

ST COLUMBA'S CATHOLIC BOYS' SCHOOL

GOVERNORS' POLICY STATEMENT



Whistleblowing Policy

Head Teacher: Mr N Fisher
Chair of Governors: Mrs J Johnson

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| Originator Date | September 2018 |
| Review Date (Three Years) | Autumn 2021 |

Vision Statement

Our school is an inclusive place of learning that celebrates and welcomes diversity. Every member of our community is a unique and special creation of God and is known, cared for and valued for the contribution they make. Every student is challenged and supported to achieve his best.

Introduction

Members of staff are well positioned to know when something wrong is taking place within the School and therefore feel concerned. However, they may not express their 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, they may find it easier to ignore their concern rather than report the matter with a view to remedying the situation. This Policy provides a framework for all members of staff to raise their concerns 'in-house' and in good faith without fear of victimisation, subsequent discrimination or disadvantage.

The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the School encourages members of staff and others with serious concerns about any aspect of the School's work to come forward and voice those concerns. The School recognises that certain cases will have to proceed on a confidential basis so that the position of the 'whistleblower' can be protected. This Policy is intended to encourage and enable people to raise serious concerns within the School rather than overlooking a problem or "blowing the whistle" outside.

Aims of this Policy

This Policy aims to:

- 1 Encourage members of staff to feel confident in raising concerns and to question and act upon their concerns;
- 2 Provide avenues for members of staff to raise these concerns and receive feedback on any action taken;
- 3 Allow members of staff to take the matter further if they are dissatisfied with the school's response; and
- 4 Reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with this procedure.

Application and Scope

- 1 This Policy applies to all members of staff and those contractors working for the School on school premises. Members of staff include staff working for the school on a temporary basis, casual or sessional workers.
- 2 It also covers agency workers and suppliers and those providing services under a contract with the school in their own premises. Foster carers and adoptive parents are similarly covered.

- 3 This Policy is in addition to and distinct from the school's Complaint's Procedure that provides a facility to those not employed by the school (e.g. service users, advocates, family members and members of the public) to raise any concern.
- 4 This Policy is not intended to cover concerns that can be progressed under existing HR procedures. There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment. Where members of staff's concerns relate to their own employment, either in terms of the treatment afforded to them, or their terms and conditions of employment these should normally be raised through the Fair Treatment at Work procedures.
- 5 This Policy is intended to cover reasonably serious concerns that may fall outside the scope of other procedures, and include the following:
 - Failure to comply with a legal obligation to which a person is subject (this may include breaches of statutory codes of practice);
 - Conduct which is an offence or a breach of the law;
 - Conduct that is contrary to the school's Policies (this may include conduct that falls below established standards or practice);
 - disclosures relating to possible miscarriages of justice;
 - Conduct that endangers the health and safety of other members of staff and/or members of the public. (This would include abuse - whether physical, verbal or sexual – or ill treatment of any service user, family members, friend or advocate);
 - Conduct that involves damage to the environment; and
 - The unauthorised use of public funds.

The above does not represent an exhaustive list of areas covered by this Policy. Any serious concerns that members of staff may have about any aspect of service provision or the conduct of any members of staff of this School or others acting on behalf of the School can be reported under this Policy.

Safeguards against harassment or victimisation

- 1 The school is committed to good practice and high standards and wants to be supportive of all its members of staff.
- 2 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 from those responsible for the subject that gives rise to the concern. If concerns are raised in good faith, there will be nothing to fear because members of staff will be doing their duty to the employer and to those for whom they are providing a service.
- 3 Whistleblowers raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided they raise/disclose issues in good faith.
- 4 The school will not tolerate harassment or victimisation and will take such action as is necessary to protect members of staff when they raise concerns in good faith under this Policy.

Confidentiality

- 1 The school will use its best endeavours to protect a members of staff's identity when they raises a concern and do not want their identity disclosed.
- 2 If whistleblowers are required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive advice and support.

Anonymous allegations

- 1 This policy encourages members of staff to put their names to any allegation. A concern expressed anonymously is much less powerful and it is often difficult to gather sufficient evidence and check its reliability. It is perhaps more likely that malicious allegations will be made anonymously. It is possible to keep one's identity confidential without being anonymous.
- 2 Anonymous allegations, however, may be considered at the discretion of the School. In exercising the discretion, the School will take account all relevant factors which will include:
 - The seriousness of the issues raised;
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from other attributable sources.

Rights and Responsibilities of Members of staff

- 1 All members of staff are required to report any issue of concern regarding the provision of services or management of those services. In the majority of cases, this will be done through the usual line management channels.
- 2 Members of staff are expected to report concerns as soon they arise and avoid any unnecessary delay in doing so.
- 3 Other than raising concerns in good faith, members of staff are not required to 'prove' the truth of any allegation. However, a complainant will need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.
- 4 When any meeting or interview is arranged, members of staff may, if they so wish, be accompanied by a trade union official or a workplace colleague.

How to raise concerns

- 1 As a first step, members of staff should normally raise concerns with their immediate Line Manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. For example, if the member of staff believes that their line manager is involved in the matter they intend to raise, or they believe that the matter may not be dealt with properly, the concern may be raised directly with the Head Teacher who is also the School's Monitoring Officer.

- 2 Preferably concerns must be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the members of staff's particular concern. If a members of staff feels that they are not able to raise the concern in writing at this point, they may personally raise the matter with their Line Manager. However, at some stage the concern will need to be put in writing although this may be done through their representative.
- 3 Members of staff can obtain advice and guidance on how matters of concern may be pursued from:
 - The Head Teacher, who is also the Monitoring Officer;
 - The Business Manager; or
 - The Academy Executive Secretary.

How the School will respond

- 1 Within ten working days of a concern being received, the School will write to the member of staff:
 - 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 the member of staff whether any initial enquiries have been made; and
 - telling the member of staff whether further investigations will take place, and if not, why not.
- 2 Members of staff will also be provided with details of support available which will include access to counselling facilities.
- 3 The action taken by the School will depend on the nature of the concern. The matters raised may:
 - be investigated internally;
 - be referred to the Police;
 - be referred to the external auditor; or
 - form the subject of an independent inquiry.
- 4 In order to protect individuals and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant senior officer to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of any other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. The overriding principles which the school will have in mind is the public interest and the fact that the school vision states that *'Every member of our community is a unique and special creation of God and is known, cared for and valued for the contribution they make'*.
- 5 Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted.

- 6 The amount of contact between the officers considering the issues and the complainant members of staff will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 7 The school will take steps to minimise any difficulties which members of staff may experience as a result of raising a concern. For instance, if it becomes necessary to give evidence in criminal or disciplinary proceedings, the School will provide the necessary advice about the procedure and give whatever practical support that is possible.
- 8 The school accepts that members of staff need to be assured that the matter has been properly addressed and will ensure this happens.
- 9 Subject to legal constraints, members of staff will normally receive feedback about the outcomes of any investigations.
- 10 The Head Teacher will be responsible for monitoring the outcome of the concerns raised through this Policy.

Taking the concerns externally

- 1 This Policy is intended to provide members of staff with an avenue to raise concerns within the School. The School hopes that members of staff will be satisfied with any action taken under this Policy.
- 2 There may be circumstances where a member of staff considers that they need to raise the matter externally. This may be because, for example, the need to involve the appropriate external regulatory body, or the member of staff considers that the matter has not been properly addressed, or that a member of staff reasonably believes that the matter will be covered up.
- 3 If a member of staff feel it is right to take the matter outside the School, the following are possible contact points:
 - The Chair of Governors;
 - the external auditor;
 - member of staff's relevant professional bodies or regulatory organisation;
 - member of staff's trade union;
 - member of staff's solicitor;
 - the Police;
 - a relevant voluntary organisation; or Public Concern at Work
- 4 If an member of staff is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at whistle@protect-advice.org.uk
- 5 Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work.
- 6 In circumstances where a member of staff decides to raise the matter externally, they will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the Public Interest Disclosure Act 1998. This means that the disclosure must be made in one of the following ways:

- a) In the course of obtaining legal advice;
- b) To a prescribed regulatory body provided the disclosure is made in good faith and the member of staff reasonably believes the prescribed body is responsible for the matter of concern and that the information and allegation/s are substantially true;
- c) In good faith, with reasonable belief that the information and allegations are substantially true;
- d) Does not make the disclosure for personal gain;
- e) Has already raised the matter with the School or prescribed regulator, unless the member of staff reasonably believe that they will suffer a detriment, or there is no prescribed regulator and they reasonably believe that evidence will be concealed or destroyed if they make the initial disclosure to the School;
- f) In all of the circumstances it is reasonable to make the disclosure; and
- g) The disclosure is of an exceptionally serious nature and the Whistleblower makes the disclosure:
 - in good faith, with reasonable belief that the information and allegations are substantially true;
 - does not make the disclosure for personal gain; and
 - in all of the circumstances it is reasonable to make the disclosure.

LIST OF REGULATORY BODIES

- The Education and Skills Funding Agency (ESFA) brings together the former responsibilities of the Education Funding Agency (EFA) and Skills Funding Agency (SFA) to create a single agency accountable for funding education and skills for children, young people and adults.
 Contact:
 Ministerial and Public Communications Division
 Department for Education
 Piccadilly Gate
 Store Street
 Manchester
 M1 2WD
 Website: <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about>
- The Department for Education (DfE) is responsible for children's services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England.
 Contact:
 Ministerial and Public Communications Division
 Department for Education
 Piccadilly Gate
 Store Street
 Manchester
 M1 2WD
 Tel: 0370 000 2288
 Website: <https://www.gov.uk/government/organisations/department-for-education>
- The Certification Officer for Fraud, and other irregularities, relating to the financial affairs of trade unions and employer's associations.
 Contact:
 Certification Office
 Lower Ground Floor

Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX
Tel: 0330 109 3602
Email: info@certoffice.org
Website: www.gov.uk/certificationofficer

- For Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.

Contact:

Her Majesty's Revenue and Customs
New Kings Beam House
22 Upper Ground
LONDON
SE1 9PJ

Website: <https://www.gov.uk/government/organisations/hm-revenue-customs>

- For the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services.

The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
Victoria, London SW1W 9SP
Tel: 020 7798 7000

Email: enquiries@nao.gsi.gov.uk

Website: <https://www.nao.org.uk/>

- For serious or complex fraud

Contact

The Director of the Serious Fraud Office
Serious Fraud Office
2-4 Cockspur Street
London
Tel: 020 7239 7272

Email: public.enquiries@sfo.gsi.gov.uk

Website: <https://www.sfo.gov.uk/>

- For acts or omissions which have an actual or potential effect on the environment of the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.

Contact

The Environment Agency
National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY
Tel: 03708 506 506

Email: enquiries@environment-agency.gov.uk

Website: <https://www.gov.uk/government/organisations/environment-agency>

- For matters which may affect the health of any members of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.

Contact
 Personnel and Establishments Division
 Food Standard
 Agency
 Floors 6 and 7, Clive House
 70 Petty France
 London SW1H 9EX
 Tel: 020 7276 8829
 Email: helpline@food.gov.uk
 Website: <https://www.food.gov.uk/>
- For matters which may affect the health and safety of any individual at work; matters which may affect the health and safety of any members of the public arising out of, or in connection with, the activities of persons at work.

Contact
 Health and Safety Executive
 Redgrave Court
 Merton Road
 Bootle
 Merseyside
 L20 7HS
 Tel: 0300 003 1647
 Website: <http://www.hse.gov.uk/>
- For compliance with the requirements of legislation relating to data protection and to freedom of information.

Contact:
 Information Commissioner's Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF
 Tel: 0303 123 1113
 Email: mail@ico.gsi.gov.uk
 Website: <https://ico.org.uk/>
- For matters relating to occupational pension schemes and other private pension arrangements.

Contact
 The Information Team
 The Pensions Regulator
 Napier House
 Trafalgar Place
 Brighton
 BN1 4DW
 Tel: 0345 600 7060
 Email: wb@tpr.gov.uk
 Website: <http://www.thepensionsregulator.gov.uk/>