



# St Gabriel's R.C. High School

## WHISTLEBLOWING POLICY

<b>Review by Governors:</b>	<b>Nov 2019</b>
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## Introduction

Whistleblowing occurs when a member of staff raises a concern about a dangerous or illegal activity that they are aware of through their work. To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law. The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (this may include, for example, types of financial impropriety such as fraud) □  
Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'

Whistleblowing is relevant to all organisations and all people. This is because every business and every public body faces the risk of things going wrong internally. Where such a risk arises, usually the first people to realise or suspect the wrongdoing will be staff.

It can be difficult to know what to do. You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, the Head Teacher or to the School and sometimes it may seem difficult to speak up because of a fear of harassment or victimisation.

However, we expect the highest standards of behaviour and all staff have a responsibility to voice any concerns that they have, normally with their Line Manager/Head Teacher. We have introduced this policy to enable staff to raise genuine concerns about such malpractice at an early stage and in the right way. We would rather you raise the matter when it is just a concern, rather than wait for proof.

The whistleblowing policy is independent and confidential. It can be anonymous if you wish. We will make sure that you will not be victimised or suffer disadvantage if you report your genuine concern.

The malpractice might be carried out by staff, Directors, Governors, contractors or external agencies.

This procedure is not to be used if you are generally dissatisfied at work or as a replacement to your existing employment rights.

What happens if you are implicated?

If you blow the whistle and actively cooperate with an investigation in which you may be implicated in any wrongdoing, you are likely to receive a lighter sanction than might otherwise have been the case (unless the misconduct is so serious that no amount of cooperation or other mitigating conduct can justify a decision not to bring any action).

How to raise a concern

- a) Through your line manager

Normally you should contact your line manager in the first instance who will then, if required, liaise with the Head Teacher. But if you feel that you can't do this – for example, if you believe that they are involved – then you should contact the Head Teacher directly.

If you believe the Head Teacher is involved, then you should go directly to the Chair of Governors.

How the School will respond

The School will respond to your concerns. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process;  Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the responsible person you have contacted will write to you:

- Acknowledging that the concern has been received;
- Indicating how we propose to deal with the matter;
- Giving an estimate of how long it will take to provide a formal response;
- Telling you whether any initial enquiries have been made;
- Supplying you with information on staff support mechanisms;
- Telling you whether further investigations will take place and, if not, why not.

The amount of contact between the persons considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It may be necessary for the school to obtain further information from you.

Where any meeting is arranged, you can be accompanied by a trade union professional.

The School will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the School will arrange for you to receive advice about the procedure.

a) Through the Whistleblowing route

If you do not feel able to contact your line manager, Head Teacher or Chair of Governors you should contact either your union or Bury Hr (see overleaf for contacts).

You should give as much information as you can, including names, dates, places, history and why you are concerned.

Raising your concerns elsewhere

This policy is intended to provide you with an avenue within the School to raise concerns. The School hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the School, the following are possible contact points.

- the Police – phone 101
- Public Concern at Work – independent charity – <http://www.pcaw.org.uk/contact-us> on 0207 404 6609, or email [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk). Public Concern gives free and confidential advice on whistleblowing matters
- The Ombudsman
- Your Trade Union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations

You may also contact your trade union, departmental HR team or corporate HR.

In any event you may also approach one of the following Officers, in confidence, to raise a specific concern or to obtain advice and guidance on how matters of concern may be pursued:

- **Interim Chief Executive – Geoff Little: 0161-253 5220**
- **Interim Executive Director of Resources & Regulation – 0161-253 6922**
- **Assistant Director -Legal and Democratic Services – Jayne Hammond: 0161-253 5237**
- **Head of Financial Management – Andrew Baldwin: 0161-253 5034**
- **Assistant Director of Resources & Regulation (HR &OD) – Tracy Murphy: 0161 253 7775**

## **HOW THE COUNCIL WILL RESPOND**

Any Officer that receives a concern must make a full written note of the points raised and then pass on the concern to one of the Officers listed above.

Careful consideration will then be given to the matter and to the action to be taken depending upon the nature of the concern. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally (see below)
- be referred to KPMG ( external auditor)
- form the subject of an independent inquiry.

Because of the specific responsibilities of Governing bodies, concerns relating to schools will be the subject of separate investigatory procedures. These may involve the Head Teacher of the relevant school, the Chair of the Governing Body (in conjunction with the Director of Education), and one of the Officers referred to in bold.

Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures. Allegations relating to child abuse for example will be dealt with in accordance with the Bury Safe guarding Children’s Board Confidential Reporting (Whistle -blowing) Policy. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the Council will write to you:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made, and telling you whether further investigations will take place, and if not, why not.

The amount of contact you have with the Officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you in a discreet manner.

When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union/professional association representative or a friend. The meeting can be off site if requested.

The persons investigating the concerns will produce a written report that:

- outlines the complaint;
- details the investigation process;
- gives the outcome of the investigation;
- details recommendations where appropriate.

The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and confidentiality issues, you will receive information about the outcomes of any investigations.

If the person who expressed the concern is not satisfied with the outcome they have a right to take matters further as explained in section 6 of this policy.

The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

## **5.0 SAFEGUARDS Harassment of Victimisation**

**5.1** The Council recognises that the decision to report a concern is not an easy one to make, not least because of the fear of reprisal from those reported for the malpractice. The Council will not tolerate harassment, bullying or victimisation based upon race, religion or belief, gender, gender assignment, sexual orientation, disability and age from employees, managers or governors, and will take appropriate action, including the application of the Disciplinary Procedure, to protect an employee who **raises a concern that they reasonably believe to be “in the public interest”**.

**5.2** In accordance with Part IV of the Employment Rights Act 1996 – The Public Interest Disclosure Act – an employee cannot be dismissed or selected for redundancy as a result of making a disclosure that they reasonably believe to be “in the public interest”. In addition, an employer cannot withhold a pay rise, object to a promotion or not give training. Other examples that will not be tolerated where a member of staff is disadvantaged because they blew the whistle could include (but is not limited to) ostracism, closer monitoring, blocking access to resources, unrequested re-assignment or re-location, demotion, suspension, failure to provide an appropriate reference and failure to investigate subsequent concern.

**5.3** This does not mean that if an employee is already the subject of disciplinary or redundancy procedures that those procedures will be halted as a result of confidential reporting.

### **Confidentiality**

**5.4** The Council will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process. However, it must be appreciated that the investigation process may reveal the source of the information. Any statement made by you may be required as part of the evidence.

### **Anonymous Allegations**

**5.5** The council would encourage employees to put their name to allegations because concerns expressed anonymously are much more powerful. However, the Council also recognise that some employees would not wish to do this. Where a concern is expressed anonymously it will be considered at the discretion of the Council and in exercising this discretion the factors to be taken into account would include:

- The Seriousness of the issue(s) raised
- The credibility of the concern
- The likelihood of confirming the allegation from the attributable sources.

### **Untrue Allegations**

**5.6** If an employee makes an allegation that they reasonably believe to be “in the public interest” but it is not confirmed by the investigation, no action will be taken. If however an employee makes a malicious or vexatious allegation, disciplinary action may be taken.

## **6.0 HOW THE MATTER CAN BE TAKEN FURTHER**

**6.1** This policy is intended to provide you with an avenue to raise concerns within the Council, and the Council hopes you will be satisfied with the response to your concern. If you are not satisfied with the response, please indicate this to the Chief Executive.

If you feel it is right to take the matter outside the Council, the list below shows possible contact points:

- Any Member of the Council
- Any Member of the Governing Body ( in the case relating to a school)
- External auditor (KMPG) (telephone 0161 246 4000)
- Relevant trade unions, professional bodies or regulatory organisations □ Your solicitor
- The Police

**6.2** If at any stage, you are unsure whether to use this procedure, or decide that you need independent advice, you may seek advice from the independent charitable body ‘Public Concern at Work’. This organisation operates a help-line and a mediation service and can be contacted on 0207 404 6609. They can give you free, confidential advice at any stage of the process.

**6.3** If you do take them matter outside the Council, then you need to ensure that you do not disclose confidential information, or that disclosure would be privileged. You can check this with one of the contact points listed on page 3.

**6.4** If concerns raised through professional bodies, or trade unions, then it is expected that the professional body/trade union representatives will act in accordance with this policy and

with the Public Interest Disclosure Act, with regard to the information disclosed. Such a disclosure made by an employee will not be treated as grounds for disciplinary proceedings.

## **7.0 THE RESPONSIBLE OFFICER**

7.1 The Headteacher has overall responsibility for the maintenance and operation of this policy, and will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality). The Headteacher will report as necessary to the Council.

## **8.0 REVIEW**

8.1 This policy will be subject to an annual review in consultation with the appropriate trade unions. A summary of concerns raised under this policy will be prepared on an annual basis and shared with the trade unions during the review.

**School employees have a responsibility not to undertake any action which might bring the School into disrepute.**

<p><b>If you do decide to report any concerns outside the School, you must ensure that you have a good reason for doing so and you must not disclose confidential information.</b></p>
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### **Safeguarding concerns**

Please refer to the School's safeguarding policy. Any concerns which a member of staff has regarding a child must be reported to the Designated Safeguarding Lead, Mrs Jayne Roberts, or the Deputy DSL, Mr Dan Stewart in her absence.

Allegations against a member of staff must be reported to the Head Teacher.

Allegations against the Head Teacher must be reported to the Chair of Governors.

Should a member of staff feel they require advice or support, then the LADO for Bury is Mr Mark Gay, who can be contacted on: 0161 253 5342