



**St Ralph
Sherwin**
Catholic Multi Academy Trust



Whistleblowing Policy and Procedure

Version 2
November 2021



One of four Catholic Multi
Academy Trusts in the
Diocese of Nottingham



Document Provenance

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Version 2	30 November 2021	Updated information about how and who to report a disclosure to with a new Appendix added, setting out steps for reporting lines. Additional information about seeking independent advice from the whistleblowing charity Protect.



1. Introduction

- 1.1. Whistleblowing, also known as confidential reporting or protected disclosure, is the disclosure or communication of information about possible wrongdoing or malpractice. The law provides protection for staff who raise legitimate concerns about specified matters or "qualifying disclosures".
- 1.2. 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 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.

2. Objectives

- 2.1. The objectives of this policy are to:
 - Enable and encourage the disclosure of information about malpractice and wrongdoing internally;
 - Reassure those making a disclosure that concerns will be taken seriously without victimisation, discrimination or disadvantage;
 - Provide information about how to raise concerns and explain how St Ralph Sherwin Catholic Multi Academy Trust (The Trust) will respond and treat concerns raised swiftly, properly and fairly.

3. Scope

- 3.1. 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 in the workplace.
- 3.2. This policy applies to all staff in The Trust and also applies to:
 - Contractors working for The 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 Trust or one of the academies in their own premises;



- Directors, governors, volunteers or others acting on behalf of The Trust.

3.3. This policy should be read in conjunction with other policies for the Trust:

- Anti-Fraud and Bribery Policy
- Disciplinary Policy
- Grievance Policy
- Complaints Policy
- Child Protection and Safeguarding Policy
- Code of Conduct for Trust Board Directors and Code of Conduct for Governors of Local Governing Bodies.

4. Legislation and Regulation

4.1. This Whistleblowing Policy and Procedure meets requirements set out in the ESFA (2021) Academy Trust Handbook.

4.2. This policy is written in accordance with the Public Interest Disclosure Act 1998 as amended 2018 (PIDA)¹.

5. Procedure for making a whistleblowing disclosure

5.1. 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.

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

5.3. For the avoidance of doubt, nothing within this Whistleblowing Policy and Procedure is intended to prevent staff from fully complying with their duties and obligations set out in the statutory guidance Keeping Children Safe in Education (KCSIE DfE 2021) and in The Trust Child Protection and Safeguarding Policy 2021-2022. Any person who has safeguarding concerns about an individual's behaviour towards pupils must report safeguarding concerns immediately following processes set out in the Child Protection and Safeguarding Policy.

5.4. 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 must be reported as soon as possible at the most relevant level within the organisation (The Trust) which will usually be the Line Manager in the first instance.

¹ [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)



- 5.5. 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. Appendix 1 in this policy sets out the reporting lines in several steps so that Academy staff and staff from the central teams of the Trust are clear about who their concerns should be raised with. The escalation process is also set put in Appendix 1, in accordance with the level of responsibility.
- 5.6. If in doubt about who to approach or to discuss this procedure, then please contact the Governance Manager or the HR Manager for The Trust.
- 5.7. 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.
- 5.8. If staff are unsure as to whether to use this Whistleblowing Policy and Procedure to raise a concern or want independent advice at any stage, the staff member is advised to:
- If applicable contact the relevant trade union;
 - Contact the independent whistleblowing charity Protect – the charity offers a confidential helpline. Their telephone helpline is: 020 3117 2520 and website is: [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)

6. Untrue disclosures

- 6.1. If you make a disclosure in good faith, but it is not confirmed by an initial assessment or an 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, through the Disciplinary Policy.
- 6.2. This policy does not provide protection for staff who choose to disclose information to the press or wider media, including through online media such as social media platforms, under the guise of whistleblowing. Any staff member who has a genuine concern should follow the requirements set out in this policy to raise their concern.

7. Confidentiality

- 7.1. All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal the identity of the whistle-blower. However, you may need to come forward as a witness and you will be given support from management colleagues throughout each step of the process.



8. Anonymous disclosures

- 8.1. The Trust hopes that staff will feel able to openly share their name in making a whistleblowing disclosure whenever possible. It is helpful to have your name in case further information is required.
- 8.2. However, disclosures made anonymously will still be considered at the discretion of The Trust. In exercising its discretion, The Trust and /or the 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.

9. Procedure for dealing with whistleblowing disclosures

- 9.1. You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to take action. If your concern is raised verbally we will make a written record of your verbal disclosure including the time and date of the concern raised with us. In all instances the receiver of the concern is required to note the time and date and retain a written record of the wrongdoing raised with us. The same is true in noting receipt of a written notification of a wrongdoing concern.
- 9.2. You should provide:
 - details of your concerns, including the nature, date(s) and location of any relevant incident(s);
 - reasons why you feel concerned about the situation and are making the disclosure.
- 9.3. Although you are not expected to prove beyond all doubt the truth of a whistleblowing 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.
- 9.4. 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. Your companion must also respect the confidentiality of your disclosure and any subsequent investigation that the Trust /Academy undertakes.
- 9.5. 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.



10. Action by The Trust

- 10.1. The Trust 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.
- 10.2. In order to protect individuals and those accused of possible malpractice, an initial assessment 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 policies and procedures. Some concerns may be resolved by agreed action without the need for investigation.
- 10.3. If urgent action is required, this will be taken before any investigation is conducted.
- 10.4. In certain cases, we may appoint an Investigating Officer/s (IO) including staff who have relevant experience of investigations or specialist knowledge of the subject matter of the disclosure. We may in some circumstances, appoint an external person or body to investigate the concern. The Investigating Officer(s) will collate findings on the disclosure matters and may make recommendations for change to enable the Trust to reduce the risk of any future wrongdoing.
- 10.5. Within 5 working days of a concern being raised, you will receive a response:
- acknowledging that the concern has been received;
 - telling you whether an initial enquiry and assessment has 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.
- 10.6. The Trust 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.
- 10.7. 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.



11. How the matter can be taken further - external disclosures

11.1. The aim of this Whistleblowing Policy and Procedure is to provide an internal mechanism where staff feel they can raise a concern and expect that The Trust will deal with the disclosure in appropriate and timely manner, investigate and report back to the member of staff concerned. The Trust envisages that it is only in rare instances that if a staff member feels they have exhausted all options internally, they will need to approach an external organisation to whistle blow.

11.2. We encourage staff to seek advice before taking a whistleblowing matter externally. The whistleblowing charity Protect has a list of regulators and can advise before taking a matter externally.

11.3. If you are not satisfied with the outcome of a review or an investigation and you have implemented the steps of reporting as outlined in Appendix 1, and you believe the information you have disclosed is substantially true, other points of possible contact are:

- Protect at Public Concern at Work: [Protect - Speak up stop harm \(protectadvice.org.uk\)](https://protectadvice.org.uk)
- Ofsted (whistleblowing helpline) whistleblowing@ofsted.gov.uk or telephone - 0300 1233155
- The Information Commissioner, ICO: 0303 123 1113 ▪ National Audit Office: 020 7798 7264.
- Environment Agency: 03708 506 506
- Health and Safety Executive: 0300 003 1647
- The external auditor of the Trust;
- Your Trade Union;
- Your local Citizens Advice Bureau;
- Relevant professional bodies or regulatory organisations such as DfE or ESFA;
- A relevant voluntary organisation;
- The Police.

11.4. You may choose to raise the matter directly with the Local Authority Designated Officer (LADO), 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. In addition, as noted in Section 5.3 of this policy, all staff must uphold their duties in accordance with KCSIE 2021 and with the Trust Child Protection and Safeguarding Policy.



12. Protection for whistle-blowers

- 12.1. The Trust encourages openness and will support staff who raise genuine concerns under this policy and act in good faith, even if such concerns may in review turn out to be mistaken.
- 12.2. The Trust recognises that at times staff may be worried about repercussions and implications of their disclosure made through this Whistleblowing Policy and Procedure. No staff member should be worried about raising a genuine concern through the policy and the Trust will endeavour to ensure that no staff member is treated unfairly as a result of raising a concern. If you feel you have been treated unfairly or detrimentally in raising a concern you must report this immediately to HR Manager for the Trust who will be able to support you and explain next steps.
- 12.3. The Trust will not tolerate harassment or mistreatment of any staff member who has acted in accordance with this policy to raise a concern. If any staff member is found to have acted in an unfair, discriminatory, or detrimental manner to a whistle-blower, their conduct will be subject to review through the Disciplinary Policy.

13. Protection and compensation

13.1. If you make a disclosure then you are protected in certain circumstances under the Public Interest Disclosure Act (PIDA).

13.2. In order to be protected the following criteria will apply:

- a) that the disclosure was in the public interest;
- b) that the person making the disclosure followed the correct disclosure procedure;
- c) that the person making the disclosure was dismissed or suffered a detriment as a result of making the disclosure.

13.3. Separate arrangements covering Chartered Accountants acting in a professional or voluntary capacity, for example as a Trust Foundation 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.

14. Responsibilities

14.1. All staff, Directors and governors have a responsibility to read, understand and fully adhere to the requirements set out in this policy in such circumstances where a whistleblowing disclosure is made.

14.2. This policy will be included in the Induction pack for all new staff, Directors and governors.

14.3. This policy will be published on The Trust website and on each Academy website.



15. Monitoring, Compliance and Review

- 15.1. The Audit, Risk and Governance Committee has overall responsibility for monitoring and reviewing the impact of this policy and making recommendations for updates and revisions as needed, or when there are changes in regulations and legislation that the Trust must respond to.

- 15.2. The Trust will retain a secure Whistleblowing Register that includes disclosures about wrongdoing. The Audit, Risk and Governance Committee will receive an annual report about whistleblowing but this will only refer to the number disclosures annually and whether they are Trust or academy specific. The report will not include any specific details of disclosures, nor any names of employees, nature of concern nor how a concern was reviewed or investigated.

- 15.3. The Audit, Risk and Governance Committee will review and sign off this policy annually.



Appendix 1

The procedure below explains the level of reporting at Academy and at Trust level should a staff member from an Academy or the central teams of the Trust wish to raise a whistleblowing concern.

Step 1

At Academy level:

- If you are a staff member in an Academy you should first raise your disclosure of wrongdoing with the Headteacher or with the Senior Director of School Improvement

For the Trust central team level:

- If you are a staff member in any of the central Trust teams you should first raise your disclosure of wrongdoing with your Line Manager or the Governance Manager.

Escalation at step 1:

You can escalate your disclosure of wrongdoing from step 1 to step 2 if any of the following apply:

- If any of the persons in the reporting line at step 1 are implicated in the whistleblowing concern;
- If you have not received a response within 5 working days of making your disclosure, about how your disclosure will be actioned.

Step 2

For all staff:

- Report your disclosure of wrongdoing directly to the Chief Executive Officer (CEO).

Escalation at step 2:

You can escalate your disclosure of wrongdoing from step 2 to step 3 if any of the following apply:

- The CEO is implicated in the disclosure of wrongdoing;
- You have not received a response about how your disclosure will be actioned, within 5 working days of reporting it to the CEO.

Step 3

For all staff:

- Report your disclosure of wrongdoing directly to either the Chair of the Trust Board or the HR Director for the Nottingham Roman Catholic Diocesan Education Service (NRCDES)



You can escalate your disclosure of wrongdoing from step 3 to step 4 if any of the following apply:

- Despite following step 1 to step 3 you have not received a response from any personnel who you have reported the matter to within 5 working days;
- The Chair of the Trust Board or the HR Director are implicated in the disclosure of wrongdoing.

Step 4

For all staff:

If following steps 1 to 3 you have not received any response about the wrongdoing disclosure you wish to declare, and are unable to get a response or action, you should refer your disclosure to an external body such as those listed in section 11.3 of this policy.