



St. Alban & St. Stephen Catholic Primary School & Nursery

Whistleblowing Policy

'Learning and growing with God by our side'

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Introduction

St Alban & St Stephen Catholic Primary School and Nursery is committed to ensuring high standards of conduct in all that it does. It is important that employees and volunteers know what to do if they come across something that they think is fundamentally wrong, illegal or endangers others within the school. The whistleblowing procedures will guide employees through the process of raising a concern.

The reporting of wrongdoing under the whistleblowing procedure may be covered by the law concerning protected disclosure of information. The procedure has therefore been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which offers protection to those in both the private and public sectors who 'blow the whistle' in certain circumstances. All staff, at any time, have a statutory right to express concerns under the (PIDA).

It is important that the whistleblowing procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly. Where a concern is properly raised under this procedure, the individual will be protected from any unfair or negative treatment.

1. Definition of whistle-blowing

Whistleblowing: Usually a single person, often an employee, who reveals information and raises a genuine concern about activity within a private or public organisation that is deemed illegal, an omission/s, immoral, illicit, unsafe or fraudulent. Whistleblowers can use a variety of internal or external channels to communicate information or allegations. Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest".

Not all concerns count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. The Whistleblowing Policy is not intended to replace existing procedures.

If your concern relates to your own treatment as an employee or your employment contract, you should raise it under the existing grievance procedures.

2. Aim

In fulfilling its mission, St Alban & St Stephen Catholic Primary School and Nursery upholds high standards of professional and personal conduct. Our Staff Code of Conduct makes explicit commitments that the personal and professional conduct of anyone who carries out work for, or represents our School, is, and is seen to be, of the highest standards. We recognise that sometimes its values, and requirements on conduct, may not be upheld to the standard expected. If this is the case, we want to be informed and will, where possible, act to try to put things right.

This policy aims to help individuals ("whistleblowers") to raise with confidence any serious concerns they may have without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. This includes voicing concerns about safeguarding practice. This Policy is intended to enable those who become aware of wrongdoing in the school affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees and associated persons should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees and associated persons should not agree to remain silent. They should report the matter to the Head of School or Chair of Governors.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employees and associated persons who raised the issue. No employees and associated persons will be victimised for raising a matter under this procedure.

It is recognised that some cases will have to proceed on a confidential basis. The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of repercussion from those responsible for the failure or malpractice. We will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect a whistleblower when a concern is raised in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any other procedures such as grievance, disciplinary etc. which may already affect the person reporting concerns but will be treated on its own merits.

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, action may be taken against you in accordance with the relevant organisational policy and procedure.

3. Scope of the Policy and Background

This policy applies equally to all the school's employees, including agency staff, contractors, volunteers, consultants or any person or body acting for, or on behalf of, the school and makes it known as to how an individual can make a disclosure under the Public Interest Disclosure Act 1998.

The Public Interest Disclosure Act amended the Employment Rights Act 1996 and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below. These are known as qualifying disclosures. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a employees and associated persons who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employees and associated persons to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employees and associated persons has no responsibility for investigating the matter - it is the school's responsibility to ensure that an investigation takes place. If a protected disclosure is made, the person making the disclosure has the right not to be dismissed, subjected to any other detriment, or victimised. This is the case even if it became evident that the person making the disclosure was genuinely mistaken. Although volunteers are not afforded the same legal protection that is afforded to employees, as far as possible, all individuals making a disclosure will be treated in the spirit of the Public Interest Disclosure Act 1998.

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

When to raise a concern

Staff should consider the examples in this policy 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.

Who to report to

Staff should report their concern to the Executive Head Teacher, Helen Wilson, or the Headteacher Tess Hackett. If the concern is about the Executive Headteacher or Head of School, 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 Governors – Miss Petty Lai via plai@ssas.herts.sch.uk.

How to raise the concern

Concerns should be made in writing wherever possible. They should include:

- any relevant background and context;
- dates, times, names and venues;
- a description of the concern and why the situation caused concern.

Staff raising a concern should also include details of any personal interest in the matter.

5. Procedure for responding to a whistle-blowing concern

Investigating the concern

When a concern is received by the Chair of Governors, Executive Headteacher or Head of School, 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 employees or associated persons statement will be considered, and they will be asked to comment on any additional evidence obtained.
- The Chair of Governors, Executive Headteacher or Head of School will seek advice from Hertfordshire and Diocesan Human Resources departments and arrange an investigation into the matter. The investigation may involve the employees or associated persons and other individuals involved giving a written statement
- 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.

Outcome of the investigation

- The person who carried out the investigation will then report to the Chair of Governors or the Executive Headteacher, to review before the person who conducted the investigation presents to the Governing Body Disciplinary Committee which will take any necessary action, including seeking further advice from Hertfordshire HR department, the Diocese and reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, Hertfordshire Human Resources department and the Diocese will be consulted before starting the disciplinary procedure. On conclusion of any investigation, the employees or associated persons will be told the outcome of the investigation and what the Board has done, or proposes to do, about it, though certain details may need to be restricted due to confidentiality.. If no action is to be taken, the reason for this will be explained.
- If the employee or associated person is concerned that their line manager or senior colleague is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Board, they should inform the Executive Head teacher or Chair of Governors.
- If for any other reason the employee or associated person does not wish to approach their line manager or senior colleague they should also in the first instance contact Chair of the Audit and Risk Committee.
Email: Whistleblowing@rcdow.org.uk. Any approach to the Chair of the Audit and Risk Committee will be treated with the strictest confidence and the employee or associated person identity will not be disclosed without their prior consent.
- If on conclusion of the above investigations the employee or associated person reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Office for Police Conduct; and
- the Serious Fraud Office.

5. Law relating to this Policy

Employment Rights Act 1996 Public Interest Disclosure Act 1998 Data Protection Act 2018 General Data Protection Regulation (2016/679 EU) The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them. NB: A "qualifying disclosure" means any disclosure of information that, in the reasonable belief of the worker, is made in the public interest. The requirement that a whistleblower make a qualifying disclosure "in good faith" has been removed. Therefore, while the employer can seek a declaration from the whistleblower that they are not knowingly making false allegations, disciplinary action is likely to be appropriate only where there is clear evidence that the worker has misused the whistleblowing procedure. A consequence of the requirement that a disclosure be made in the public interest is that an employee will generally be precluded from being able to "blow the whistle" about breaches of their own employment contract.

Employees or associated persons who make protected disclosures would be protected from adverse treatment in relation to the activity of the diocese. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another employee or associated person.

The General Data Protection Regulation (GDPR) requires the school to comply with principles for processing personal data, including protecting against unauthorised access of personal data. Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR requires organisations to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the organisation must notify the Information Commissioner within 72 hours of becoming aware of the breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.

Employment tribunals have the power to send details of public interest disclosure allegations to the relevant regulator. The information is assessed by the regulator and, where appropriate, investigated and acted on in accordance with the regulator's own procedures. Although there is no requirement that a whistleblower make a qualifying disclosure "in good faith", employment tribunals are permitted to reduce a worker's compensation by up to 25% if it appears that a protected disclosure was not made in good faith.

Settlement Agreements statement of confidentiality do not cover articles, which include a qualifying whistleblowing disclosure.

Section 43J of the Employment Rights Act 1996 provides that a settlement agreement made between a worker and an employer cannot prevent future protected disclosures. 13.6 Any confidentiality

obligations in contracts of employment that would prevent an employee making a protected disclosure will be void.

9. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Child protection policy