



CARDINAL NEWMAN
CATHOLIC SCHOOL

July 2017

Date of Next Review:
September 2019

**Whistleblowing
Policy**

WHISTLEBLOWING POLICY

Next Review Date: September 2019

1 Preamble

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the School or Governors. Their concerns might relate to matters that could affect the School itself, the Governors, the LA and/or the wider public. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school/Governors. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The School/Governors are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the School's/Governors' work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the School/Governors rather than overlooking a problem.
- 1.3 This policy has been discussed with the Recognised Trade Unions and Professional Associations and has their support. The policy explains how the School/Governors meets its obligations under the Public Interest Disclosure Act 1998.
- 1.4 This policy can be used by any person who works or who has worked for the School/Governors regardless of whether:
- the work was full or part time; or
 - the work was temporary or permanent; or
 - an employment agency was involved; or
 - the person involved was a trainee or on work experience; or
 - the person involved was working for a contractor.

2 Aims and Scope of this Policy

- 2.1 This policy aims to:
- provide avenues for you to raise concerns and receive feedback on any action taken
 - allow you to take the matter further if you are dissatisfied with the School's/Governors' response,
- and
- reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

Appendices for specific guidance:

1. Checklist for handling a concern under the Whistleblowing Policy
 2. Guidance for Managers in how to handle a concern
 3. Guidance to staff on how to raise a concern
 4. Recording form for concerns
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. You will find the Grievance policy in Staff Information section on Firefly under Policies. This whistleblowing policy is intended to cover concerns that fall outside the scope of such other procedures.

That concern may be about something that:

- is unlawful or illegal; or
 - is a breach of a legal duty owed by the School/Governors; or
 - is a miscarriage of justice; or
 - is against the school's policies or the Governors' standing orders/policies; or
 - falls below established standards or practice; or
 - amounts to improper conduct; or
 - endangers the health and safety of any person; or
 - might cause damage to the environment; or
 - attempts to conceal any of the above
- 2.3 The above concerns will include conduct which may constitute fraud or corruption and fall within the Governors' anti-fraud and corruption policy or strategy for abuse or neglect of students falling within Social Services Child and Adult Protection Procedures.

3 Safeguards

3.1 Harassment or Victimisation

The School/Governors 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 malpractice. The School/Governors will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

- 3.2 This does not mean that if you are already the subject of disciplinary procedures, that those procedures will be halted as a result of your whistleblowing.

3.3 Confidentiality

Initially, confidentiality can be guaranteed and the School/Governors will do its best to protect your identity throughout any investigation (when you raise a concern and do not want your name to be disclosed). It must be appreciated however that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

3.4 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the School/Governors.

3.5 In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

3.6 Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you. If your disclosure itself amounts to a criminal offence (such as an offence under the Official Secrets Act) this policy will not protect you from the consequences of that criminal offence.

3.7 Protection of Safeguards

No employee of the School/Governors can be required to waive his or her right to the protection of this policy. The Governors will not ask employees to agree not to use this policy.

3.8 Employment Law

The School/Governors acknowledges that no employee should be dismissed solely or mainly because he or she made an allegation against the School/Governors of the type described in paragraph 2.2. If an employee is dismissed in those circumstances, he or she is likely to be treated by an Employment Tribunal as unfairly dismissed.

4 How to Raise a Concern

4.1 As a first step, you should normally raise concerns with your Headteacher (j.kilmartin@cncs.co.uk, tel: 01273 234339), Chair of Governors (via the Clerk), Human Resources or any member of the Senior Leadership Team (see staff phone list for extension numbers). This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that school management is involved, you should approach the Chair of Governors.

4.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person.

4.3 The earlier you express the concern, the easier it is to take action.

- 4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from the Headteacher.
- 4.6 You may invite your trade union or professional association to raise a matter on your behalf.

5 How the School/Governors will respond

- 5.1 The action taken by the School/Governors 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
 - form the subject of an independent inquiry
- 5.2 In order to protect individuals and the School/Governors, 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.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 Within ten working days of a concern being received, the School/Governors 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.
- 5.5 The amount of contact between those 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. If necessary, further information will be sought from you.
- 5.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union or Professional Association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.7 The School/Governors 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/Governors will advise you about the procedure.
- 5.8 The School/Governors' accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

6 How the matter can be taken further

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

- the Diocese - contact details: Marie Ryan/01293 511130
- the external Auditor - Ian Withers 01273 291323
- relevant Trade Unions, Professional Associations or regulatory organisations
- our solicitor
- the Police
- Public concern at Work (0207-404-6609)

If you do take the matter outside the School/Governors, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Check with the contact point about that.

6.2 If you believe you have suffered harassment, victimisation or any other detrimental treatment as a result of your disclosure; you could make a complaint to an Employment Tribunal. Your solicitor, your trade union/professional association or the Citizen's Advice Bureau could give you information about such a complaint.

7 Recording, Monitoring & Reviewing

A record of all concerns raised and the outcomes (in a form which respect the individuals' confidentiality) will be kept by the Clerk to the Governors.

Checklist for handling a concern under the Whistleblowing Policy

Appendix 1

1. Assess whether the concern is something that should be raised under this Policy. If not, advise the individual of the appropriate policy to use e.g. Anti-fraud and Corruption Policy, Grievance Procedure, Harassment at Work Policy.
2. Allow the individual to discuss the issue over the phone initially if they wish, and reassure them about any concerns they may have about disclosing the information.
3. If you decide that the concern should be dealt with under the Whistleblowing Policy fill in the appropriate form, ideally with the member of staff concerned. If the individual cannot meet with you to do this, ask them to put their concern in writing to you.
4. Inform the Clerk to the Governors that a concern has been raised under the Whistleblowing Policy and the nature of the concern. This may be done by forwarding a copy of the completed form. It is important that where the individual has asked for their identity not to be disclosed you must not pass his/her name on to anyone else.
5. If it is not possible to inform the Clerk to the Governors, inform one of the other senior managers listed in the Whistleblowing Policy.
6. Start a file marked confidential and keep it in a locked drawer or cabinet. 7. Even if anonymity has not been requested only use the name of the "whistleblower" where this is necessary.
7. Document all contact with the member of staff concerned and summaries of all conversations.
8. Ensure feedback is given to the person raising the concern within 10 school working days.
9. If you have been able to investigate and resolve the matter yourself please provide the Clerk to the Governors with a brief summary report of your investigation and any steps taken to address the outcome(s). Alternatively, you may feel that the matter is sufficiently serious to refer it to a senior manager or director, who may in turn refer the matter on, for example to Internal Audit, depending upon the nature of the allegation.

Guidance for Managers and Line Managers on how to handle a concern raised under the Whistleblowing Policy

Appendix 2

Introduction

The School's Whistleblowing Policy can be found on the School intranet or its website. The School wants staff to feel confident about raising concerns about malpractice so that it can investigate the matter and take appropriate action at an early stage. Under the Policy, the employee is acting as a witness not a complainant. The Policy is not intended for staff who wish to raise a grievance.

Confidentiality & Anonymity

Where the "whistleblower" wishes their identify to remain confidential, you must not disclose it without their consent. If you receive a telephone call from someone who wishes to remain anonymous, you should explain that it may be more difficult to investigate the matter without their support or for you to provide feedback on their concerns. You should reassure them that you can offer confidentiality.

Role of the Managers (including heads and governors)

Staff are encouraged to raise concerns in the first instance with their line manager so it is important that you are familiar with the policy and understand how it works. Staff may be nervous about "whistleblowing" and may need reassurance.

You should outline the process and explain that:

- Raising genuine concerns does not make him/her a troublemaker or disloyal
- He/she will not be asked to prove that a concern is true, only that it is honestly raised
- Raising a genuine but unfounded concern is not a disciplinary matter
- Maliciously raising false concerns is a disciplinary offence
- Deterring anyone from using the Whistleblowing Policy, or victimising anyone who uses the policy in good faith, is a disciplinary offence
- If he/she requests confidentiality this will be maintained and his/her identify will not be disclosed without his/her consent
- If he/she feels he/she may be victimised, he/she should contact you. The action you can take to protect the whistleblower
- How you will feedback on the investigation into his/her concern and confirm that you will do this within 10 school working days

Co-ordination & Monitoring

All concerns raised must be recorded and monitored.

Guidance for staff on how to raise a concern under the Whistleblowing Policy

Appendix 3

The School is committed to the Whistleblowing Policy. We want to hear about and act on any concerns staff may have about unlawful conduct, financial malpractice or dangers to the public or the environment. Your concern may only be a suspicion that you wish to raise in good faith. You won't be regarded as making a complaint but as a witness.

- If you raise a matter in good faith but are mistaken it does not matter. If you raise a genuine concern under the policy you will not suffer any detriment as a result.
- If you do have a personal interest in the matter we ask that you tell us at the outset. If your concern falls more properly within the Grievance Policy we will tell you.
- If you maliciously raise a matter you know to be untrue disciplinary action may be taken against you.
- Although we will attempt to maintain confidentiality, it cannot be guaranteed in all situations (see paragraph below).

Confidentiality

The School will not tolerate harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may want to raise a concern in confidence under the Whistleblowing Policy. If you raise a concern, the person you contact will not disclose your name to anyone else without your consent. If the situation arises where we cannot resolve your concern without revealing your identity (for example your evidence is required for court or disciplinary proceedings) we will discuss with you, at the earliest opportunity, whether and how we can proceed.

How to raise a concern internally

Concerns may be raised orally or in writing.

Step One - we hope you will feel able to raise your concern first with your line manager

Step Two - if, for whatever reason, you feel you cannot raise the matter with your line manager please raise the matter with:

- Headteacher Dr Kilmartin (01273 234339, j.kilmartin@cncs.co.uk)
- Your Line Manager's Line Manager
- Chair of Governors (via the Clerk – clerktogovernors@cncs.co.uk)

You will be informed about how it is proposed to handle your concern and you will be given feedback but it may not be possible to give details of the precise action taken where this might infringe a duty of confidentiality owed by us to someone else. If your concerns would be more appropriately dealt with under another policy we will tell you.

If you want confidential advice first you may decide to talk to your union representative or you can call the independent charity, Public Concern at Work, on 020 7404 6609 or visit their website, www.whistleblowing.org.uk.

Appendix 4

Please forward this document to the Headteacher or the Chair of Governors

Raising a concern under the Whistleblowing Policy

STRICTLY CONFIDENTIAL

Is this concern being raised anonymously? Yes / No			
Is this concern being raised in confidence? Yes / No			
Date		Name of the person raising the concern (optional)	
		Name of the person Recording the concern (<i>Please print</i>)	
How was the concern raised? in person * / by telephone *			
* Please delete as appropriate			
Please describe the concern, giving as much detail as possible including names, dates, times and why the member of staff is particularly concerned about the situation			
Use supplementary sheets if necessary. Please number the pages			
Reason why the concern is being raised under this policy			
Signed by person raising the concern (optional)			
Document handed to Monitoring Officer	Date	By whom Name:	(Please print)
		Signature:	