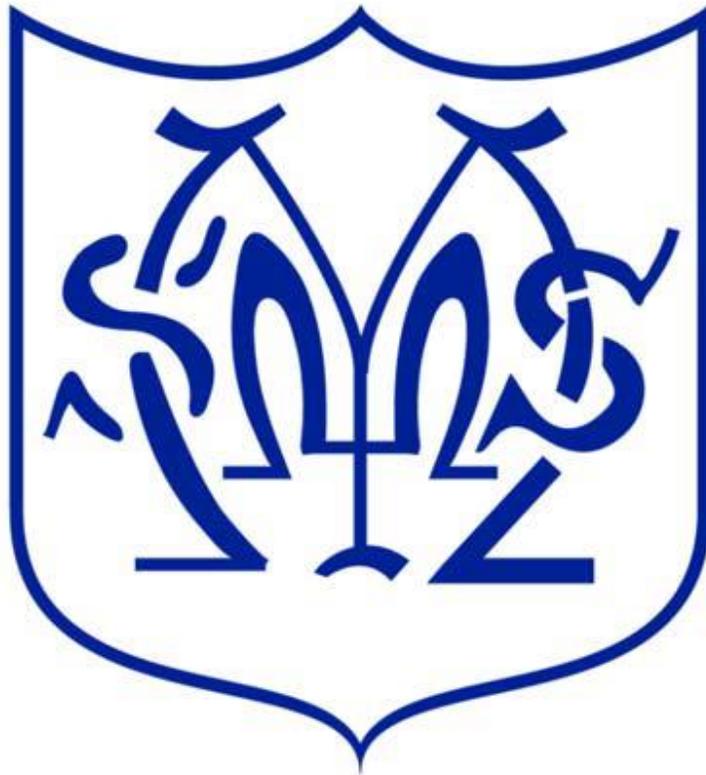


St Mary and St Michael Catholic Primary School



Whistle-blowing Policy

*“Learning together hand in hand
with our friend Jesus.”*

Approved by:

Governing Body

Date: March 2020

Last reviewed on:

February 2020

Next review due by:

February 2023

Introduction

Openness, probity and accountability are vital components of public service. Employees and other workers who discover lapses in these areas are encouraged to come forward and disclose their concerns to someone who can be trusted to take action. This process is known as 'whistle-blowing'. These issues will be taken seriously and treated in a confidential manner.

This policy applies to all school employees and those working in the school or on school premises. It also covers suppliers and those providing services under a contract with the school on their own premises.

The policy has been introduced to:

- allow workers to feel confident in raising serious concerns and to question and act upon concerns about practice;
- identify avenues for workers to raise those concerns and receive feedback on any action taken;
- ensure that workers receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure workers that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety and have made a disclosure in good faith.

All staff have access to a copy of this policy in the staffroom and it is also saved on the school shared drive.

Examples of areas covered

This policy is intended to cover areas of concern such as the following:

- conduct which may be a criminal offence;
- failure to comply with a legal obligation;
- dangerous procedures endangering the health and safety and welfare of pupils and workers and of other persons using the school buildings or site;
- possible damage to the environment;
- the unauthorised use of public funds including action which may breach financial regulations;
- fraud, bribery and corruption;
- sexual, mental or physical abuse of pupils;
- breach of procedures and regulations set by examination boards/awarding bodies.
- other unethical or immoral conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees or governors of the school or others acting on behalf of the school can be reported under this policy. This may be something that makes you feel uncomfortable in terms of known standards, your experience or the values, beliefs and standards to which the school subscribes; is against the school's trust deed or instrument of government or policies; falls below established standards of practice; or

amounts to improper conduct.

It is important to note that the Whistleblowing strategy is not intended to replace any of the complaint/concern mechanisms already in place in school.

How to raise a concern

As a first step you should normally raise concerns, either verbally or in writing, with the head teacher. If you suspect that the headteacher may be involved in the malpractice then you should contact the chair of the governing body. If you also suspect involvement by the chair, then you should contact the local authority or the Diocesan Director of Education.

Any concern should be raised at the earliest opportunity possible. As much information as possible should be supplied, including: dates, times and names. Although you will not be expected to provide conclusive proof of the allegation, you will need to demonstrate to the person contacted that you have reasonable grounds for your concern.

If you make an allegation in good faith but it is not confirmed by a subsequent investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

You may invite your trade union/professional association representative or a workplace colleague to be present during any meetings or interviews in connection with the concerns you have raised. You are encouraged to put your name to the allegations whenever possible. Concerns expressed anonymously may be considered at the discretion of the head teacher/chair of governors. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the concerns identified;
- the likelihood of confirming the allegation from a credible source;
- whether the details provided contain sufficient information to allow the matter to be investigated.

Please note that under no circumstances should a staff member speak to or write to representatives of the press, TV, radio, place a post on social media or to another third party about a suspected fraud without the express authority of the Chief Executive

It is paramount that officers do not act in a manner that may give rise to an action for slander or libel.

How the school will respond

An initial assessment will be made by the head teacher/chair of governors/diocese to determine whether the concerns which have been raised warrant any action on the part of the school. Such an assessment may include a preliminary investigation. Some concerns may be resolved by agreed action without the need for investigation. Where the concerns do warrant further action, the matter will be referred to an appropriate person who will follow the appropriate procedure, e.g.

- a disciplinary investigation;
- referral to the local authority audit team;
- informing the police;
- referral to the Local Authority Designated Officer for child protection [the LADO], 020 7364 0677 lado@towerhamlets.gov.uk

Within five working days the person with whom the concern has been raised will write to the worker:

- acknowledging that the concern has been received;
- indicating how the school proposes to deal with the matter
- informing whether further investigations will take place and if not why not;
- giving an estimate of how long it will take to provide a final response;
- supplying information on staff support mechanisms, which may include confidential counselling.

The amount of contact between the person considering the issues and the worker will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school will seek further information from the worker. Any meeting arranged for these purposes may be offsite, if requested. The school accepts that all workers need to be assured that the matters will be properly addressed. Subject to legal constraints, workers who have raised the concern will be informed of the outcomes of any investigation, to an extent which does not prejudice the right to confidentiality of others concerned.

Protection for whistle-blowers

The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss a worker on the grounds that they undertook a 'protected disclosure' (i.e. a disclosure made in good faith with a reasonable belief that there has been a relevant malpractice or impropriety). In order for a worker to be protected under this legislation they must take reasonable steps to raise the matter internally first before going outside the organisation to raise their concern. Any attempt to victimise a worker who has reported a concern under this procedure may be dealt with under the school's Disciplinary Procedure.

What you should do if the school does not deal with your concerns

A worker who makes a 'protected disclosure', such as those set out above, is protected provided that:

- they make the disclosure in good faith;
- they reasonably believe that the information disclosed, and any allegation contained in it, is substantially true;
- they do not make the disclosure for purposes of personal gain;
- at the time of the disclosure, they reasonably believe that they will be subject to a detriment by their employer, or relevant evidence will be concealed or destroyed, if they make a disclosure to their employer;
- in all the circumstances of the case, it is 'reasonable' for them to make the disclosure.

Making a disclosure outside the school is more likely to be 'reasonable' if it is made to a person or body that has appropriate jurisdiction. This will depend on the nature of the concern, but for local authority maintained schools might include:

- Criminal activity - Police
- Exam malpractice - Local Authority Assessment co-ordinator, the Awarding Body Ofqual
- Environmental damage - Environment Agency
- Breach of governance regulations - Local Authority
- Financial irregularities - Local Authority Audit Department
- Serious misconduct of a teacher - The Teaching Agency
- Health and safety - Health and Safety Executive
- Income Tax / VAT - HMRC
- Child protection - Local Authority Designated Officer for child protection [LADO]
- Building regulations - Local Authority Planning Department

Depending on the circumstances, other appropriate bodies may include: Ofsted; the Secretary of State, an academy's sponsor. You may also seek confidential external advice from:

- Your trade union or professional association;
- The Citizens Advice Bureau;
- Public Concern at Work (0207 404 6609)

Public Concern at Work is a charity, established in 1993, which offers free, confidential advice to people concerned about crime, danger or wrongdoing at work.

Failure to follow this procedure

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.

List of Contacts

Mrs R Mahon Headteacher – 020 7790 4986
Mr M Killington Chair of Governors – 020 7790 4986
Susan Moyes – Clerk to the Governors

London Borough of Tower Hamlets confidential hotline – free phone 0800 528 0294

Director of Education Westminster Diocese
Vaughan House
46 Francis Street
London SW1P
Telephone 020 7798 9005
education@rcdow.org.uk

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