



## **Nicholas Postgate Catholic Academy Trust Confidential Reporting (Whistleblowing) Policy**

**Policy Reviewed and Adopted by Governing Body: 3 March 2016**

**Version 1.0**

**Date of Next Review: February 2018**

**Responsible Officer: Director of Finance & Corporate Services**

## **PREAMBLE**

As the employer of staff St. Hilda's Catholic Academy Trust recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to the Head Teacher and line managers in each Academy. Throughout this document reference is made to the responsibilities held by the Local Management Board/Head Teacher for operational purposes, however ultimate responsibility rests with the Trust.

This policy has been introduced to enable employees, and other persons working for the Trust on Academy or Trust premises, together with suppliers and those providing services under a contract with the Trust or Academy, to confidentially voice serious concerns over malpractice and wrongdoing within the Trust or Academy.

In the case of an issue where an individual does not feel comfortable raising concerns to the Head Teacher or Local Management Board, the individual should approach one of the following nominated officers:

- Fr John Loughlin

Chair of the Trust's Board

[John519@btinternet.com](mailto:John519@btinternet.com)

- Jim Farquhar

Director of Finance & Corporate Services

[Farquhar.j@trinitycatholiccollege.org.uk](mailto:Farquhar.j@trinitycatholiccollege.org.uk)

Tel: 01642 298100 x 6035

If an employee feels unable to contact the Trust, or the concern is about the Trust, please contact either:

- The Charity Commissioners for England and Wales

Tel: 0845 300 0218 or email [www.charity-commission.gov.uk](http://www.charity-commission.gov.uk)

- The Education Funding Agency (EFA)

Tel: 0370 000 2288 or email [iait.mailbox@education.gsi.gov.uk](mailto:iait.mailbox@education.gsi.gov.uk)

## **1. INTRODUCTION**

1.1 Often it can be the employee who is the first to realise that there may be something wrong within their Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy; or they may fear harassment, victimisation or other reprisals. In these circumstances, it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.

1.2 The Academy and the Trust are committed to the highest possible standards of service provision and to full accountability for those services. In line with that commitment employees are encouraged to come forward and voice any concerns they may have about the academy's work. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of reprisals and is intended to encourage and enable them to raise serious concerns within the Academy rather than overlooking a problem or "blowing the whistle" outside.

1.3 The policy applies to all employees and those contractors working for the Academy on Academy premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Academy.

### **1.4 PUBLIC INTEREST DISCLOSURE ACT 1998**

This act protects workers who 'blow the whistle' about wrongdoing. It makes provision about the kind of disclosures which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the act protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities, which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

### **1.5 THE ENTERPRISE AND REGULATORY REFORM ACT 2013 (ERRA)**

The ERRA came into force on 25 June 2013 and introduced a number of changes to whistleblowing legislation. A worker will be eligible for protection if they honestly think what they're reporting is true and they think they're telling the right person. From 25 June 2013 the new law says that a whistleblower should also believe that their disclosure is in the public interest.

## **2. AIMS AND SCOPE OF THIS POLICY**

2.1 This policy aims to:

- a) Provide routes for staff to raise concerns and receive feedback on any action taken;
- b) Allow staff to take the matter further if they are dissatisfied with the academy's response to the concerns expressed; and
- c) Reassure staff that they will be protected from possible reprisals or victimisation.

2.2 This policy does not replace the Academy's complaints procedure. There are also existing procedures in place relating to Discipline, Grievance and Capability. etc. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of these procedures, such as malpractice or wrongdoing.

2.3 Thus, any concern that you may have regarding a suspicion of malpractice or wrongdoing in any aspect of the academy provision, or the conduct of staff within academy, or others acting on behalf of the Academy, can and should be reported under this policy. Employees are expected to report malpractice and wrongdoing and may be liable to disciplinary action if they knowingly and deliberately do not disclose information relating to malpractice or wrongdoing in any aspect of the academy's provision or the conduct of staff or others acting on behalf of the Academy.

### **3. WHAT IS MALPRACTICE OR WRONGDOING?**

3.1 Malpractice and wrongdoing may be about something which:-

- Is unlawful; or
- Against the Academy's or Trust's policies; or
- Is not in accordance with established standards of practice; or
- Amounts to improper conduct by an employee.

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions to be applied.

The following are examples of issues, which could be raised under this policy. It is not intended to be an exhaustive list and there may be other matters which could be dealt with under this policy:

- a) Any unlawful act or omission, whether criminal or a breach of civil law
- b) Maladministration, as defined by the Local Government Ombudsman
- c) Breach of any statutory code of practice
- d) Breach of, or failure to implement or comply with, any policy determined by the Academy or Trust.
- e) Failure to comply with appropriate professional standards or other established standards of practice
- f) Corruption or fraud
- g) Actions which are likely to cause physical danger to any person, or give rise to risk of significant damage to property
- h) Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the Academy or would otherwise seriously prejudice the Academy or Trust
- i) Abuse of power, or the use of the academy's powers and authority for any unauthorised or ulterior

purpose

j) Unfair discrimination in the Academy's employment or provision

k) Dangerous procedures risking health and safety

l) Abuse of clients

m) Damage to the environment

n) Other unethical conduct

## **4. SAFEGUARDS**

### **4.1 HARASSMENT OR VICTIMISATION**

The Academy and Trust recognise that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Academy as a whole. The Academy will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith. In addition, staff are protected in law by the Public Interest Disclosure Act, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.

This does not necessarily mean that if staff are already the subject of disciplinary procedures that those procedures will be halted as a result of a concern being raised under this policy.

### **4.2 CONFIDENTIALITY**

It will be easier to follow up and to verify complaints if complainants are prepared to give their names. However, wherever possible the Academy will protect those who do not want their names to be disclosed. It must be appreciated that any investigative process may reveal the source of the information and a statement from complainants may be required as part of the evidence.

### **4.3 ANONYMOUS ALLEGATIONS**

Concerns expressed anonymously are much less powerful, but they will be treated with caution and considered at the discretion of the Academy. In exercising this discretion the factors to be taken into account would include:

a) The seriousness of the issues raised;

b) The credibility of the concern; and

c) The likelihood of obtaining the necessary information and confirmation of the allegation.

### **4.4 DELIBERATELY FALSE OR MALICIOUS ALLEGATIONS**

The Academy will view very seriously any deliberately false or malicious allegation it receives, and will regard the making of such allegations by any employee as a serious disciplinary offence which could result in dismissal.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the complainant.

The Academy will try to ensure that the negative impact of either a malicious or unfounded allegation about any employee is minimised. However, it must be acknowledged that it may not be possible to prevent all of the repercussions potentially involved.

## **5. HOW IS A CONCERN RAISED?**

5.1 If wrongdoing in the workplace is suspected;

- Do not approach or accuse the individuals directly;
- Do not try to investigate the matter;
- Do not convey such suspicions to anyone other than those with the proper authority but do something!

5.2 As a first step, raise the concerns with your immediate line manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that the Head Teacher is involved in the matter of concern, or the normal channels of communication are inappropriate for some reason, you should approach the Chair of the Local Management Board.

5.3 Although concerns may be raised verbally, they are better put in writing. It should set out the background and history of the concern giving relevant names, dates and places where possible, and the reason why the situation is of concern.

5.4 The earlier a concern is expressed; the easier it is to take appropriate action.

5.5 Although complainants are not expected to prove the truth of allegations made it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.

5.6 Advice and guidance on how matters of concern may be pursued can be obtained from Human Resources

5.7 Alternatively, complainants may wish to seek advice from their trade union or professional association.

## **6. HOW THE ACADEMY WILL RESPOND**

6.1 The action taken by the Academy will depend on the nature of the concern. Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process
- Be referred to the Police
- Be referred to the Trust's External Auditor (Tait Walker Newcastle)
- Need to be the subject of a referral to the General Teaching Council of England
- Form the subject of an independent enquiry

6.2 In order to protect individuals and the Academy, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example child protection or capability issues), will normally be referred for consideration under these procedures.

6.3 Some concerns may be resolved by agreed action without the need for investigation.

6.4 Within 10 working days of a concern being raised under this procedure the Officer considering

the issues will write to the complainant:

- a) Acknowledging that the concern has been received;
- b) Indicating how it is proposed to deal with the matter;
- c) Giving an estimate (so far as is reasonably practicable) of how long it will take to provide a final response;
- d) Advising whether any initial enquiries have been made; and
- e) Advising whether further investigations will take place and if not, why not

6.5 The amount of contact between the complainant and the Officer considering the issues will depend on the nature of the matters raised; the potential difficulties involved; and the clarity of information provided. If necessary, further information will be sought from the complainant.

6.6 Where any meeting is arranged the complainant has the right to be accompanied by a trade union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.

6.7 The Academy will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example the complainant may be required to give evidence in criminal or disciplinary proceedings. The Academy will advise about the procedures.

6.8 The Academy accepts that the complainant needs to be assured that the matter has been properly addressed. Therefore, subject to any legal constraints, as much information as possible will be provided about the outcomes of any investigation.

## **7. HOW CAN THE MATTER BE PURSUED FURTHER?**

7.1 This policy is intended to provide employees and other persons with an avenue to raise concerns within the Academy and it is hoped that this will be the option taken in the first instance. The Academy hopes this will be sufficient. If not, and it is felt necessary to take the matter outside the Academy, then depending upon the nature of the issue involved, the following are possible contact points:

- The Trust's External Auditor (Tait Walker Newcastle)
- Relevant professional bodies or regulatory organisations
- The Police
- The Local Government Ombudsman
- The General Teaching Council of England
- The local Citizens Advice Bureau
- An independent legal adviser within the meaning of the Public Interest Disclosure Act 1998
- A regulatory body designated for the purpose of the Public Interest Disclosure Act 1998

7.2 If the matter is taken outside the Academy, confidential information must not be disclosed. In addition, to secure the protections afforded by the Public Disclosure Act, the disclosure must be protected within the meaning of the Act and comply within a set of specific conditions which vary according to whom the disclosure is made. If necessary, advice may be sought from Human Resources, Trade unions or Professional Associations.

## **8. RESPONSIBILITY FOR THE POLICY**

8.1 The responsibility for the effectiveness and efficiency of this policy rests with the Local

Management Board. The Local Management Board will be advised about, and maintain records of, concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report all concerns and outcomes to the Trust's Director of Finance & Corporate Services to ensure the Trust's Board can take action to improve procedures where applicable.