



**Mater Ecclesiae**

Catholic Multi Academy Trust

*'One Family in Christ'*

# WHISTLEBLOWING POLICY





## Document Control

This document has been approved for operation within:	All Trust Establishments		
Approved by:	Full Trust Board of Directors		
Owner:	CEO		
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Date of Review	Amendments made
October 2024	<ul style="list-style-type: none"> <li>• General reformatting to new Trust format for policies</li> <li>• Replacement of "Academy" with "Trust"</li> <li>• Inclusion of definition of a whistleblower from .gov.uk</li> <li>• Inclusion of complaints that count as whistleblowing</li> <li>• Process amended to include first reference to line manager rather than immediate escalation to HT</li> <li>• Central Team escalation amended to Vice Chair of Board rather than Chair, enables appeals to be held</li> <li>• Where there is danger to life – amended from a weeks notice to "within 24 hours or sooner"</li> <li>• Removal of representative for member of staff and note taker</li> <li>• Inclusion of notifying the clerk for inclusion on Board agenda</li> <li>• Inclusion of maintaining confidentiality</li> <li>• Inclusion of other relevant senior member of staff in seeking advice</li> </ul>



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## 1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust.
- Set clear procedures for how the trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

## 3. What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity.
- Miscarriages of justice.
- Danger to health and safety.
- Damage to the environment.
- Failure to comply with any legal or professional obligation or regulatory requirements.
- Bribery.
- Financial fraud or mismanagement.
- Negligence.
- Breach of Trust internal policies and procedures.
- Conduct likely to damage the Trust reputation.
- Unauthorised disclosure of confidential information.
- Concerns about the harm or risk of harm to children.
- The deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to the above and it must be in the public interest, this means it must affect others.

Not all concerns about the trust, or individual schools in the trust, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

## **4. Protecting the Whistleblower**

Under the Public Interest Disclosure Act 1998 a Whistle-blower is protected from detriment and unfair dismissal. The Academy will support and not discriminate against concerned staff who apply the Whistleblowing procedure, provided any claim is made in good faith, even if they turn out to be mistaken.

### **Complaints that count as whistleblowing**

A whistleblower is protected by law if they report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

## **5. When should these procedures be used?**

- a) If a member of staff has concerns about wrongdoing at the Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.
- b) Each individual member of staff should feel able to speak freely on such matters. However, the Trust and colleagues have the right to protect themselves against unfounded false or malicious accusations.
- c) Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.
- d) Whistleblowing is not appropriate for dealing with issues between a member of staff and the Trust which relate to their own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.

- e) Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.
- f) Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Headteacher or Child Protection Officer following the Safeguarding Policy.

## 6. The procedure

School-based staff should initially raise their concern to their line manager/or their the Headteacher. If the concern is about the Headteacher, it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Chair of Governors. If there is concern about both of these post holders, then the CEO should be contacted.

Central team staff should report their concern to the CEO. If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the central team staff should report the concern to the Vice-Chair of Trustees.

In summary the following process should be followed:

- a) Any issue raised will be kept confidential while the procedure is being used.
- b) The Representer (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing. Staff are discouraged from making anonymous disclosures as this may make the investigation difficult or impossible to conduct.
- c) However, if the concern relates to the Representer's line manager or any person to whom he or she reports, other than the Headteacher, the Representer should raise the issue with the Headteacher.
- d) If the concern relates to the Headteacher, the Representer should raise the matter with the Chair of the Governing Body.
- e) The person with whom the matter is raised is referred to as the "Assessor".

The **Assessor** will:

- i. Interview the Representer as soon as possible within seven working days, in confidence. Within 24 hours or sooner if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils.
- ii. Obtain as much information as possible from the Representer about the grounds for the belief of wrongdoing.
- iii. Advise the Representer on the process which will be followed, including confidentiality.
- iv. Consult with the Representer about further steps which could be taken.
- v. Advise the Representer of the appropriate route if the matter does not fall under this Procedure.
- vi. Other than in the case of where the Chair of the Governing Body is implicated report all matters raised under this procedure to the Chair of the Governing Body.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in

confidence, to other suitable professionals, such as independent HR consultants or independent school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

- f) Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
- The matter be further investigated internally by the Trust.
  - The matter be further investigated by external consultants appointed by the Trust.
  - The matter be reported to an external agency.
  - The route for the Representor to pursue the matter if it does not fall within this procedure; or
  - That no further action is taken by the Trust.
- g) The grounds on which no further action is taken include:
- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur.
  - The Assessor is satisfied that the Representor is not acting in good faith.
  - The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies.
  - The matter concerned is already (or has been) the subject of legal proceedings or has already been referred to an external agency.
- h) The recommendation of the Assessor will be made to the Headteacher. However, should it be alleged that the Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Chair of the Governing Body.
- i) The Headteacher or Chair of the Governing Body, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body and reported through to the Clerk to the Board for inclusion on the full Trust Board agenda for information or further discussion.
- j) The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
- Where the Assessor is under a legal obligation to do so.
  - Where the information is already in the public domain; or
  - Where it is not possible to maintain confidentiality; or
  - On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- k) The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty-eight working days of the initial interview.
- l) All responses to the Representor will be made in writing and sent to the Representor's home address.

- m) If the Representor has not had a response within the above time limit or such reasonable extension as the Trust requires, the Representor may go to an appropriate external agency, but will inform the Assessor before doing so.
- n) The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

## **7. Malicious accusations**

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

## **8. Informing employee**

- a) Within the Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.
- b) Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct.
- c) Whistleblowing to the media is not appropriate or permitted in any circumstances.

## **9. Confidential Employee Enquiries**

Staff may, on a confidential basis seek prior guidance from the Headteacher or other relevant senior member of staff outlined in this policy, if they wish to establish whether any course of conduct on their part or on the part of another member of staff may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Headteacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Academy or any person under these procedures.

## **10. Escalating concerns beyond the Trust**

The trust encourages staff to raise their concerns internally but recognises that staff may feel the need to report concerns to an external body.

## **11. Monitoring, evaluation and review**

The Governing Body will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust. All whistleblowing reports will be reported to the Board of Trustees, maintaining confidentiality wherever possible.