



**Policy for all Trust Staff**

# Whistleblowing Policy

**Blessed Christopher Wharton CAT has adopted the PACT HR recommended model procedure as agreed by Trade Unions.**

**Approved by the Trust Board on:**

**To be reviewed on:**

**Signed on behalf of the Trust Board:**

**NB. This guidance will be retained for a period of 7 years from replacement.**

**Dated: April 2020**

# MISSION

## OUR VISION

To provide and promote excellent Catholic education, enabling everyone to reach their full potential in union with God.

"Be ambitious for the higher gifts"

1 Corinthians 12:31

## OUR MISSION

With Jesus Christ at the centre of our life, we will provide Catholic schools open to all who want to share our educational goals inspired by Christian principles. We will offer the highest possible standards of education in which faith, culture and life are united in harmony. For the common good, we will work in partnership and trust with each other, with families, our communities and with all involved in the mission of education. We will encourage and empower children and young people to recognise and realise their God-given potential, providing them with opportunities to develop harmoniously their physical, moral, intellectual and spiritual gifts. We will help them to aspire to a sense of personal dignity and responsibility, to learn the correct use of freedom, and to participate actively in their communities. Guided by the Holy Spirit, we will teach Gospel values, as together we celebrate and live our call to follow Christ the teacher in self-giving love and service.

# TRUST STATEMENT

Blessed Christopher Wharton Catholic Academy Trust takes all complaints under the Whistleblowing Policy seriously.

Complaints received under the policy will be dealt with at different levels depending on who the complaints are about.

The following trust staff will deal with complaints under the policy as follows:

## Complaints Against

## Complaint To

Staff in Individual Academies

Head of School

Head of School

Chair of Governors

Central Trust Staff

Directors of the Trust

Governing Body Members

Directors of the Trust

Chair of Governors

Directors of the Trust

Directors of the Trust

Diocesan Education Service

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## Introduction

1. The reporting of workplace concerns is commonly known as “whistleblowing” or making a disclosure in the public interest.
2. The Trust takes seriously its responsibilities for good governance, the appropriate and efficient use of public money and resources and is committed to the highest possible standards of openness, integrity and accountability. Where any employee of the Trust has a concern that might fall within the scope of this document they are encouraged to report the matter to the Trust Board as appropriate. Directors of the Trust have overall responsibility for the implementation of this policy for the Trust.
3. The policy applies to all employees of the Trust. To be an employee an individual must:
  - Work for the Trust under a contract of employment.
  - Be contractually required to perform personal work or services for the Trust and the Trust is not either a client or customer of a profession or business undertaking work carried out by that individual.
  - Be on a work experience placement provided pursuant to a training course or programme of training for employment (or both).
4. This policy is intended to encourage and enable employees to raise serious concerns within the Trust by setting out the process to make a disclosure under the Public Interest Disclosure Act 1998.
5. The Trust accepts that some staff may prefer to do this in a confidential way to avoid any public disclosure of their identity. This policy makes it clear that employees can raise concerns of illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage.
6. This policy does not form part of any contract of employment or contract for services and it may be subject to change, withdrawal or replacement at any time.

## Aims and Scope

1. Employees are encouraged to report any concerns they may have about any aspect of the Trust, the conduct of its staff, the board, or any other member of staff acting on behalf of the Trust.
2. In the first instance, the concerns should be reported to the Head of School in the individual Academy. If the concerns are in relation to the Head of School, these should be reported to the Chair of Governors. Any concerns in relation to members of staff of an individual academy’s Governing Body should be made to the Directors at the Trust. If the complaint is about any member of staff

employed by the Central Trust then the complaint should go to the Directors of the Trust. If the complaint is about a Director of the Trust it should go to the Diocesan Education Service.

3. This policy is not intended to deal with:
  - Complaints relating to a person's own personal circumstances, such as matters relating to their own terms and conditions, the way they have been treated at work, or about personal differences or conflicts. In these cases, these should be referred to the Trust's Complaints and Grievance Procedure.
  - Complaints about any third party organisation or about another member of the public.
4. This policy aims to:
  - Encourage employees of the Trust to feel confident in raising serious concerns of illegal or improper conduct and to question and act upon concerns about practice.
  - Provide employees with a mechanism to raise those concerns and to be told of any action taken to address concerns.
  - Ensure that employees have received a response to their concerns and that they are aware of how to pursue these if they feel that the internal processes have not been successful.
  - Reassure employees that they will be protected from possible reprisal or victimisation if they have a reasonable belief that they have made any disclosure in good faith.
5. Employees should report anything that:
  - Makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the Trust subscribes to.
  - Is against the Trust's policies and procedures.
  - Falls below established standards of practice.
  - Amounts to improper conduct.
6. If they disclose information which suggests that any employee has:
  - Behaved in a way that has harmed or may have harmed a child.
  - Possibly committed a criminal offence against children, or related to a child.
  - Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

- 6.1 The statutory guidance contained in the Department for Education publication Working Together to Safeguard Children, 2013 and, where relevant, the specific guidance given by the Secretary of State under Sections 157 and 175 of the Education Act 2002 namely Safeguarding Children and Safer Recruitment in Education and Dealing with allegations of abuse against teachers and other staff, will be followed because of the specific obligations upon persons reporting concerns regarding the wellbeing of children and young people.
- 6.2 The local arrangements for reporting such concerns can be found on the website of the Bradford Safeguarding Children Board at <http://Bradford-scb.org.uk/policies.htm>. There is an expectation that concerns that fit one or more of the above criteria are reported within 24 hours. The website referred to above, gives guidance and identifies who is the Senior Manager from each agency who can advise on each step of the process. These procedures are commonly referred to as the LADO (Local Authority Designated Officer) procedures.

## Qualifying Disclosures

1. The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. This policy is not designed to replace or be used as an alternative to the complaints and grievance procedures.
2. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one of the following is being, has been or is likely to be committed:
  - A criminal offence.
  - A miscarriage of justice.
  - An act creating a risk to health and safety.
  - An act causing damage to the environment.
  - Unauthorised use of public funds.
  - An act of fraud or corruption.
  - Sexual or physical abuse of pupils.
  - A breach of any other legal obligation.
  - Concealment of any of the above.

## Protected Disclosures

1. The Trust is committed to good practice and high standards and wants to be supportive of employees. Any disclosure of information as detailed above will only be a protected disclosure if it is made in the reasonable belief of the employee that the disclosure is in the public interest.

2. No employee who uses this procedure in the reasonable belief that the disclosure is in the public interest will be penalised for doing so. An employee has the right not to be subjected to a detriment by any act or deliberate omission by another employee employed by the Trust on the grounds that he or she has made a protected disclosure.
3. The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern that they believe is in the public interest to disclose.
4. In the absence of any reasonable belief any employee that is found to have made an allegation frivolously, maliciously or for personal gain may be subject to disciplinary procedures.

## Confidentiality and Anonymous Allegations

1. A concern reported under this policy will be treated confidentially. Unless the employee agrees, their identity will not be disclosed by the Trust in dealing with their concern within this policy.
2. However, this policy encourages employees to put their name to allegations whenever possible. Concerns expressed anonymously will be considered at the discretion of the nominated officer dealing with the allegations on behalf of the Trust.
3. In exercising this discretion the factors to be taken into account will include:
  - The seriousness of the issues raised.
  - The credibility of the concern.
  - The likelihood of confirming the allegation from attributable sources.
4. In the event of a concern disclosing alleged criminal activity, the employee may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the Trust the employee may be asked to give evidence under the Trust's Disciplinary Procedure.

## Untrue Allegations

1. If an employee reasonably believes that the claim was made in the public interest, but the claim is not confirmed following investigation, no action will be taken against the employee. However, maliciously making a false allegation is a disciplinary offence. If a claim is made frivolously, maliciously or for personal gain, then disciplinary action may be taken against the employee in the absence of any reasonable belief.



## How to Raise a Concern

1. As the statutory protections for Whistle Blowers only apply in certain prescribed circumstances, employees are strongly encouraged to seek advice before making an external disclosure. If an external disclosure is made to an external body or agency, there may be a requirement for the employer to demonstrate why they thought the internal procedure was not appropriate. As an employee of the Trust disclosing concerns externally, even in good faith, without first attempting to report it internally, may result in disciplinary action being taken against you.
2. Employees are reminded that they must not disclose personal, sensitive, confidential or otherwise protected information to any person who is not authorised to receive it. As an employee of the Trust, unauthorised disclosure of such information may result in disciplinary action being taken against you.
3. If as a consequence of an employees complaint, information is published, which turns out not to be true and which has the potential to damage another person's interests or reputation, there is a risk that they could be sued for defamation. Where it is clearly in the public interest for information to be brought out into the open immediately (even though it is untested and may ultimately turn out to be untrue or incorrect) a legal defence called "qualified privilege" is available. Concerns reported in good faith under this policy will normally be covered by this defence. However deliberate false statements will not.
4. If an employee is not a member of a trade union and/or they wish to obtain confidential advice about making a disclosure from an independent source, there is a charity called "Public Concern at Work" that can be contacted on 020 3117 2520. A request can be raised online through their website.
5. The complainant will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Concerns may be raised verbally or preferably in writing. Employees who wish to make a written report are invited to use the following format:
  - The background and history of the concern (giving relevant dates).
  - The reason why they are particularly concerned about the situation.
  - Why they think this concern is in the public interest to disclose.
6. Employees may wish to consider discussing their concern with a colleague or trade union representative before making a disclosure and may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns. However, they should each make a separate and individual disclosure and should then not discuss the matter further between themselves.

7. Employees have the right to invite a Trade Union Representative, or a work colleague, to be present during any meetings or interviews in connection with the concerns that they have raised.

## How The Trust Will Respond

1. Where concerns are raised under this policy, appropriate HR/legal advice will be sought as required. The reported matter may:
  - Be investigated by management of the Academy, or The Trust Board through the disciplinary process.
  - Be referred to the Police.
  - Be referred to an external auditor.
  - Form the subject of an independent inquiry.
  - Be investigated by an independent investigating officer, appointed on behalf of the Trust or individual Academy.
2. Where concerns have been raised with any other party, appropriate action will be taken, in order that the concerns are dealt with in the most efficient manner. This may result in the decision to progress the concern(s) through any of the actions previously identified or through another course of action which is deemed appropriate.
3. In order to protect individuals and those accused of illegal or improper conduct, initial enquiries will be made to decide whether an investigation of any kind is appropriate and, if so, what form it should take.
4. 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. Some concerns may be resolved without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
6. It may be that the person that is dealing with the concern, may wish to meet with the person that has made the disclosure, in order to clarify certain details. Where any meeting is arranged as part of this procedure, the employee's trade union representative or work colleague may attend the meeting.
7. Within 10 working days of the date of the disclosure, (excluding periods of closure) the part dealing with the concern(s), will write to the complainant and where possible will provide the information below where this is available.
  - Acknowledging that the concern has been received.
  - Indicating how the matter is to be dealt with.
  - Giving an estimate of how long it will take to provide a final response, telling the complainant whether any initial enquiries have been made.

- Telling the complainant whether further investigations will take place and, if not, why not.
8. The amount of contact between the persons considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Academy or Trust may seek further information from the complainant.
  9. Where it is deemed that a Trust has not made a satisfactory response, the details of the disclosure may need to be reported to the Education and Skills Funding Agency see: [www.gov.uk](http://www.gov.uk) - Guidance - How ESFA handles whistleblowing disclosures.
  10. Where a concern is disclosed about wrong doing or harm to children, young people and/or vulnerable persons, the Trust will refer the matter for investigation by a person with sufficient and appropriate independence, experience and expertise in such matters to be able to adequately investigate the concern raised. Where appropriate it may be necessary to report the matter to the LADO (Local Authority Designated Officer).
  11. The Trust will take steps to minimise any difficulties that complainants may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for advice on the process to be given.
  12. The Trust accepts that the complainant expects to be assured that the matter has been properly addressed. The relevant party, subject to any legal constraints and Data Protection, will inform them of the outcome of any investigation that may take place.
  13. Please note that complainants will not be given any information regarding possible sanctions against any employee that they have complained about.

## How the Matter Can be Taken Further

1. This policy is intended to provide employees with a way within the Trust to raise concerns. The Trust hopes staff will be satisfied with any action taken. If they are not, and feel they wish to take the matter outside the Trust, the following are possible contact points:
  - Trust's External Audit
  - The Audit Commission (confidential reporting for suspected fraud).
  - Your Trade Union
  - Your Local Citizen's Advice Bureau
  - Relevant Professional Bodies or Regulatory Organisations
  - A Relevant Voluntary Organisation
  - Prescribed Persons or Bodies
  - The Police
  - The Diocesan Education Service
  - The Education and Skills Funding Agency

# Appendix A – Notification of Whistleblowing Complaint

## Making a Public Interest Disclosure (Whistleblowing)

This form is intended for use by any individual working for the Trust (including contractors, agency workers and volunteers) who wish to raise an issue about alleged wrongdoing.

This form should be used to report wrongdoing within the Trust (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under the whistleblowing policy or grievance policy, please read the above policies for guidance.

Once you have submitted this form, the whistleblowing policy will be invoked. This may result in an investigation.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the Trust will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to whoever you are lodging the complaint with in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

### Formal public interest disclosure (whistleblowing)

**Employee's name:**

**Employee's job title:**

**Employee's department:**

**Date:**

**Does your public interest disclosure relate to your line manager?**

Yes/No

**Summary of disclosure:**

Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

**Individuals involved:**

Please provide the names and contact details of any people involved in your concerns, including witnesses.

**Outcome requested:**

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

**Declaration:**

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.

**Form completed by:**

**Signature:**

**For completion by the Trust:**

Date form received by:

Name of recipient and job role:

Signature: