



The Wythenshawe Catholic Academy Trust

## WHISTLEBLOWING POLICY & PROCEDURE

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St Paul's Catholic High School  
St Elizabeth's Catholic Primary School  
St Anthony's Catholic Primary School  
SS John Fisher and Thomas More Catholic Primary School

Document Record	
Title	Whistleblowing Policy and Procedure
Date	March 2017
Supersedes	Whistleblowing Policy
Purpose	To create a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.
Author	Wythenshawe Catholic Academy Trust
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Schools within the Wythenshawe Catholic Academy Trust:

- St Paul's Catholic High School
- St Anthony's Catholic Primary School
- St John Fisher and St Thomas More Catholic Primary School
- St Elizabeth's Catholic Primary School

This policy will be published on the school's internal web site under the staff section.

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## **1. Introduction**

- i. The Wythenshawe 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. In the event that members of the Trust, school staff, parents, governors 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.
- iii. It is important to the Trust that any fraud, misconduct or wrongdoing by employees or officers of the Wythenshawe 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.
- iv. 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 school's operate ensure that cases of suspected fraud or impropriety rarely occur.
- v. 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.
- vi. 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. The schools in the Trust currently consist of St Paul's Catholic High School, St Anthony's Catholic Primary School, St John Fisher and St Thomas More Catholic Primary School and St Elizabeth's Catholic Primary School.
- 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 disclosures about matters of suspected fraud or impropriety etc, and not matters of a more general grievance. 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 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 e.g. fraud;
  - A miscarriage of justice;
  - An act creating risk to health and safety;
  - Risk 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 their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the Trust's Strategic Resource Officer.
- 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.

#### **4. Roles and Responsibilities**

- i. The Trust has designated a number of individuals to specifically deal with such matters and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter.
- ii. The individuals designated by the Trust are the Strategic Resource Officer, the Accounting Officer and the Chair of the Executive Board.
- iii. 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 and Employment are informed as appropriate.
- iv. In addition, information and advice can be obtained from the charity Public Concern at Work. 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 Public Concern at Work, Suite 306, 16 Baldwins Gardens, London, EC1N 7RJ. Telephone number 020 7404 6609.

#### **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 expected not to air 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.
- b. If they believe the line manager to be involved, or for any reason does not wish to approach the line manager, then the whistleblower should proceed straight to stage 3.

**ii. STAGE 2 – investigating a concern**

- a. The individual elected as the investigating officer will upon receipt of the information or allegation, carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the issue has foundation, can be resolved internally, or should be passed to someone in a more senior position. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, legal advisors, the police, the Department for Education and the Diocese.
- b. 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.
- c. If disciplinary action is being considered against an employee, the Trust's Strategic Resource Officer will be informed and the Disciplinary and Dismissal Policy and Procedure will be followed.
- d. The investigating officer may report the matter to the Executive Board of the Trust or appropriate government department or regulatory agency if deemed necessary.
- e. 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 – concerns involving a line manager**

- a. If the whistleblower is concerned that their line manager is involved in the alleged wrongdoing or has failed to make a proper investigation they should inform another individual named in 4ii.
- b. The other individual named in 4ii will arrange for an alternative appropriate person to review the investigation carried out, make any necessary enquiries and submit their own report to the appropriate body as in stage 2 above.
- c. If for any other reason the whistleblower does not wish to approach their line manager, they should also in the first instance contact an individual named in 4ii. Any approach to the named individual will be treated with the strictest confidence and the whistleblower's identity will not be disclosed without their prior consent.

**iv. STAGE 4 – options available if dissatisfied with the outcome of the investigation**

- a. If on conclusion of stages 1, 2 and 3 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, the governing body, the Executive Board or the Director of Education for the Diocese of Shrewsbury.
- b. If the whistleblower continues to reasonably believe that the appropriate action has not been taken, they should 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 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 Data Protection Act 1998.
- ii. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the investigating officer, possibly in conjunction with the governing body, will consider how best to report the findings and to whom, and what corrective action needs to be taken. This may include 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 individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

**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.