them about and what the concerns suggest is happening.

The organisation may have support services in place to support the worker while any enquiries are taking place.

The outcome of the investigation into the concerns should be shared with the worker bearing in mind any matters of confidentiality.

The organisation should regularly report all concerns raised (whether substantiated or not), the investigations and outcomes to the senior management/ board of the organisation to raise awareness of the concerns, identify trends and 'hot spots', and ensure issues are being dealt with properly.