



## NOTRE DAME HIGH SCHOOL

### WHISTLEBLOWING POLICY AND PROCEDURE

#### 1. PREAMBLE

1.1. Members of Staff are often the first to realise that there may be something seriously wrong within their department and/or the School. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrong-doing at work.

1.2. The School is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage members of staff and others with genuine concerns about any of the School's work to come forward and voice those concerns. This policy document makes it clear that members of staff can do so without fear of reprisals.

This whistleblowing policy is intended to encourage and enable members of staff to raise such concerns within the School rather than overlooking a problem.

1.3. This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act.

#### 2. AIMS AND SCOPE OF THIS POLICY

2.1. This policy aims to:

2.1.1. Encourage employees and others to feel confident in raising serious concerns that they may have about practices and procedures;

2.1.2. provide avenues for employees to raise ***genuine concerns*** and receive feedback on any action taken;

2.1.3. allow employees to take the matter further if you are dissatisfied with the School's response;

2.1.4. reassure employees that steps will be taken to protect them from reprisals or victimisation for whistleblowing in good faith.

2.2. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures.

That concern may be about something that:

- 2.2.1. is unlawful; or
- 2.2.2. is against the School's policies; or
- 2.2.3. falls below established standards of practice; or
- 2.2.4. amounts to improper conduct;

Further examples are provided at Appendix 1.

### **3. SAFEGUARDS**

#### **3.1. Harassment or Victimisation**

The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The School will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern.

#### **3.2. The School has a Harassment Policy which is designed to protect employees from all forms of harassment in the workplace.**

#### **3.3. In all cases, the provisions of the Public Interest Disclosure Act (PIDA) will be adhered to.**

#### **3.4. In order to receive the protection of the PIDA, whistleblowers have to show that they reasonably believed that the disclosure they are making is in the Public Interest.**

#### **3.5. Confidentiality**

The School will do its best to protect the whistleblower's identity when a concern is raised. However, it must be appreciated that, in the interests of natural justice, any investigation process is likely to reveal the source of the information and a statement by then is likely to be required as part of the evidence.

#### **3.6. Anonymous Allegations**

Employees are strongly encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the School.

#### **3.7. Discretion**

In exercising discretion, the following factors will be taken into account when considering how to deal with any allegations:

- 3.7.1. the seriousness of the issues raised;
- 3.7.2. the credibility of the allegation; and
- 3.7.3. the likelihood of confirming the allegation from attributable sources.

#### **3.8. Malicious or Vexatious Allegations**

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the whistleblower. If, however, the allegation is malicious or vexatious a, disciplinary action may be taken against the whistleblower.

- 3.9 As an employee of the School, whistleblowers are given legal protection by the Public Interest Disclosure Act 1998. If they make what is known as a “qualifying disclosure” under the 1998 Act to the employer or certain other persons/bodies, and they act reasonably, it will be unlawful for the School to subject them to any detriment (such as denial of promotion or withdrawal of a training opportunity), or to dismiss them, because of the disclosure

#### 4. HOW TO RAISE A CONCERN

- 4.1. As a first step, the whistleblower should normally raise concerns with their immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who they think may be involved in the malpractice. For example, if they believe that their line manager or another manager is involved, they should approach the member of the Senior Management Team responsible for their area or, if they feel they may be involved, the Head Teacher.

The guiding rule is they should address their complaint to a level of management who they believe has no possible involvement.

- 4.2. If a worker/employee requests that their identity is protected, the School will not disclose it unless required to do so in law. Confidentiality cannot always be guaranteed in the case of child protection / safeguarding concerns. If the situation arises where the School is unable to resolve the concern without revealing the worker/employee’s identity (for instance because the worker/employee’s evidence is needed in court), the School will discuss with the worker/employee how the matter should proceed. However, it must be stated that if a worker/employee chooses not to disclose their identity it will be much more difficult for the School to look into the matter or to protect the Whistle blower’s position or to give them feedback. Accordingly, while the School will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

- 4.3. Advice and guidance on how matters of concern may be pursued can be obtained from:

- 4.3.1. your line manager;

- 4.4. **Director of Business** Concerns are better raised in writing. Whistleblowers are invited to set out the background and history of their concern, giving names, dates and places, where possible, and the reason why they are particularly concerned about the situation. If they are not able to put their concern in writing, they can arrange to meet the appropriate manager.

- 4.5. Employees who have concerns about fraud and corruption should normally, in the first instance, direct their concern to the Chair of the Finance Committee. This can be done by contacting the Clerk to Governors either face to face or in writing by email, or if the whistleblower wishes to make an anonymous disclosure, in letter format either to the school postal address or internally, to the pigeon hole of the Clerk to Governors.

A meeting with the Chair of the Finance Committee can also be arranged, by requesting this through the Clerk to Governors.

- 4.6. **Employees who have concerns about fraud and corruption and who would like to obtain free advice about their concerns should contact The Audit Commission for England and Wales who deal with fraud and corruption in Local Government, as well as general conduct concerns. They can be telephoned on on: 020 7798 7999. Further information can also be viewed on their website at: <https://www.nao.org.uk/contact-us/whistleblowing-disclosures>** For concerns other than fraud, theft or corruption an employee may choose to report their concern to the Clerk to the Governors who will pass it to the appropriate governor.
- 4.7. An employee may ask their trade union representative to raise the matter on their behalf.
- 4.8. Any manager receiving any concern will also report it to the Clerk to the Governors.
- 4.9. The earlier a concern is expressed, the easier it is for the School to take action.
- 4.10. Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

## **5. HOW THE SCHOOL WILL RESPOND**

- 5.1. The action taken by the School will depend on the nature of the concern. The matters raised may:
- 5.1.1. be investigated internally;
  - 5.1.2. be referred to the Police;
  - 5.1.3. be referred to an Auditor;
  - 5.1.4. form the subject of an independent enquiry.
- 5.2. In order to protect individuals and the School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. 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 or a complaint about a particular employment situation which normally does not have any public interest factors, should be reported using the School's Grievance Policy.
- 5.3. Some concerns may be resolved without the need for investigation.
- 5.4. Within ten working days of a concern being received, the School will write to the whistleblower:
- 5.4.1. acknowledging that the concern has been received;
  - 5.4.2. indicating how it proposes to deal with the matter;

- 5.4.3. giving an estimate of how long it will take to deal with the matter;
- 5.4.4. telling them whether any initial enquiries have been made; and
- 5.4.5. telling them whether further investigations will take place, and if not, why not.
- 5.5. The amount of contact between the managers considering the issues and the whistleblower 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 them.
- 5.6. When any meeting is arranged to discuss the concerns, the whistleblower will have the right, if so wished, to be accompanied by a trade union representative or a friend who is not involved in the area of work to which the concern relates and who also could not be called as a witness.
- 5.7. The School will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if required to give evidence in criminal or disciplinary proceedings, the School will advise the whistleblower about the procedure.
- 5.8. The School accepts that the whistleblower will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the whistleblower will receive information about the outcome of any investigations.

## **6. HOW THE MATTER CAN BE TAKEN FURTHER**

- 6.1. This policy is intended to provide employees with an avenue to raise concerns within the School. The School hopes employees will be satisfied. If they are not, and they feel it is right to take the matter outside the School, the following are possible contact points:
  - 6.1.1. the external Auditor;
  - 6.1.2. relevant professional bodies or regulatory organisations;
  - 6.1.3. a solicitor;
  - 6.1.4. the Police
  - 6.1.5. other bodies prescribed under the Public Interest Disclosure Act, eg:
    - (a) the Audit Commission for England and Wales
    - (b) Data Protection Registrar
    - (c) Serious Fraud Office
    - (d) Environment Agency
    - (e) Health and Safety Executive

If an employee does not take the matter outside the School, they need to ensure that they do not disclose confidential information, or that disclosure would be privileged.

## **7. THE RESPONSIBLE OFFICER**

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. Through the Clerk to the Governors, the Chair of Governors will maintain a record of genuine concerns raised and the outcomes and the Clerk to the Governors will report as necessary to the School, in a form that endeavours to maintain confidentiality as far as possible (please see paragraph 3.2).

**Review Date:** May 2020

**Next review:** May 2023

**Review** Governors Personnel Committee

**Mechanism:**

## APPENDIX 1

This list illustrates the kind of issues the School would consider as malpractice or wrong-doing that could be raised under this Whistleblowing Policy. However, the list is not exhaustive.

- Poor or unprofessional practice by a member of staff which results in someone not getting the same quality of service which is available to others.
- Improper/unacceptable behaviour towards someone which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- Any unlawful activities, whether criminal or a breach of civil law;
- Fraud, theft or corruption;
- Concerns regarding possible breaches of Health and Safety Regulations;
- Harassment, discrimination, victimisation or bullying of members of staff and/or students;
- Leaking confidential information in respect of the School's activities and/or records;
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during working time;
- Inappropriate contact with others within School facilities, or whilst carrying out School duties or outside of working time;
- Taking gifts or inducements;
- Inappropriate use of external funding;
- Maladministration as defined by the Local Government Ombudsman;
- Breach of any statutory Code of Practice;
- Breach of, or failure, to implement, or comply with any School policy;
- Misuse of School assets, including computer hardware and software, buildings, stores, vehicles.