



## **St Thérèse of Lisieux Catholic Multi Academy Trust**

### **Whistleblowing Policy & Procedure**

**October 2019**

<b>Audience:</b>	<b>Central Team and all other CMAT employees</b>
<b>Approved:</b>	<b>Directors – 14/10/2019</b>
<b>Policy Owner:</b>	<b>Louise Wilson – Chief Executive Officer</b>
<b>Policy Model:</b>	<b>Compliance – all CMAT academies use this policy</b>
<b>Review:</b>	<b>3 Years</b>
<b>Version Number:</b>	<b>1.0 (October 2019)</b>



### **Scope of this policy**

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

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

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.

### **Objectives of this policy**

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 Academy Trust will respond.

### **Ownership of this policy**

This policy is owned by the St Thérèse of Lisieux Catholic Multi Academy Trust Board.

### **Monitoring of this policy**

This policy will be monitored by the Audit & Risk Committee.

### **Relevant legislation**

Public Interest Disclosure Act 1998 as amended 2018 (PIDA).

### **Related policies/documents**

Risk Management Policy

Anti Fraud Policy

Anti Bribery Policy

Discipline Procedure

Grievance Procedure

Director, Governor, Staff Codes of Conduct

Complaints Policy & Procedure

Safeguarding and Child Protection Procedures



## Policy Details

### Introduction

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

### Procedure for making a disclosure

The Trust is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

In the normal course of business, the Trust has in place policies and procedures to regulate the conduct of staff, to handle grievances and complaints and to safeguard children. The Trust expects all staff to raise concerns through the relevant procedure first where this is appropriate.

Where there is a reasonable belief (and it is in the public interest) that wrongdoing is happening, has taken place or is likely to happen in the future and that the matter cannot be dealt with through a Trust procedure then the issue should be reported as soon as possible at the most relevant level within the organisation which will usually be the Line Manager in the first instance.

However it is recognised that wrongdoing can take place at any level of an organisation and therefore reporting of the wrongdoing should be to a level above where you suspect the wrongdoing to have taken place. If you do not feel able to discuss the matter with your Line Manager then you should approach your Headteacher. If in doubt about who to approach or to discuss this procedure then please contact the Governance Manager at the Trust.

Care will be taken to protect the identity of Whistle-blowers at all times while appropriate investigations into allegations are conducted and actions on any recommendations are carried out.



## **Protection and Compensation**

If you make a disclosure then you are protected in certain circumstances under the Public Interest Disclosure Act (PIDA). In order to be protected the following criteria will apply:

1. that the disclosure was in the public interest
2. that the person making the disclosure followed the correct disclosure procedure
3. that the person making the disclosure was dismissed or suffered a detriment as a result of making the disclosure.

Separate arrangements covering Chartered Accountants acting in a professional or voluntary capacity, for example as a Trust Director or Governor are set out in the Institute of Chartered Accountants England and Wales Code of Ethics. Chartered Accountants should seek advice from their professional body.

## **Untrue Disclosures**

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 or for personal gain, you may be subject to disciplinary action.

## **Confidentiality**

All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal your identity. However, you may need to come forward as a witness and you will be given every support from management at that time.

## **Anonymous Disclosures**

You should put your name to your disclosure whenever possible. It is helpful to have your name in case further information is required. Disclosures made anonymously will still be considered at the discretion of the Trust. In exercising its discretion, the Academy Trust/Academy will take into account:

- the seriousness of the issues raised;
- the credibility of the disclosure;
- the likelihood of confirming what is alleged from attributable sources.

## **Employee Action – “If you see something – say something”**

You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to take action. You should provide:

- details of your concerns, including the nature, dates and location of any relevant incidents;
- reasons why you feel concerned about the situation.

Although you are not expected to prove beyond all doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. You may also discuss your concerns with your trade union representative.

You may invite your trade union or other representative to be present during any meetings or interviews in connection with the concerns you have raised.



The amount of contact between you and the person considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, you may be asked to provide further information.

### **Action Taken by the Academy Trust/Academy**

The Academy Trust/Academy will respond to your disclosure. Where appropriate, the matters raised may be:

- investigated by management, by internal audit, or through the disciplinary process;
- referred to the Police;
- referred to the external auditor;
- the subject of an independent inquiry.

In order to protect individuals and those accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The over-riding principle is the public interest. Disclosures for which there are other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within 10 working days of a concern being raised, you will receive a response:

- acknowledging that the concern has been received;
- telling you whether any initial enquiries have been made;
- indicating how the matter is going to be dealt with;
- giving an estimate of how long it will take to provide a final response;
- supplying you with information on support mechanisms;
- telling you why if there is to be no further investigation.

The Academy Trust/Academy will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings you will be provided with advice about the procedure.

You will need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, you will be informed of the outcomes of any investigation.



### **How the Matter Can Be Taken Further**

This code is intended to provide you with a route to make disclosures of malpractice. If you are not satisfied with the outcome, and you believe the information you have disclosed is substantially true, possible contact points are:

- Protect at Public Concern At Work; <https://www.pcaw.org.uk> 020 3117 2520
- Ofsted (whistleblowing helpline): 0300 123 3155 or [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)
- Information Commissioner: 0303 123 1113
- The external auditor; [add contact details]
- National Audit Office: 020 7798 7999
- Environment Agency: 03708 506 506
- Health and Safety Executive: 0300 0031 647
- your trade union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police.

You may also choose to raise the matter directly with the Local Authority Designated Officer, if the matter concerns a potential safeguarding/child abuse issue. Please remember that in cases of abuse or neglect of a child, if you fail to report a concern and it later comes to light that you were aware of information which could have protected a child, it is possible that disciplinary action could be taken against you under Section 157 of the Education Act 2002.

If you do take the matter outside the Academy Trust/Academy, you should ensure that you do not disclose confidential information. Check with the person dealing with your disclosure within the Academy Trust/Academy before divulging any information

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