



# Whistleblowing Policy

<b>POLICY ORIGINATOR</b>	J Newton	<b>MONITORING &amp; EVALUATION BY</b>	CEO
<b>COMMITTEE RESPONSIBLE</b>	Standards	<b>DATE APPROVED</b>	October 2018
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## Contents

1. Introduction & Purpose of Policy.....	Page No 3
2. Legislation.....	Page No 3
3. Raising a Concern.....	Page No 3
4. Investigating Concerns.....	Page No 4
5. Malicious or Vexatious Complaints.....	Page No 5
6. Contacting External Organisations.....	Page No 5
7. Responsible Officer .....	Page No 5

## 1. Introduction & Purpose of Policy

For the purposes of this policy, whistleblowing is the reporting, by those working for or on behalf of Frassati Catholic Academy Trust, of suspected wrongdoing on the part of employees, management, a local governing body or members of the Trust Board. Such wrongdoing might include fraud, malpractice, breach of health and safety law or some other illegal act.

Frassati Catholic Academy Trust (FCAT) is committed to achieving the highest possible standards of honesty, openness and accountability and relies on its members of staff to help maintain these standards. In pursuit of these aims, FCAT encourages all individuals to raise concerns which they may have about the conduct or practices of others. This policy sets out how such concerns will be dealt with. Whilst it is aimed predominantly at employees, the principles and essential aspects of the procedure will also apply to others working for or on behalf of FCAT, with any appropriate adjustment required, such as volunteers, local governors and board members, agency workers or contractors.

This policy aims to give members of staff and others working on behalf of FCAT the confidence to raise serious concerns using the routes provided and to reassure staff of the protection they are afforded when they have made a disclosure in good faith. It will be fairly and consistently applied in accordance with the Trust's commitment to equal opportunities.

This procedure is for disclosures about matters other than a breach of the employee's own contract of employment. Such concerns should be raised under the grievance procedure.

## 2. Legislation

The Public Interest Disclosure Act 1998 is designed to provide protection to workers who raise genuine concerns about specified matters. These are known as "qualifying disclosures". The specified matters are:

- Conduct which is a criminal offence;
- Breach of any other legal obligation;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public or pupils as well as other staff;
- Damage to the environment; or
- Deliberate concealment of any of the above.

A worker who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detriment or victimised because he/she has made the disclosure. FCAT will take a zero tolerance approach to any act of harassment or victimisation resulting from a member of staff raising a concern in good faith. A member of staff making an allegation within the scope of this policy will be supported when raising a concern, providing that he/she:

- Believes the concern to be true;
- Is not acting maliciously or making false allegations;
- Is not seeking any personal gain.

## 3. Raising a Concern

As a first step, employees working mainly or wholly for a single school, should raise concerns with the Headteacher. If the allegations involve the Headteacher, the member of staff should raise the matter with the Chair of the Local Governing Body. Alternatively a member of staff may raise a concern with the Trust's Designated Safeguarding Lead.

An individual working centrally as FCAT employed staff should raise concerns with the Trust's Designated Safeguarding Lead. If the allegations involve the Designated Safeguarding Lead, the member of staff should raise the matter with MAT DSL. If the allegations involve

the CEO, the member of staff should raise the matter with the Chair of the Board of Directors.

Concerns may be raised verbally or in writing, but the earlier the concern is expressed the easier it is to take any required action. Where a concern is raised verbally, the person hearing it must ensure that a written statement of it is made to assist with any subsequent investigation. All managers are required to take concerns raised within the scope of this policy seriously and identify the appropriate level of investigation, taking advice from the HR Services and from external bodies, as necessary to the nature of the concern. The concerns raised will be treated in confidence, whilst recognising that the individual raising them may need to come forward as a witness at a later date.

The whistleblower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

If a worker requests that their identity be protected, it will not be disclosed unless FCAT is required to do so in law. Whilst the Trust will not refuse to consider anonymous reports, those making them must be aware that it is considerably more difficult to investigate matters properly in such circumstances or to resolve the concern satisfactorily.

#### **4. Investigating Concerns**

Preliminary enquiries will be made into the concerns raised to establish whether a formal investigation is required. Immediate action may be taken - prior to an investigation being conducted - if there are concerns for the safety or welfare of pupils or others.

If a formal investigation is not to be undertaken, the reasons why will be explained to the individual as soon as possible. If an investigation is undertaken, this will normally be conducted by an appropriate senior individual with no previous involvement with the concerns raised. In certain cases, this may involve governors and/or an external independent investigator. The investigation will be conducted, where appropriate, in accordance with other relevant internal procedures which could involve the suspension of staff on full pay whilst the investigation is being carried out. Investigations involving child protection issues will not commence until external advice has been sought from the Local Authority Designated Officer.

Written records will be taken throughout the investigation and the employee will be kept informed of the likely timescale and progress of the investigation. The investigator will be responsible, where possible within 28 days, for reporting formally on the outcome of the investigation to the Headteacher and/or Local Governing Body (in respect of an individual school) or to the Chief Executive Officer (in respect of Trust-level allegations). The recipient(s) of the report will be responsible for taking any necessary action, which may include reporting the matter to the local authority, appropriate government department, regulatory agency or the police, and/or taking action under internal procedures (e.g. disciplinary or bullying and harassment). On conclusion of the investigation, the person who raised the concerns will be informed of the outcome and the proposed action to be taken, whilst respecting the confidentiality of individuals and any legal constraints.

## 5. **Malicious or Vexatious Complaints**

If a member of staff makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken in accordance with the disciplinary procedure.

## 6. **Contacting External Organisations**

Frassati Catholic Academy Trust encourages all staff to make use of the internal procedure before considering referring concerns externally. If the member of staff feels that it is right to take the matter externally, contact can be made with a recognised trade union, local Citizens Advice Bureau, Public Concern at Work, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action as a result. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation before doing so.

### Public Concern at Work

Charity providing advice line for public interest concerns:

Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

Tel: 020 7404 6609

## 7. **Responsible Officer**

The Chief Executive Officer is the Responsible Officer with overall responsibility for overseeing the operation of this policy and for ensuring that appropriate records are maintained of genuine concerns raised and the outcomes. The Responsible Officer will report as necessary to the Trust Board and to other outside agencies.