

**ST TERESA
OF CALCUTTA
CATHOLIC ACADEMY TRUST**



WHISTLEBLOWING POLICY

Document Control

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Contents

Section	Page
1.0 Policy statement	2
2.0 Scope and purpose	2
3.0 What is whistleblowing	2
4.0 Confidentiality	3
5.0 Anonymous Allegations	3
6.0 Untrue and Malicious Allegations	3
7.0 How to raise a concern	3
8.0 How the Trust will respond	4
8.1 Initial Assessment of Appropriate Action	4
8.2 Investigation Process	5
8.3 Outcome	6
8.4 Record Keeping	6
9.0 Further Action and Contacts	7

1.0 Policy Statement

1.1 This policy outlines the Trusts approach to employee disclosures about wrongdoing in the workplace, known as “whistleblowing” in accordance with the Public Interest Disclosure Act 1998.

1.2 The Trust is committed to providing a working environment to protect the health, safety and welfare of all its employees. The Trust is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrong doing.

1.3 This policy seeks to protect individuals who make disclosures with regard to any instance of malpractice or wrong doing in the public interest.

2.0 Scope and Purpose

2.1 This policy applies to all staff in the Trust and:

- contractors working for the Trust or one of the schools on any of the Trust’s premises, for example, agency staff, builders, drivers;
- suppliers and those providing services under a contract with the Trust or one of the schools in their own premises;
- Directors, Governors, volunteers or others acting on behalf of the Trust.

2.2 This policy covers information disclosed in the public interest which is likely to fall outside the established Trust policies for handling complaints, grievances or otherwise raising a concern at work.

2.3 This policy is intended to:

- enable and encourage the disclosure of information about malpractice internally;
- reassure those making a disclosure that concerns will be taken seriously without victimisation, discrimination or disadvantage; and
- provide information about how to raise concerns and explain how the Trust will respond.

3.0 What is whistleblowing?

3.1 Whistleblowing, also known as confidential reporting or protected disclosure is the disclosure or communication of information about possible wrongdoing or malpractice.

3.2 Qualifying disclosures are disclosures of information where there is a reasonable belief (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- a criminal offence
- the breach of a legal obligation – including for example bribery, financial fraud or mismanagement, negligence, breach of Trust internal policies and procedures, conduct likely to damage our reputation (including the use of social media), unauthorised disclosure of confidential information, other unethical behaviour
- a miscarriage of justice
- a danger to the health and safety of any individual – including Child Protection and Safeguarding concerns
- damage to the environment
- deliberate attempt to conceal any of the above

3.3 If your concern is in relation to safeguarding and the welfare of students at the academy, you should consider whether the matter is better raised under the Trust’s Child Protection Policy and in accordance with the arrangements for reporting such

concerns, i.e. via the Designated Safeguarding Lead, or the Headteacher (in the case of a safeguarding allegation about a member of staff), although the principles set out in this policy may still apply.

4.0 Confidentiality

4.1 If you so wish, every possible effort will be made to protect an employee's identify. It must be appreciated however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings. If a situation arises where a concern cannot be resolved without revealing your identity, this will be discussed with you prior to proceeding.

4.2 Within the Trust, all employees 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.

5.0 Anonymous Complaints

5.1 Where we receive anonymous complaints, we will make a determination about whether to investigate based on:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from other sources

5.2 We will keep a central record of disclosures made under the Whistleblowing Policy.

5.3 We will comply with data protection requirements in terms of any records made and kept.

6.0 Untrue and Malicious Allegations

6.1 If you make a disclosure in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, your allegation is frivolous, malicious, vexatious or for personal gain, this will be treated as a serious disciplinary offence and disciplinary action may be taken.

7.0 How to raise a concern

7.1 Employees should raise their concerns with their immediate line manager if possible. However, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

7.2 Where the individual believes that their manager is involved in the matter of concern, they should then contact the Headteacher; or Catholic Senior Executive Leader if the concern raised is related to the Headteacher.

7.3 Concerns should normally be raised within the Trust in the first instance. In the event that you believe the governors / directors are also implicated, you should seek advice from your Trade Union or the charity Protect.

7.4 Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the cause of the concern.

7.5 If you do not feel able to put the concern in writing initially, concerns may be raised verbally but the person who hears the concern should make a written report to document the concern as soon as possible.

7.6 You will need to demonstrate to the person contacted that there are sufficient grounds for concern to enable the matter to be taken forward. You may invite your trade union representative to be present during any meetings in connection with the concerns raised.

7.7 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

7.8 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern.

7.9 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. The law allows you to raise a concern with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first.

8.0 How the Trust will respond

8.1 Initial Assessment of Appropriate Action

8.1.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

8.1.2 Allegations will be handled confidentially and discreetly by all who are directly involved in the investigating process.

8.1.3 The person receiving the information will ensure that, in the most serious of concerns, at least the Headteacher and if necessary the Governing Body / Directors Board receive adequate details of the employees using this policy, for the purpose of corporate recording and monitoring.

8.1.4 Once you have informed your line manager or the appropriate senior manager of your concern, they will make initial enquiries on a confidential basis where possible. If urgent action is required, this will be taken before any investigation is conducted.

8.1.5 If your concern falls within another policy of the Trust (for example the Grievance Policy) or within specific procedures (for example Child Protection) they will normally be referred to the relevant Policy or procedures. Some concerns may be resolved by agreed action with you without the need for investigation.

8.1.6 If it is determined that the matter should be dealt with formally, advice will be sought from the Trust's HR advisor and an appropriate investigation manager identified. Investigation procedures into allegations of malpractice must be independent, skilled and objective. The Investigating Officer appointed must therefore not have had any previous involvement with the case and will be sensitive to the wishes of the complainant wherever possible.

8.1.7 Where a complaint involves the Headteacher, then an Investigating Officer must be appointed who does not work at, or with the Trust.

8.1.8 Depending upon the circumstances, external agencies may also be involved in the investigation.

8.1.9 After initial enquiries to assess the seriousness of the matter, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process.
- be referred to the police.
- be referred to the external auditor.
- form the subject of an independent enquiry.

8.2 Investigation Process

8.2.1 During the investigation every effort will be made to protect the legitimate rights of all parties involved. In particular, the following principles shall be adhered to:

- Strict confidentiality must be maintained at all times. Any breach of confidentiality may lead to consideration of disciplinary action;
- Throughout the investigation process, the complainant, the alleged perpetrator and any others interviewed are entitled to be accompanied by either a companion or professional association/trade union representative.

8.2.2 You will be informed of who will be handling the inquiry, how you can contact them and whether your further assistance may be required. Within ten working days of a concern being raised, the person looking into the concern will write to you:

- Acknowledging that the concern has been received.
- Indicating how the Trust Board 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.
- Telling you whether further investigations will take place and if not, why not.
- Supplying you with information on support available to you.

8.2.3 The amount of contact between the person 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, the Trust will seek further information from you.

8.2.4 The Trust will keep you informed of what is happening as far as is practical.

8.2.5 If any meeting is arranged, you can be accompanied by a trade union or professional association representative or a friend, and you have the right to request that this be away from your place of work.

8.2.6 The Trust 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 Trust will arrange for you to receive advice about the procedure.

8.2.7 Witnesses may be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the complainant, and particularly where witnesses are interviewed, it is important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

8.3 Outcome

8.3.1 The Trust accepts that you need to be reassured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

8.3.2 The investigation will conclude with a report by the Investigating Officer to the Headteacher, Chair of the Board or other relevant person. This will summarise the Investigating Officer's findings on the allegations and recommend further action which could include:

- a finding that the allegation was unfounded and therefore no action needs to be taken; or a recommendation to take no further action on the complaint. This will be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue;
- a recommendation to take action in order to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include:
- written management advice; and/or
- an instruction to the member of staff to undertake appropriate guidance and/or training; and/or
- appropriate changes in working arrangements which must not be to the disadvantage of the complainant;
- a recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.

8.3.3 The Headteacher/relevant person will write to the complainant and the alleged perpetrator detailing the findings of the investigation and the action to be taken. This letter will contain an undertaking that the complainant and any witnesses will not be victimised or suffer any detriment as a result of having made the complaint.

8.3.4 Where a Headteacher/relevant person determines to take no action irrespective of the recommendation made he/she shall give written reasons for this determination to the complainant (and the alleged perpetrator). Failure to give such information will be regarded as a breach of this procedure.

8.3.5 Where the Investigating Officer considers that a complaint is untrue and malicious he/she will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary but should be seen as a neutral act which does not of itself imply that any pre-emptive judgement has been reached.

8.4 Record Keeping

8.4.1 The Headteacher/ relevant person should maintain a confidential central record for a period of five years (seven years for allegations of financial irregularities) and responses provided.

8.4.2 In respect of anonymous allegations, should a Headteacher/ relevant person consider that further action would be inappropriate details of the allegation and reason for the decision must still be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the process of reporting back to members on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act.

9.0 Further action

9.1 This policy is intended to provide you with a way within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken.

9.2 If you are not, and if you feel it is right to question the matter further, in the first instance you should address your concerns to the Headteacher. If this response is not satisfactory, you may wish to take the matter outside the Trust.

9.3 The following are possible contact points:

- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory bodies
- A relevant voluntary organisation
- The police
- A solicitor or legal adviser
- The Local Government Ombudsman
- The Health and Safety Executive
- Protect (Independent whistleblowing charity)
Helpline: 020 3117 2520
E-mail: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk
- NSPCC (Whistleblowing Helpline)
Helpline: 0808 800 5000
E-mail: help@nspcc.org.uk
- Ofsted (Whistleblowing helpline)
Helpline: 0300 123 3155 o
Email: whistleblowing@ofsted.gov.uk
- Information Commissioner
Helpline: 0303 123 1113
- The external auditor, contact via the Trust Finance Director
- National Audit Office - telephone: 020 7798 7999
- Environment Agency – telephone: 03708 506 506
- Health and Safety Executive – telephone: 0300 0031 6