

ST CUTHBERT MAYNE SCHOOL
Joint Catholic and Church of England 11-18 Comprehensive School
Dioceses of Plymouth and Exeter



St Cuthbert Mayne School
Whistleblowing Policy

Adopted by Resources Committee: June 2023

Shared with Full Governing Body: July 2023

Next Review Date: June 2024

USE OF WHISTLEBLOWING POLICY AT ST. CUTHBERT MAYNE SCHOOL

- 1.1 Our vision of joint Catholic and Anglican education calls us to acknowledge that the Body of Christ is in the school community. We believe that God is incarnate (present) in the 'day to day' life of our school. Our understanding of Christian spirituality is therefore as much about dealing with each other as it is about meeting God.
- 1.2 We believe that each member of our community has a divine origin and an eternal destiny.
- 1.3 We believe that through his Incarnation Jesus affirmed us as whole people and redeemed us through his resurrection.
- 1.4 We believe therefore that the intrinsic dignity of each member of our school community is to be honoured in spirit, in word, in deed and in law.
- 1.5 These beliefs underpin our approach to the use of the Whistleblowing Policy and thereby commit us to encouraging all members of our community, staff and pupils alike, to grow towards human wholeness. The Governing Body aims to meet this responsibility by:
 - Affirming, consolidating and celebrating the achievements of our teachers (Challenge, affirmation, evaluation, consolidation, celebration and prayerful reflection will be important characteristics to our approach in this school and will be an accepted part of the process)
 - Challenging ourselves, staff and pupils to recognise the unique contribution that each of us can make and work towards making that contribution in the fullest sense
 - Supporting staff in this process in a positive manner.

'Don't think what if I'm wrong – think what if I'm right'

WHISTLE BLOWING (Speak Up)

“WHISTLEBLOWING” IS A POLICY FOR ALL STAFF AND VOLUNTEERS WHO HAVE CONCERNS ABOUT POOR PRACTICE

The Policy

The Governing Body of St Cuthbert Mayne School is committed to the highest possible standards of openness, honesty and accountability in all of its activities. It also expects a high standard of conduct and integrity from all staff and volunteers.

Any staff member or volunteer who has a concern about any aspect of the school's work or the actions of your colleagues and / or volunteers, working within the school, should feel able to raise their concerns through established channels, without fear of harassment or victimisation.

The school aims to encourage all its staff and volunteers to feel confident in raising serious concerns and provide appropriate avenues for dealing with them. It aims to ensure that staff and volunteers are protected from possible reprisals or disadvantages where they have raised a concern or disclosed information in good faith.

1. AIMS AND SCOPE OF THE POLICY

- (a) This policy aims to:-
- Provide clearly defined channels for staff and volunteers to raise concerns and receive feedback on any action taken;
 - Inform staff and volunteers on how to take the matter further if they are dissatisfied with the response; and
 - Reassure staff and volunteers that they will be protected from reprisals or victimisation for 'Whistleblowing' in good faith.
- (b) There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This 'Whistleblowing Policy' is intended to cover concerns that fall outside the scope of this and other procedures as well as enabling volunteers with the means to raise a concern.

What type of concerns should be reported?

- A criminal offence that has been, is being, or is likely to be committed e.g. fraud or corruption;
- A failure to comply with a legal obligation;
- A miscarriage of justice;
- Damage to the environment;
- Actions that are contrary to the school's regulations and approved policies;

- Actions or behaviour that falls below established standards of good practice e.g. a person failing to meet appropriate professional standards;
- Abuse or welfare of pupils, staff and / or volunteers e.g. where someone abuses their position of trust with the child / young person;
- Harassment or victimisation of either staff, volunteers or pupils e.g. by discriminating directly or indirectly;
- Any actions or concerns regarding practice that could result in a financial loss to the school;
- Areas where efficiency or effectiveness could be improved through initiating changes;
- Health and safety risks (whether to pupils, staff, volunteers or members of the public);
- The deliberate concealment of information relating to any of the above matters.
- Other unethical or improper conduct.

2. GENERAL PRINCIPLES

Staff members are often the first to realise that there may be something seriously wrong within the school, or the way in which colleagues are addressing certain issues. However, they may be reluctant to express these concerns for a number of reasons, such as feeling disloyal to colleagues, fearing discrimination or harassment, or believing their concerns would not be acted upon.

Legislation (the Public Interest Disclosure Act 1998) provides legal protection for staff in certain circumstances who “blow the whistle” on poor or corrupt practice within public service organisations such as schools. The Governing Body is seeking through this policy to build on this existing protection and in particular to:

- Encourage individuals to feel confident in raising concerns and to question and act upon concerns about practice;
- Provide clear avenues for individuals to raise concerns and receive feedback on any action taken. (It is not for the individual, however, to say whether that action was appropriate or sufficient);
- Reassure staff / volunteers that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in good faith; and
- Protect the confidentiality of the individual and consider the needs and concerns of the individual, wherever reasonable, when initiating action.

Individuals are encouraged to raise **any** concerns that they might have about practice – not just restricting those concerns to those relating to possible fraud or malpractice.

This policy applies to all staff members and volunteers working within the school. The policy has been discussed with recognised Trade Unions and Professional Associations and has their support.

All concerns raised will be treated in confidence and every reasonable effort will be made not to reveal the identity of the individual raising the concern if they so wish. Where a concern is raised anonymously, it will be considered (at the discretion of the Governing Body), taking into account the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

If an individual makes an allegation or raises a concern **in good faith**, no action will be taken against that individual, even if the allegation is not confirmed by any subsequent investigation.

If, however, there is reasonable evidence that an allegation has been made maliciously, or with the primary intent of personal gain, it may be addressed within the framework of the School's disciplinary procedure.

NOTE 1:

The Governing Body will want to nominate someone who will act objectively, fairly and with confidence. Ideally this person will have a position that is sufficiently distant from the day-to-day environment that the individual works in to ensure there is no conflict of interest or possible compromise.

For instance, this might be a:

- ❖ Staff Governor
- ❖ Chair of Committee
- ❖ Senior Manager not connected to the key stage, department, or subject area
- ❖ Trade Union/Professional Association Representative

NOTE 2:

If the school has adopted such a policy this should always be easily accessible to staff and volunteers alike e.g. provided as part of the school induction pack; placed on the staff room notice board; placed on the school website etc.

NOTE 3

For those schools who purchase a Confidential Counselling Service you may wish to incorporate this statement.

If not, then it should be deleted.

Please note that this bought service covers staff only and will only include volunteers if the school has paid for this cover.

3. SAFEGUARDS

(a) Harassment or Victimisation

The Governing Body recognise 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, or suspected of, the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect staff and wherever possible volunteers, when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their 'Whistleblowing'. Any staff member who feels they are being victimised or harassed as a result of blowing the whistle should contact Jamie McKay, School Governor (*see note 1*).

Staff have the right to raise any concerns of harassment via the School's Prevention of Bullying and Harassment procedure, available from the HR/Personnel Officer (**see note 2**).

[Individuals can also contact the confidential Counselling service. This protection applies to all staff whether or not their names are disclosed to third parties as part of the investigation] (see Note 3)

(b) Confidentiality

The Governing body will do its utmost to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be realised and appreciated, however, that the investigation process itself may well reveal the source of the information, and, depending on the outcome, a formal statement by the individual may be required as part of the evidence. However individuals will be covered by the protection regardless of whether their names have to be disclosed.

(c) Anonymous Allegations

This policy is designed to encourage staff and volunteers to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Governing Body. In exercising this discretion, the factors to be taken into account would include:-

- The seriousness of the issued raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources e.g. the allegation is provided by a full time officer of a recognised Trade Union or Professional Association on behalf of their member who works within the school.

(d) Untrue Allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented.

(e) Responsibility of Chair of Governors

To support these principles, the Chair of Governors will undertake an overview of whistle blowing referrals and will act to ensure staff and volunteers alike are protected and kept informed throughout the process and subsequently.

4. WHISTLEBLOWING PROCESS

STEP 1: Raising a Concern

Note 4:

This confidential Hotline is available 24/7 and is provided by Torbay Council on behalf of school based staff. A member of the team will contact the caller for advice. Tel: 01803 207407.

Note 5:

This person would be someone in an official capacity who is able to advise the person as to how to progress their concern. This person might be:

- ❖ Chair of Governors
- ❖ Chair of Committee
- ❖ Human Resources provider
- ❖ Internal Auditor*
- ❖ Trade Union/Professional Association Representative
- ❖ Diocesan representative (for CofE and Roman Catholic schools)

* Throughout this document the term 'Internal Auditor' is synonymous with External Auditor if your school does not have a Service Level Agreement with Torbay Council's Internal Audit section. Please telephone the Internal Audit team for further advice regarding this service before proceeding.

Note 6:

It is fundamental to the principle of the policy that the contact point can be trusted to advise and support the individual as appropriate.

A third party is suggested in order to ensure complete impartiality in the process e.g. Internal Audit or the school's Human Resources provider. .

Note 7:

This may be delegated to a member of the senior leadership team.

Should the matter progress to a formal disciplinary hearing this will then be heard by the Headteacher unless the matter has been investigated by the Headteacher in which case a 1st committee of governors will be convened to undertake the formal disciplinary hearing.

Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing, can telephone the 'Whistleblowing hotline' (**see Note 4**). A meeting with Jamie McKay (**see Note 5**) can also be arranged, if desired or required by the individual raising the concern. The earlier the concern is expressed, the easier it is to take action.

Although staff and volunteers are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for reasonable concern.

Advice and guidance on how matters of concern may be pursued can be obtained from Torbay Council's Internal Audit team or by contacting the school's Human Resources provider (**see Note 6**). Should it be necessary for external auditors to become involved in the process, further advice can be sought from Torbay Council's Internal Audit department.

Individuals may also invite their Trade Union or professional association to raise a matter on their behalf. School representatives should be able to direct members to their local offices and contacts.

Process for Raising a Concern

Individual staff are encouraged normally to raise any concerns they have through their immediate line manager or the Headteacher. If the concern relates to their line manager / Headteacher, or if the individual does not feel at ease raising the concern through this route, either the Chair of Governors or one of the committees may be contacted. Trade union members are also able to contact their union representative if they prefer.

A telephone “hotline” has also been set up as an alternative avenue through which concerns can be raised. The number is **01803 207407**. This is operated by the Council’s Internal Audit Service and is available 24 hours a day, with an answerphone recording messages left outside normal office working hours. Alternatively you can email Internal Audit whistle.blowing@torbay.gov.uk

In some circumstances, an individual will not want to raise their concern through any of these established routes. Torbay Council has, on behalf of schools, subscribed to an external hotline, run by a registered charity, Public Concern At Work, who specialise in this area. Staff or volunteers can contact this organisation at no charge, on a strictly confidential basis, 24 hours a day, 7 days a week. Their telephone number is 020 7404 6609 or, alternatively, by e-mail on whistle@pcaw.co.uk.

Should the complaint be found by the Headteacher to warrant further investigation, he or she will consult with the Chair of Governors and if appropriate take responsibility for investigating the concern (**see note 7**). Should the concern be about the Headteacher, it should be investigated by the Chair of Governors with support from Internal Audit.

All staff are entitled to raise concerns directly with the Local Government Ombudsman should they be unhappy with the internal investigation in terms of the way it has been undertaken.

STEP 2: How the Complaint will be dealt with

The action taken by the Governing Body will depend on the nature of the concern. The matters raised may be dealt with in one or more of the following ways:-

- Be investigated internally;
- Be referred to the Police;
- Be referred to the Auditors;
- Form the subject of an independent inquiry by the Ombudsman.

Note 8:

This person must be sufficiently distant from the concerns so as to remain objective.

Note 9:

If the issue relates to the Headteacher the responsibility for communicating with the complainant will rest with the Chair of Governors.

Initial enquiries will be made by the Headteacher to decide whether an investigation, to be handled at least initially by a senior manager (*see Note 8*), is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those specific procedures. Some concerns may be resolved by agreed action without the need for further investigation.

Process for Dealing with a Complaint

Normally within ten working days of a concern being received, the Headteacher (*see Note 9*) will write to the complainant:-

- Acknowledging that the concern has been received;
- Indicating how he / she proposes to deal with the matter;
- Giving an estimate of how long it is likely to take to provide a final response;
- Telling him/her whether any initial enquiries have been made;
- Telling him/her whether further investigations will take place, and if not, why not.
- Thanking him/her for raising their concerns and advising them of the school policy and the protection and support it provides to Whistleblowers, and
- Advising them not to discuss their concerns with others so as not to prejudice any investigation.

If necessary, further information will need to be sought from the complainant therefore a further meeting may need to be arranged. If such a meeting is arranged, staff have the right 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.

The School will take steps to minimise any difficulties which an individual may experience as a result of raising a concern. For instance, if members of staff are required to give evidence in criminal or disciplinary proceedings, the school will advise them about the procedure and offer appropriate support. In addition staff will be supported throughout the process including dealing with the media as appropriate.

STEP 3: Investigation Process

NOTE 10:

It is recommended that Internal Audit be contacted prior to undertaking any form of investigation to establish the most appropriate format and for general guidance purposes.

NOTE 11:

Telephone - 208563

Whatever method of raising a concern has been chosen, effective and efficient communication and support systems are fundamental to the success of the policy and in giving individuals' confidence that issues which they raise will be thoroughly and conscientiously investigated. In order to protect individuals and any person(s) accused, initial inquiries will be made to establish whether a formal investigation is appropriate and, if so, what form it should take (***see Note 10***).

The Headteacher, Governors or trade union representatives who have concerns raised with them should normally notify Internal Audit immediately, if the concern / allegation involves either potential fraudulent practice or activity that could result in a financial loss to the school. The integrity and confidentiality of the originating source must normally be maintained throughout.

Similarly, if a concern raises issues relating to staff or pupil welfare, the school's Human Resources provider and / or the Local Authority Designated Officer (***see Note 11***) should be notified at the earliest possible opportunity.

Concerns raised via the external hotline will normally not be fed back directly to the School without the express permission of the individual concerned. Where any concerns are fed back and in any other cases where issues arise, Internal Audit will act as the filter for receiving and recording concerns. They will not normally conduct investigations as this will be dealt with by the school that have the responsibility for matters of concern.

The role of Governors and union representatives in this process will be to act as an independent contact point, receiving and passing on relevant information to the Headteacher. It is not envisaged that Governors or union representatives will either lead, or be involved, in actual investigations, although they will be kept appropriately informed in respect of relevant progress made in respect of specific allegations.

NOTE 12:

The Governing Body should consider as an alternative a third party external to the school to reinforce impartiality and fairness.

Such third parties might be:

- ❖ Internal Auditors
- ❖ For CofE and Roman Catholic schools the Diocese

Some concerns will be resolved without the need for a formal investigation, however, where a formal investigation is required; it is likely to take the form of an investigation by a member of the senior

management team (**see Note 12**). In certain cases, the matters raised may be referred to the Police or the school's auditors for investigation or an independent inquiry could be set up.

The overriding principle that the Governing Body will consider in investigating any issue is the public interest. Concerns or allegations that fall within the scope of existing school procedures, such as disciplinary matters or child protection, will normally be referred for consideration under those specific procedures.

STEP 4: Responding to Concerns Raised

The Governing Body will respond in any situation where individuals have raised a concern under the procedure outlined above and accepts that members of staff or volunteers need to be assured that the matter has been properly addressed.

Following the investigation process, there will be a formal written response to the whistleblower thanking them for raising the concern and advising them, subject to any legal constraints, of the actions taken and the outcomes of any investigations. If possible, copies of reports and other appropriate documentation will also be made available to them (if appropriate in a redacted form). The whistleblower will be offered a meeting with the Headteacher if further briefing is required.

The whistleblower is not entitled to expect to be able to determine the outcome of the investigation process or to insist that disciplinary action must be taken or a prosecution instigated. Equally however, the whistleblower is entitled to expect to be given the opportunity to express their views to the investigating team and the Headteacher as to whether or not they are satisfied with the manner in which their concerns have been addressed. If they are not satisfied then they can raise their concerns at a further meeting as outlined above and if they remain unsatisfied following this they can write to the Chair of Governors. If they still feel that their concerns have not been investigated thoroughly, there are other means of raising those concerns more widely to the Local Authority or other regulatory bodies (see below)

5. ALTERNATIVE METHODS OF TAKING FORWARD A COMPLAINT

This policy is intended to provide staff and volunteers with an avenue to raise concerns with the School. However, if an individual feels it is right to take the matter outside this process, the following are possible contact points:-

- The local Council member (if you live in the area of the Council);
- The Diocese;

NOTE 13:

General Teaching Council for England
Whittington House
19-30 Alfred Place
London
WC1E 7EA

TEL: (0870) 001 0308

E-mail:info@gtce.org.uk

NOTE 14:

Strategic Director – Children’s Services
TORBAY COUNCIL
Town Hall
Castle Circus
Torquay
TQ1 3DR

TEL: 01803 208208
E-mail:csequiries@torbay.gov.uk

NOTE 15:

Office for Standards in Education
Royal Exchange Buildings
St Ann’s Square
Manchester
M2 7LA

TEL: 08456 404045
E-mail: enquiries@ofsted.gov.uk

- GTC (*see Note 13*)
- Local Authority (*see Note 14*)
- OFSTED (*see Note 15*);
- Individuals' solicitors;
- Public Concern at Work;
- The Police;
- The Local Government Ombudsman (contact details below)

If a staff member or volunteer does take the matter outside the School, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. This can be checked with the Ombudsman who will also advise on ways to proceed.

The address and contact details are as follows:

Jerry White
Local Government Ombudsman
The Oaks No2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

Telephone: 024 76 820000

Fax: 024 76 820001

Email: enquiries.coventry@lgo.org.uk

6. SUPPORT & GUIDANCE

It is the Governing Body's objective to ensure that whistleblowers feel valued and respected within the school; therefore every endeavour will be made to ensure that the whistleblower is offered appropriate guidance and support throughout the process and protection from harassment or victimisation as a result of their whistleblowing.

In supporting this, the Headteacher (in discussion with the whistleblower) may encourage the appointment of a "buddy" to support the whistleblower during the investigation of their allegation (and afterwards). This "buddy" may be a person nominated by the whistleblower (or their Trade Union).

In cases where the whistleblower has decided not to raise their complaint anonymously, due regard and sensitivity will need to be exercised by all involved in the process to ensure that the whistleblower does not suffer detrimental treatment as a result of raising a complaint.

Note 16:

Schools need to consider how potential harassment or victimisation can be best managed. This contact should be someone with authority within the school to challenge the alleged perpetrator. This might include:

- ❖ Headteacher
- ❖ Chair of Governors
- ❖ A Diocesan representative (for Church of England and Roman Catholic schools)
- ❖ Senior Manager
- ❖ Head of Department

Should the whistleblower have any concerns about harassment or victimisation as a result of raising a complaint, contact should be made with Headteacher (**see Note 16**). Staff members also have the right to raise any concerns of this nature via the School's Prevention of Bullying and Harassment procedure, available from Headteachers PA

IF applicable:

Further support can be obtained through the Confidential Counselling Service paid for by the school, Tel: 01803 207347 or the 24-hour answer phone 207349)

The Public Concern At Work Hotline is also available on a confidential basis by contacting Tel: 020 7404 6609 or, alternatively, by e-mail on whistle@pcaw.co.uk.

7. MONITORING OF THE POLICY

The full Governing body has overall responsibility for the maintenance and operation of this policy. The Headteacher should ensure that a record of concerns raised and the outcomes be maintained (in a form which does not endanger confidentiality and in keeping with the Data Protection Act 1998) and report as necessary to the relevant Committee.

Torbay Council’s Internal Audit department will routinely monitor whistleblowing concerns raised within Schools and will make contact with the Headteacher to request this information on a regular basis.

8. CONCLUSION

This policy has been developed as part of the school’s commitment to ensuring the highest possible standards of openness, honesty and accountability in all its activities.

Procedures have been established to ensure that there are appropriate channels available to individuals to raise any concerns they have about the school’s work or the actions of individual staff. Any staff member or volunteer who has any concern is strongly encouraged to raise it through one of the mechanisms outlined in this policy.

WHISTLEBLOWING PROCESS



