



**'The JOY of the Lord is Your Strength' (Nehemiah 8:10)**

**St. John's CE Primary School**

### **Whistleblowing Policy**

#### **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 know how to raise concerns about potential wrongdoing in or by the school
- Set clear procedures for how the school 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.

#### **Legislation**

The requirement to have clear whistle-blowing procedures in place is set out in Sefton's Child Protection and Safeguarding Policy

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

#### **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) provides further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure: <https://protect-advice.org.uk>

Protect also have a free, confidential whistleblowing advice line: **020 3117 2520**

### **Reasons for whistleblowing**

- Everyone has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

### **When to raise a concern**

Staff should consider the examples above 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.

### **What stops people from whistleblowing?**

- Fear of starting a chain of events which spirals out of control.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

### **Procedure for staff to raise a whistle-blowing concern**

- Voice concerns, suspicions or uneasiness as soon as possible. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is causing concern and why.
- Approach the Designated Safeguarding Lead, Linda Thompson.
- If the concern is related to the Head teacher, the Chair of Governors should be contacted or, if it is felt that the issue needs to be reported to someone outside the school, contact Sefton MASH.
- Staff should ensure they get a satisfactory response - don't let matters rest. If a staff member feels their genuine concerns are not being addressed, the issue should be referred to Sefton MASH
- Ideally, concerns should be put in writing, outlining the background and history, giving names, dates and places wherever possible.

A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

### **What happens next?**

- The individual reporting the concerns will be given information on the nature and progress of any enquiries.
- The employer has a responsibility to protect individual members of staff from harassment or victimisation.
- No action will be taken against an individual if the concern proves to be unfounded and was raised in good faith.
- Malicious allegations may be considered as a disciplinary offence.

### **Investigating the concern**

When a concern is received (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.

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, 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

### **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, 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.

### **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, school will consider whether any disciplinary action is appropriate against the person making the allegation.

### **Escalating concerns beyond school**

St. John's encourages staff to raise their concerns internally 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:

- Public Concern at Work – 0207 404 6609 or <http://www.pcaw.co.uk>;
- The external auditor;
- The Commission of Local Administration (Local Government Ombudsman) – 01904 380200 or <http://www.lgo.org.uk>;
- A trade union;
- The local Citizens Advice Bureau;
- Relevant professional bodies or regulatory organisations;
- A relevant voluntary organisation;
- The police.

The Protect advice line can also help staff when deciding whether to raise the concern to an external party: **020 3117 2520**

### **Self-reporting**

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

### **Further advice and support**

It is recognised that whistleblowing can be difficult and stressful. Advice and support is available from senior managers, HR provider and/or your professional or trade union.

**Date Policy Written:** September 2015

**Date of Most Recent Update:** October 2021

**Person Responsible:** Emma Thomas

**Date Approved by Governors:** November 2021

**Date of Next Review:** November 2022