



The Sisters of the Sacred Hearts of Jesus and Mary Personnel Handbook

Section	5	Fairness at Work
Title	5.3	Whistle Blowing
Document	5.3.1	Whistle Blowing Policy and Procedure

We, Sisters of the Sacred Hearts of Jesus and Mary urged by the compassion of Christ and responsive to the anguish of people and planet, are called to help shape communities of gentleness, justice and peace that witness to the healing, liberating and empowering love of God.

Policy

1. The organisation prides itself on having an open and honest culture, and is committed to the highest possible standards of probity and accountability. The organisation recognises that, from time to time, situations will arise where employees become aware of poor practice that can affect the well being of the users of our services, our employees and the long-term reputation of the organisation. In line with our commitment, we encourage employees with serious concerns about any aspects of the organisation's work to come forward and voice those concerns. Confidentiality will be maintained as far as is possible.
2. No one who raises a genuine concern about poor practice will be put at risk of losing their job, or suffering any form of retribution as a result of doing so. Harassment or victimisation of whistleblowers will not be tolerated. The organisation expects all managers to recognise their responsibilities in this matter, and to adopt and implement this policy and adhere to its procedures with regard to whistle blowing by any employee.

Introduction

3. Employees are often the first to realise that there may be something wrong within the establishment, and they should be encouraged to speak up and not feel that it would be disloyal to their colleagues, managers or to the organisation.
4. This policy is intended to make it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the establishment, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
5. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Whistle Blowing Policy is intended to cover concerns that fall outside the scope of those procedures and is not a substitute for the organisation's Grievance policy. There are separate complaints policies/procedures for pupils and their parents/guardians.

Eligibility

6. All people who work at the organisation are covered in this policy.

Entitlement

7. The Public Interest Disclosure Act, commonly called the “Whistleblowers Act”, came into force on 2 July 1999. The Act provides protection for workers who disclose information which might otherwise be regarded as confidential and was strengthened by the Enterprise and Regulatory Reform Act 2013.
8. The Act provides protection from dismissal, or action short of dismissal, and makes void any term in a contract of employment which would prevent the employee from making a protected disclosure (so called “gagging clauses”), providing that the disclosure is a “qualifying disclosure” and it is made in the public interest and is a genuinely held belief that the information is true.
9. A qualifying disclosure is defined as “any disclosure of information” which, “in the reasonable belief” of the worker making the disclosure, tends to show:
 - a criminal offence has been, is being, or is about to be committed;
 - the employer is failing to comply with his legal obligations;
 - a miscarriage of justice has happened or is likely to happen;
 - an individual’s health and safety is being jeopardised;
 - the environment is being, or is likely to be damaged;
 - information falling into any of the above categories has been, is being or is likely to be deliberately concealed.
 - and it is in the public interest to do so.
10. The belief does not need to be correct and the whistle blower does not need to provide evidence; an investigation may subsequently find that they were wrong, however the employee only needs to show that they held the belief and that it was a reasonable belief in the circumstances at the time of disclosure.
11. The ‘public’ in the public interest can be a subset of the wider population and so can be interpreted as all of the people employed by an employer e.g. the school.
12. The disclosure is protected if it is made to the correct authority. This will be either **internally** to their manager or externally to a ‘**prescribed person**’. These are certain statutory bodies - or people within them - who have the authority to receive disclosures relevant to the role of that particular body. A list of these bodies can be accessed at this link <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>.

Procedure

13. The employee will report any suspicions covered by this policy to their line manager, or if this is not appropriate, to the Principal / Manager or the Chair of governors or a Trustee. They should be prepared to explain the reasons for their suspicion, but they do not have to be able to prove them. The intention of these procedures is that wherever possible any employee’s concerns should be raised locally. The Trustees should be contacted if there are concerns of financial fraud or corruption.
14. The manager will reassure the employee that the matter will be treated in confidence, and initiate an investigation. The investigation will be escalated up the organisation management structure to an appropriate level. In all cases the Principal / Manager should be kept informed, except where the disclosure may involve them, in which case the Chair of governors or a Trustee should be informed.
15. Should the investigation uncover a criminal offence then the police will be involved as soon as this is known.

16. If the investigation shows that misconduct is likely to have occurred, then the matter will be dealt with through the disciplinary procedure.
17. Should it be found that an employee has raised a spurious or malicious concern through this procedure, or that an employee 'goes public' with a claim when it was unreasonable to do so, and they were pursuing a personal grudge against the organisation then their actions will be regarded as misconduct which will be dealt with through the disciplinary procedure.
18. If requested, within 5 working days of a concern being received, the person raising the concern will be written to by the person in the organisation who received it. The letter will acknowledge that the concern has been received and provide information on who is dealing with the matter and who to contact if there are any questions. If feedback is requested by someone who wishes to remain anonymous then they will need to put in place a mechanism to do this; e.g. an anonymised email address or a pre-arranged telephone call.
19. So that the employee who raised the concern can be sure that the matter has been properly addressed, they will be given feedback on how their concern has been handled and the outcome of any investigation. However, the organisation may not be able to fully disclose full details owing to confidentiality in relation to other people involved or owing to legal constraints. This situation would be explained to the employee.

Independent advice

20. If at any stage in the procedure employees are unsure about what to do and would like independent advice, they may like to discuss their concerns with someone at Public Concerns at Work (PCaW). PCaW is an independent charity staffed by lawyers that offer confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on whom else employees may contact and about what legal protection may be available. The most enquiries that PCaW receives are from people working in the health and care fields. PCaW's legal helpline can be contacted on 020 7404 6609 or by e-mailing helpline@pcaw.co.uk. Their web site is;
<http://www.pcaw.co.uk>
21. Professional associations, trade unions and the Citizens Advice Bureau can also offer advice concerning raising concerns.
22. The NSPCC operate a whistleblowing helpline for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

Safeguards

23. Any person who blows the whistle is protected from harassment or bullying by the organisation or anyone on behalf of the organisation (this includes co-workers or contractors). Anyone in the organisation (or anyone who is working on behalf of the organisation) who subjects a whistle blower to 'detriment' will be subjected to the disciplinary process. Information about available support for the whistleblower will be offered to any employee who blows the whistle by the person they contact within the organisation.
24. Every effort will be made to ensure that the employee's identity is kept confidential if they so wish. However, it must be appreciated that an investigation process may reveal the source of the information. The organisation may need the whistleblower to give evidence at disciplinary or criminal proceedings. If it becomes necessary to reveal the employee's identity in order to pursue the investigation, this will be discussed with them at the

earliest stage. In such circumstances it may affect the organisation's ability to continue the investigation if s/he does not agree to be identified.

25. If an allegation is not confirmed by the investigation, no action will be taken against the whistleblower. If, however, it is found that she/he has made maliciously false allegations, disciplinary action will be taken against her/him.
26. The organisation hopes that all employees will feel able to put their name to the allegation, as concerns expressed anonymously are more difficult to investigate. If employees raise a concern anonymously their identity may be deduced. If, contrary to this policy they then suffer reprisals, it may be difficult to show that this was the result of raising a concern.

Record keeping

27. All correspondence, records of interviews and reports will be held confidentially in a suitable place linked to the concerns raised. Copies of the original complaint and any final correspondence with the whistleblower will be kept confidentially on their personal file as a record of the issue raised and the schools actions/findings as a result of their report.
28. If the complainant raises concerns about a colleague and an investigation takes place then it is likely to be appropriate to place relevant copies of the correspondence on their file along with a letter notifying them of the final outcome.

Training, Communication and Awareness

29. All managers and staff should be made aware of their responsibilities when a disclosure occurs, and reminded of the need for confidentiality and protecting the employee who has blown the whistle. The NSPCC have published poster to make staff aware of raising child protection concerns here:
<https://www.nspcc.org.uk/globalassets/documents/publications/whistleblowing-advice-line-poster-education.pdf>