

WHISTLEBLOWING POLICY AND PROCEDURE



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This policy will be published on the Trust's website

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1. Introduction

- i. Corpus Christi Catholic Academy Trust (referred to hereafter as the Trust) is committed to running all aspects of business and activities with full regard for high standards of conduct and integrity. This is particularly important where the welfare of children may be at risk.
- ii. The distinctiveness of a Catholic school is lived out through the care and respect shown for each other. All staff are principally responsible for a Catholic school's ability to put into effect its ethos, aims and projects.
- iii. In the event that members of the Trust, school staff, students, parents, carers, governors, contractors or the schools' community at large become aware of activities which give cause for concern, the Trust has established this whistleblowing policy and procedure. This policy and procedure acts as a framework to allow concerns to be raised confidentially internally and if necessary outside the management structure of the school.
- iv. It is important to the Trust that any fraud, misconduct or wrongdoing by employees or officers of Corpus Christi Catholic Academy Trust is reported and properly dealt with. The Trust therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the Trust or the way in which the Trust's business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- v. Existing good practice within the Trust in terms of its systems of safeguarding, internal control both financial and non-financial and the external regulatory environment in which the Trust and its schools operate ensure that cases of suspected fraud or impropriety rarely occur.
- vi. Throughout this policy, the term 'whistleblower' denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the Second Report of the Committee on Standards in Public Life: Local Spending Bodies published in May 1996.
- vii. This policy and procedure complies with the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998.

2. Scope of the Policy

- i. This policy applies to all employees and officers of the Trust or who work at schools within the Trust.
- ii. Other individuals performing functions in relation to the Trust, such as agency workers, self-employed staff, contractors, external consultants and governors are encouraged to use this policy.
- iii. This policy is for qualifying disclosures as specified in 3 (i). If a more general grievance or if an employee is concerned that their own contract has been, or is likely to be broken, they should use the Trust's grievance procedure.
- iv. All references to a whistleblower will apply to employees and individuals alike and will be referred to in certain parts of this policy as an individual.

- v. Unless indicated otherwise, all references to "Governing Body" apply to a school's Local Governing Body or Interim Management Board.

3. Principles

- i. The Trust is mindful of its obligations and duties under the law to provide protection for its employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that any of the following has been, or is likely to be committed:
 - A criminal offence;
 - A miscarriage of justice;
 - An act creating risk to health and safety;
 - A risk of or actual damage to the environment;
 - A breach of any other legal obligation e.g. not having the right insurance; or
 - Concealment of any of the above.
- ii. It is not necessary for an individual to have proof that such an act is being, has been, or is likely to be committed. A reasonable belief is sufficient. An individual has no responsibility for investigating the matter as it is the Trust's responsibility to ensure that an investigation takes place.
- iii. The Trust encourages its employees to raise any concerns under this procedure in the first instance to their line manager or to another senior member of staff or governor/director in instances where the concern relates to an individual's line manager.
- iv. An employee who makes such a protected disclosure or raises a matter under this procedure 'in the public interest' has the right not to be dismissed, subjected to any other detriment, or victimised because they have made a disclosure.
- v. This also means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern.
- vi. Victimisation of an employee for raising a qualified disclosure will not be tolerated, and the Trust will consider any necessary disciplinary or corrective action appropriate to the circumstances.
- vii. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- viii. An instruction to cover up a matter that is a qualifying disclosure is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent and should report the matter to the appropriate person.

- ix. If misconduct is discovered as a result of any investigation under this procedure, the Trust's Disciplinary and Dismissal Policy and Procedure will be used, in addition to any appropriate external measures.
- x. This policy is intended to assist individuals who believe they have discovered that an act considered a 'qualified disclosure' has been committed. It is not designed to question financial or business decisions taken by the Trust or schools within the Trust. This policy should not be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.
- xi. Allegations that might indicate that a person is unsuitable to continue to work with children in their current position, or in any capacity, should be dealt with in accordance with the Trust's Statement of Procedures for Dealing with Allegations Against Staff.
- xii. Allegations in relation to the safeguarding of pupils must be referred to the designated safeguarding leader.

4. Roles and Responsibilities

- i. It is the responsibility of the person raising a whistleblowing "qualifying disclosure" to report the matter to the relevant person under Section 3 (iii).
- ii. It is the manager's responsibility to follow these procedures in ensuring the whistleblower's concerns are appropriately addressed.
- iii. Referral table

Concerns regarding	To be raised with
Employee	Line Manager
Line Manager	Headteacher
Headteacher	Chair of Governors
Direct Trust employees	CEO
CEO	Chair of Board
Governors	Chair of Board
Directors	Chair of Board
Chair of Board	Director of Schools, Diocese of Shrewsbury

- iv. The Diocese of Shrewsbury has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistleblower. The Diocese will ensure relevant officers of the Department for Education are informed as appropriate.

- v. In addition, information and advice can be obtained from the charity Protect. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are available via their website: <https://protect-advice.org.uk/contact-protect-advice-line/> and telephone number: 020 3117 2520.

5. Respecting confidentiality

- i. Wherever possible the Trust seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect them from reprisals.
- ii. The duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to properly consider or deal with the issue. Therefore, employees who raise matters under this policy are prohibited from airing the matter outside of the Trust or school.

6. Procedure for dealing with whistleblowing

i. STAGE 1 – raising a concern

- a. In the first instance, and unless the whistleblower reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the whistleblower does not wish to approach their line manager, any concerns should be raised with the whistleblower's line manager.

ii. STAGE 2 – investigating a concern

- a. The individual selected as the investigating officer will upon receipt of the information or allegation, except for safeguarding allegations, carry out a preliminary investigation.
- b. Where the concern is related to a safeguarding allegation, the school's Safeguarding Policy and Procedure and the Trust's Dealing with Allegations of Abuse Against Staff Policy and Procedure should be followed.
- c. With the exception of safeguarding, the investigation will require the whistleblower and any other individuals involved to provide written statements. Any investigation will be carried out in accordance with the principles set out above. The written statements will form the basis of the investigation and the individuals may be asked to comment further on any additional evidence obtained.

- d. If disciplinary action is being considered against an employee, the Trust's Disciplinary and Dismissal Policy and Procedure must be followed.
- e. The investigating officer may report the matter to the Chief Executive Officer of the Trust who may inform the appropriate government department or regulatory agency if deemed necessary.
- f. On conclusion of any investigation, the whistleblower will be told the outcome of the investigation and what the appropriate person or body has done, or proposes to do, to address the matter. If no action is to be taken, the reason for this will be explained.

iii. STAGE 3 – options available if dissatisfied with the outcome of the investigation

- a. If on conclusion of stages 1 and 2, the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer and escalated to a more senior person, as detailed in table 4(iii).
- b. If the whistleblower continues to reasonably believe that the appropriate action has not been taken, an appeal may be made to the Chair of the Board (or Diocese of Shrewsbury where the concern relates to the Chair of the Board) whose decision is final. The Chief Executive Officer may report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
 - Manchester City Council's Safeguarding Board;
 - The Education and Skills Funding Agency;
 - HM Revenue & Customs;
 - The Financial Conduct Authority (formerly the FSA);
 - The Competition and Markets Authority;
 - The Health and Safety Executive;
 - The Environment Agency;
 - The Independent Police Complaints Commission; and
 - The Serious Fraud Office.

7. Recording and reporting allegations

- i. Records will be kept of work undertaken and actions taken throughout the investigation in accordance with the General Data Protection Regulations 2018 and the Data Protection Act 2018.
- ii. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the investigating officer will consider how best

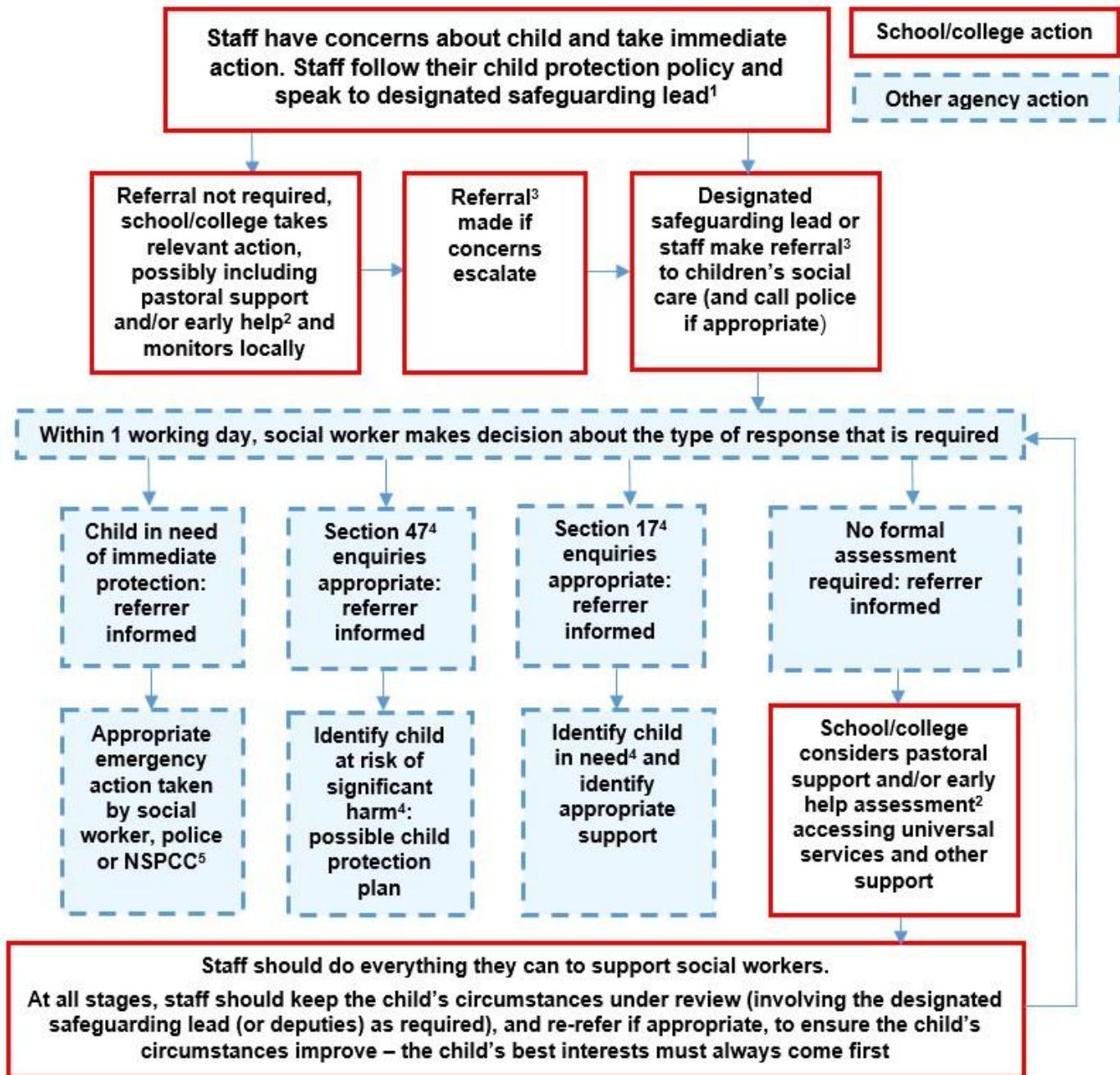
to report the findings and to whom, and what corrective action needs to be taken. This may include recommending some form of disciplinary action or third party referral such as the police.

8. Raising unfounded or malicious concerns

- i. Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern. If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

9. Timeframes

- i. Matters relating to whistleblowing will be dealt with thoroughly and promptly. However, due to the varied nature of a whistleblowing allegation, which may involve internal investigation or the involvement of another person or body, it is not possible to give specific timeframes.

Appendix A
Actions where there are concerns about a child


Allegations made against/concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors should be dealt with in accordance with Part 4 of Keeping Children Safe in Education.

Appendix B

Procedure for dealing with whistleblowing allegations

The details of the investigation will remain confidential at all times. However, the investigating officer or whistleblower may disclose the matter to a qualified lawyer for the purpose of taking legal advice or other professionals such as a HR adviser.

The investigating officer will:

- meet in confidence with the whistleblower within 7 working days to obtain as much information as possible about the grounds for the belief of wrong-doing.
- ensure the whistleblower is briefed about further steps which could be taken
- advise the whistleblower of the appropriate route if the matter does not fall under this procedure.
- the whistleblower may be accompanied by a work colleague or representative of their trade union or professional association and the investigating officer may be accompanied by another member of staff to take notes.

The investigating officer will, within 10 days of the meeting, recommend to the Headteacher, or Chair of Governors if the allegation is about the Headteacher, whether:

- the matter will be further investigated internally by the Trust;
- the matter will be investigated by an external consultant appointed by the Trust;
- the matter will be reported to an external agency;
- disciplinary proceedings will be implemented against an employee;
- no further action is to be taken, clearly explaining the reasons for this decision;

The outcome of the investigation will be reported to the whistleblower within 28 working days of the initial meeting, although certain details may need to be restricted due to confidentiality.

The whistleblower will be notified of alternative routes to pursue if the matter does not fall within this procedure (eg safeguarding).

Communication with the whistleblower shall be in writing and to their home address.

The grounds for not pursuing the matter are:

- the investigating officer is satisfied, on the balance of probabilities, there is no evidence of wrong-doing;
- the investigating officer is satisfied that the whistleblower is not acting in good faith;

- the matter is already (or has been) the subject of proceedings under one of the Trust's other relevant procedures or policies;
- the matter is already (or has been) the subject of legal proceedings, or has already been referred to an external agency for further investigation.

The Headteacher is responsible for ensuring the recommendation is implemented unless there is a good reason for not doing so in whole or in part. If the Diocese has been notified,⁹ they will be informed of actions undertaken.

The whistleblower's identity will be kept confidential unless the whistleblower otherwise consents or unless there are grounds to believe that the whistleblower has acted maliciously. The whistleblower's identity will be revealed where:

- there is a legal obligation to do so;
- where the information is already in the public domain; or
- on a legally privileged basis to a lawyer for the purpose of obtaining legal advice.

Informing External Agencies

All staff in the Trust have a duty of confidentiality, implied by the law in every employment contract which prohibits employees from publicly disclosing employers' confidential information unless it is in the public interest to do so.

Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct.

Whistleblowing to the media is not appropriate or permitted in any circumstances.

Confidential Employee Enquiries

Employees may, on a confidential basis, seek prior guidance from a senior member of staff, governor or Director, to establish whether any course of conduct on their part or on the part of another employee may amount to wrong-doing under these procedures. Such enquiry shall be kept confidential. The person from whom guidance has been sought will attempt to provide guidance on the basis of the information given, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.