



The
St Gregory the Great
Catholic Academy Trust

'Where love exists, it does great things'

Policy

Whistleblowing

Reviewed

and approved by: The Finance and Resources Committee

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Version: Version 2

Trust Statement: Where love exists, it does great things

Academy Mission Statement: Insert Academy Mission Statement

Definitions

In this document, unless the context otherwise requires, the following expressions shall have the following meanings:

'Academy Council' means local governing body.

'Trust' refers to The St Gregory the Great Catholic Academy Trust.

'Headteacher' means the lead person in each school.

'Executive' means the Trust CSEL (Catholic Senior Executive Leader) and/or the Trust CFO (Chief Financial Officer)

'Governors' means the governors appointed to the Academy Council of the individual school and the Directors of the Trust.

'Trustees' means directors of company number 10785982 (St Gregory the Great Catholic Academy Trust) as registered at companies house

'School/schools' refers to the academies within the Trust.

1. Policy summary and guiding principles

Introduction

- 1.1 This policy sets out the principles that enable you to raise concerns about a danger, risk, malpractice or wrongdoing that affects others, without fear of adverse consequences such as harassment or victimisation.
- 1.2 The Trust board and Academy Councils are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious and legitimate concerns about any aspect of the school's work, to come forward and voice those concerns through accessible channels rather than overlooking the issues or discussing them externally. Making your disclosure under this policy will enable the school to address any risks as early as possible.
- 1.3 It is recognised that certain cases will have to proceed on a confidential basis. This policy sets out the principles that enable you to raise concerns about a danger, risk, malpractice

or wrongdoing that affects others, without fear of adverse consequences. The Trust and Academy Councils will make every effort to treat the source of all whistleblowing referrals in confidence and will endeavour not to divulge your identity, unless required by law.

- 1.4 In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns in the public interest.
- 1.5 This policy applies to all employees of the Trust and its schools.

The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures and which involve an issue in the public interest, although the Trust reserves the right to determine which procedure is appropriate. Concerns relating to the way you are being treated at work (bullying, harassment, discrimination) do not fall under the remit of whistleblowing and should be dealt with under the Trust's Grievance Procedure.

Aims and scope of the policy

1.6 Aims

- provide avenues for you to raise concerns and receive feedback on any action taken
- set out the safeguards you can expect when raising concerns under this policy
- allows you to take the matter further if you are dissatisfied with the management response and
- reassure you that you will be protected from reprisals or victimisation for whistleblowing in the public interest.

1.7 There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the Trust. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, although the Trust reserves the right to determine which procedure is appropriate.

What is a concern?

1.8 Concerns to be reported under this policy may relate to something which involves an issue in the public interest and which you have reasonable belief to be true, for example where:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- is against the Trust's Contract Procedure Rules, Financial Procedure Rules or other policies;
- falls below established standards or practice;
- amounts to improper conduct, including serious misuse or abuse of authority;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health and safety of any individual had been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged
- the information tending to show any of the above is being or is likely to be concealed.

If your concern is regarding;

- The safeguarding of children or young people, please call 0113 3760336 during office hours and the Social Care Emergency Duty team on 0113 5350600 out of normal office hours.
- Suspected Benefits Fraud it should be reported to Benefit Fraud by phoning DWP National Benefit Fraud helpline 0800 854 440 or by visiting the website on www.gov.uk/report-benefit-fraud or writing to NBFH, PO Box 224, Preston, PR1 1GP.

Safeguards

Protection from reprisal

- 1.9 The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will act to protect you when you raise a concern which you have reasonable belief to be true and to be in the public interest. This will include disciplinary action against those that subject an individual to detriment as a result of the whistleblowing. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.
- 1.10 Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact your union, the head teacher, the chair of the academy council, chair of the Trust Board.

Confidentiality

- 1.11 The Trust treats the details of all whistle-blowers in confidence and will not intentionally divulge your identify without your consent. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and in some circumstances a statement by you may be required as part of the evidence.

Anonymous allegations

- 1.12 Allegations can be made anonymously. However, this policy encourages you to provide your name and contact details when making your allegation, as concerns expressed

anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.

1.13 Anonymous allegations will be considered wherever possible at the discretion of the Trust/school. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other, attributable sources

Untrue allegations

1.14 If you make an allegation in the public interest and which you had a reason to believe was true, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations which you could not have reasonably believed was true, appropriate action may be taken against you including disciplinary action.

2. Main legislative and national guidance and other relevant documents

Public Interest Disclosure Act 1998

Data Protection Act (1998)

Freedom of Information Act (2000)

Employment legislation

Employment policies

The Enterprise and Regulatory Reform Act 2013

3. Procedures

How to raise a concern

3.1 It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the school with an opportunity to address the associated issues as early as possible. The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.

3.2 As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the

issues involved and who is thought to be involved in the malpractice. For example, if you are a member of school staff, and believe that management is involved as a part of the whistleblowing allegation, you should contact the Head Teacher, the chair of the academy council, a member of the Trust's Senior Executive Leadership, or the chair of the Trust Board; in that order.

3.3 If you are a member of the Trust Central team, then you should contact your line manager in the first instance. If the whistleblowing allegation involves your line manager, then you should contact another *uninvolved* member of the Trust's Senior Executive leadership or HR manager. If the whistleblowing allegation involves all of the above persons, or if you have valid reason to consider the allegation to be exceptionally serious and/or sensitive, then the Whistleblowing allegation should be brought directly to the Chair of the Trust Board.

3.4 You may invite your trade union or professional association to raise a matter on your behalf.

3.5 Concerns may be raised in writing and/or by email to the following. All referrals made will be treated in the strictest of confidence.

- Your manager
- Head Teacher
- Chair of Academy Council
- Trust's Executive Leadership or HR manager
- Chair of Trust Board

3.6 Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, such as:

- The background and history to the concern;
- The reason why you are particularly concerned
- Any specific details available including names, dates, times and places;
- Details of any particular conversations that support the concerns;
- Details any personal interest that you may have in the matter; and
- How you think that things may be put right, if possible.

3.7 If a concern is discussed with someone directly involved then it creates an opportunity for evidence to be tampered with or removed. Concerns should not be discussed with others who are not involved in an appropriately structured investigation. Doing so may leave you

open to accusations of making slanderous or libellous comments should your concerns be unfounded, as these could damage the reputation of individuals and the school even if there is no evidence of any wrongdoing.

- 3.8 There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance.

How the Trust will respond

- 3.9 The action taken by the Trust will depend on the nature of the concern. The matters raised may:
- be investigated internally, this may be delegated to the academy council, (this is the most likely option)
 - be referred to the Police
 - be referred to the external auditor
 - form the subject of an independent inquiry
 - or any combination of the above
- 3.10 In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 3.11 Some concerns may be resolved by agreed action without the need for investigation.
- 3.12 Within ten working days of a concern being received, where appropriate, the school will write to you:
- acknowledging that the concern has been received
 - indicating how it proposes to deal with the matter (including potential timescales)
 - telling you whether any initial enquiries have been made; and
 - telling you whether further investigations will take place and, if not, why not.
- 3.13 The amount of contact between the person(s) 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, further information will be sought from you.

- 3.14 When any meeting is arranged, you have the right, if you wish, to be accompanied by a Union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.
- 3.15 The Trust will take steps to minimise any difficulties that 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 school will advise you about the procedure.
- 3.16 The Trust acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

How the matter can be taken further

- 3.17 This policy is intended to provide you with an avenue to raise concerns within the organisation. The Trust hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, the following are possible contact points.
- The DfE
 - National Audit Office
 - Your union
 - The Health and Safety Executive (HSE)
 - The Information Commissioner
 - The relevant ombudsman
 - The Charities Commission
 - Your solicitor
 - The Police
 - Public Concern at Work 020 7404 6609 www.whistle@pcaw.org.uk
(independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)
 - The Department for Business, Enterprise and Regulatory Reform www.berr.gov.uk
- 3.18 If you do take the matter outside the school, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged.

Support for Whistleblowers

- 3.19 Everything possible will be done to manage employment relationships following a genuine and reasonable concern being raised.

4. Roles and responsibilities

The St Gregory the Great Catholic Academy Trust

St Gregory the Great Catholic Academy Trust has overall responsibility for:

- maintaining and operating the policy
- review of the policy
- report on the effectiveness of the policy
- approving amendments to the policy
- promoting the policy periodically
- maintaining a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality)
- To provide advice and support for whistleblowing matters.

Managers/Leaders

- To undertake investigations without undue delay.
- To maintain confidentiality.

Employees

- To raise issues of concern responsibly.

Others

As an employee of a contractor of the Trust or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The Trust is committed to encouraging all individuals, including non-school employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as **Trust/school** employees.

5. Review

This policy will be reviewed every two years.

Appendix A: How to raise a concern (Do's and Don'ts)

DO NOT ignore the concern. It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the Council with an opportunity to address the associated issues as early as possible.

DO report your suspicions in line with this policy to your line management, or the Trust, using the contact details provided in this policy. The decision on who to report your suspicions to will depend on the seriousness and sensitivity of the issues concerned, and who is thought to be involved in the wrongdoing. For example, if you believe that management is involved then Internal Audit can give advice and guidance on how the matter can be pursued.

DO make an immediate note of your concerns and deal with the matter promptly.

The earlier you express the concern, the easier it is to take action. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it would help us if you make a note of your concerns at the time and let us know about them as soon as possible.

You will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, but not limited to;

- the background and history to the case;
- the reason why you are particularly concerned;
- any specific details available including names, dates, times and places;
- details of any particular conversations that support the concerns;
- details any personal interest that you may have in the matter; and
- how you think that things may be put right, if possible.

DO NOT be afraid of raising your concerns, and if a manager, DO be responsive to staff concerns.

We want to encourage people to voice any reasonably held suspicions to help us develop a culture of openness, honesty and accountability. All concerns should be treated sensitively and seriously, and be subject to the necessary investigation and follow up communication where possible. If you are a manager receiving a concern you also need to make sure you send details of all referrals to Internal Audit for monitoring and action.

DO NOT approach or accuse any individuals directly or tell anyone about your suspicions other than those with the proper authority.

If a concern is discussed with someone directly involved then it creates an opportunity for evidence to be tampered with or removed.

Concerns should not be discussed with others who are not involved in an appropriately structured investigation. Doing so may leave you open to accusations of making slanderous or libellous comments should your concerns be unfounded, as these could damage the reputation of individuals and the Council even if there is no evidence of any wrongdoing.

DO NOT try to investigate the matter yourself.

There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the investigation as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If you are at all unsure about the gathering of evidence, you should contact Internal Audit for advice.

All referrals made will be treated in the strictest of confidence and you may invite your trade union or professional association to raise a matter on your behalf.

Appendix B: Other contacts

If your concern is regarding;

The safeguarding of children and young people

Call the Duty and Advice team on 0113 3760336 (Monday to Friday 8am to 6pm) or the Children's Emergency Duty Team on 0113 5350600 if outside of office hours.

Alternatively you can e-mail them at childrensedt@leeds.gov.uk

Members of the public should report concerns on 0113 222 4403 (Monday to Friday 9am to 5pm).

Further details can be found in the safeguarding toolkit on InSite and

<http://www.leeds.gov.uk/residents/Pages/report-a-child-protection-concern.aspx>

Suspected benefit fraud

Report this to the DWP.

Online: <https://www.gov.uk/report-benefit-fraud>

Telephone – 0800 854 440

Textphone – 0800 328 0512 (Monday to Friday 8am to 6pm)

Write – NBFH, PO Box 224, Preston, PR1 1GP

Workplace disputes

Contact the Advisory, Conciliation and Arbitration Service (Acas) for help and advice

Online: <https://www.gov.uk/acas>

Telephone: 0300 123 110



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All policies are written in line with our Trust Mission Statement:

Within the St Gregory the Great Catholic Academy Trust, our academies are communities where our children and young people are given a clear vision for life, a vision which is rooted in the person and teachings of Jesus Christ and which is faithful to the mission of the Catholic Church.

St Gregory the Great Catholic Academy Trust is a charity and a company limited by guarantee.

Registered in England and Wales.

Company number 10785982

Registered office Holy Rosary and St Anne's Catholic Primary School, Leopold Street, Leeds, LS7 4AW

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Tel: 0113 8246360

Email: info@sgtgcacat.org.uk

CSEL: Mr Peter Hughes NLE



Diocese of Leeds
Vicariate of Education