



# CONFIDENTIAL REPORTING WHISTLEBLOWING POLICY and PROCEDURE

## FOR ALL STAFF

St Cuthbert's RC Academy Trust exists to help parents and carers to educate young people spiritually, morally, physically and academically as well as possible.

We aim to be a truly Christian community, where our relationships are built on encouragement, concern, respect, forgiveness and reconciliation.  
Our religious life is rooted in the faith, practice and moral teaching of the Roman Catholic Church.

Each person in our community is specially valued and has an important part to play in making sure that we live out our mission

<b>Date Policy Updated:</b>	Spring 2022, by St Cuthbert's Trust Strategic HR Manager
<b>Date policy reviewed and approved:</b>	10 <sup>th</sup> March 2022, by St Cuthbert's HR Directors Committee
<b>Date of next review:</b>	Spring 2024
<b>Consulted Trade Unions – amendments made.</b>	Under consultation March 2022

**CONFIDENTIAL REPORTING WHISTLEBLOWERS' POLICY**

## **1. INTRODUCTION**

- 1.1. This policy has been produced to ensure that the Trust complies with the Public Interest Disclosure Act 1998. From here on in it will be referred to as The Whistleblowers' Policy
- 1.2. The Trust is fully committed to an ethos of openness, accountability and transparency, where employees are encouraged to voice any concerns they have in a professional, responsible way. All individuals are therefore encouraged to raise any concerns they may have.
- 1.3. This Whistleblowing Policy and Procedure makes it clear that employees can state their concerns without fear of victimisation, subsequent discrimination or disadvantage.
- 1.4. Nothing in this policy removes the obligation of staff to act in accordance with child protection and safeguarding policies/procedures and processes.

## **2. SCOPE**

- 2.1 The policy and procedure applies to all members of the Trust and others, defined below:
  - Directors of the Trust
  - Current employees of the Trust including casuals and agency employees
  - Staff working for departments or units of the Trust who may not be formally employed by the Trust
  - Providers of goods and services for the Trust

## **3. AIMS OF THE POLICY**

- 3.1. The policy aims to:
  - to encourage and enable employees to raise concerns within the Trust rather than to overlook a problem or take it outside.
  - encourage individuals to feel confident in raising concerns and to question, and act upon concerns
  - provide avenues for individuals to raise those concerns and receive feedback on any action taken after their concern being raised
  - ensure that individuals are aware of how to pursue they are not satisfied with the actions taken
  - reassure employees that they will be protected from possible detriment or victimisation if they have a reasonable belief that they have made a disclosure in good faith.

## 4. ROLES AND RESPONSIBILITIES

4.1. The Directors/Trust Board is responsible for approving this policy, monitoring its effectiveness and ensuring it is published on the Trust's website.

The CEO is responsible for ensuring that staff and others do not suffer a detriment in the application of this policy and procedure. The CEO will also ensure that:

- Any individual who makes a disclosure of wrongdoing or malpractice in good faith is protected against victimisation
- Anyone who victimises a whistleblower will be subject to the Trust's Disciplinary Policy and Procedure
- Any matters raised will be treated seriously, swiftly, consistently, fairly and professionally
- Any matter raised will be promptly and thoroughly investigated by an appropriate senior person
- The whistleblower's identity will, so far as is possible, remain confidential
- Any employee or worker who knowingly makes false allegations against a colleague will be subject to the Trust's Disciplinary Policy and Procedure
- Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.

4.2. The Human Resources Department (HR) is responsible for ensuring that all employees and officers of the Trust are aware of this policy. The HR team will also ensure that:

- the policy is implemented fairly and consistently
- staff know what protection is available to them if they report areas of malpractice or wrongdoing, and who to approach to report a concern
- whistleblowers are treated with dignity and respect and offered access to appropriate support
- whistleblowers are encouraged to access additional support via their trade unions and other available support networks.

4.3. Leaders and managers must ensure they deal with whistleblowing issues swiftly, respectfully, thoroughly and professionally, whilst upholding confidentiality as far as possible.

All employees and officers of the Trust have a responsibility for raising any concerns they have, thus providing the Trust with the opportunity to resolve any issues that arise. It is expected that wherever possible employees and officers of the Trust raise concerns prior to malpractice or wrongdoing occurring. However, where this isn't possible, it is expected that employees and officers of the Trust raise concerns at the

earliest opportunity in line with this policy and procedure.

4.4. Directors have agreed the following reporting process:

- In the first instance the complainant should report their concerns to their Line Manager.
- If the complaint is about their Line Manager, the complainant should report their concerns to the Head of School.
- If the complaint is about the Head of School, the complainant should report their concerns to the Chief Operating Officer or Chief Financial Officer.
- If the complaint is about the Chief Operating Officer or Chief Financial Officer, the complainant should report their concerns to the Chief Executive Officer.
- If the complaint is about the Chief Executive Officer, the complainant should report their concerns to the Chair of Directors.

## **5. TRADE UNION AGREEMENT**

5.1 This policy and Procedure has been discussed with the relevant trade unions and has their support.

## **CONFIDENTIAL REPORTING (WHISTLEBLOWING) PROCEDURE**

### **PART ONE (1)**

1.1. Everyone should ensure they have an awareness and understanding of the importance of preventing and eliminating wrongdoing at work. Employees and officers of the Trust should be mindful of the potential for illegal or unethical conduct and report anything of that nature. Any matter raised under the procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation will be shared with the worker who raised the issue.

The Whistleblowing Policy is not intended to cover complaints for which there are existing procedures, such as matters of individual discipline, staff grievances, complaints about poor standards of service, personal harassment, equal opportunities complaints.

The law provides protection for workers who raise legitimate concerns (whistleblow) about specified matters and these are called qualifying disclosures. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that any of the following is being, has been, or is likely to be committed:

- financial malpractice, financial impropriety, or fraud
- failure to comply with the Trust's regulations and procedures
- failure to observe safety obligations
- endangering health and safety, including risks to the public as well as other employees and pupils
- an act causing damage to the environment
- criminal activity at the Trust
- deliberate miscarriage of justice
- academic malpractice
- abuse of authority for illegal or unethical purposes
- willful failure to declare a relevant interest in the Registers of Interests
- sexual or physical abuse of clients covering up any of the above.

In education, it is also crucial that safeguarding issues are viewed as qualifying as a qualifying disclosure.

With any concern it is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The worker has no responsibility for investigating the matter, as it is the organisation's responsibility to ensure that an investigation takes place.

1.2 Cases arising from The Whistleblowing Policy will be routed through the appropriate Trust procedure and investigated by a specially constituted panel or appropriate leader (as referenced in 4.4 on page 4.

1.3 A whistleblower need not be personally or professionally affected by the malpractice, which is to be disclosed by him or her.

1.4 This policy does not replace the Trust's non-curriculum complaints procedure.

No whistleblower will be victimised. This means that the continued employment and opportunities for future promotion or learning and development of the worker will not be prejudiced because he/she has raised a legitimate concern. It is important that we protect whistleblowers and that we also ensure this policy is not misused.

It could be a disciplinary offence to mistreat someone for making a whistleblowing complaint.

The following are examples of actions that would be considered disciplinary offences if it was deemed the policy was being misused by the whistleblower:

- Knowingly making a false allegation
- Following an instruction to cover up a potential wrongdoing. If told not to raise or pursue a concern, even by a person in authority such as a manager, workers must not agree to remain silent and should escalate the issue to either a more senior manager or the Human Resources Department.

- obtain pecuniary benefit from a disclosure.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the discloser.

## **2. SAFEGUARDING WHISTLEBLOWING**

2.1 All workers must act on any concerns or information regarding the safety and wellbeing of a child or children arising from circumstances or events in or outside of school. Safeguarding concerns may relate to the conduct or behaviour of a worker towards an individual child or children; information that suggests a worker is unsuitable to work with children, or belief that the senior leadership team, the Trust Board, has failed to take appropriate action in response to a safeguarding concern raised.

The Trust's Child Protection Policy details the ways in which people can raise safeguarding concerns in our trust. All concerns will be treated with the strictest confidence by all concerned. The Trust will protect the identity of whistleblowers as much as possible; however, it may not always be possible to do so. All staff involved in any related investigations must maintain confidentiality during and after its conclusion.

## **3. PROTECTIONS FOR THE PERSON MAKING THE WHISTLEBLOWING DISCLOSURE**

3.1 If the Whistleblower complies in full with this procedure, the discloser will:

- be protected as far as possible from their identity being revealed, although there
- may be occasions when the type of information revealed will be such that the identity of the discloser can be inferred by others
- be protected from reprisal or unfair treatment attributable to the making of the disclosure
- be kept informed at all stages of the procedure
- have a choice of impartial individuals in the Trust to contact for an initial assessment
- Fairness is ensured in that none of these persons may make the initial assessment if they are themselves the subject of a public interest disclosure inquiry, or thought by the discloser not to be impartial; or have a later part to play in the procedure
- be assured that any malpractice will be thoroughly but quickly investigated.

- 3.2 These protections apply even if it is concluded that there is no action from a disclosure; provided that: the discloser makes the disclosure in good faith; and in the reasonable belief that the disclosure tends to show malpractice; and not maliciously or for personal gain. The Trust procedure does not offer protection in the case of a vexatious disclosure.

#### **4. PROTECTIONS FOR THE PERSON/S NAMED IN THE WHISTLEBLOWING DISCLOSURE**

- 4.1 The identity of a person who is subject of a public interest disclosure under this procedure will be protected as far as possible. If the case against him/her is heard under The Whistleblowing Policy, his/her rights to respond to accusations or to remain silent and to have representation, will be the same as under the Trust's disciplinary procedure. If a person chooses to remain silent, the Trust reserves the right to investigate the disclosure by any means at its disposal.

### **PART TWO: IMPLEMENTATION OF THE PROCEDURE**

#### **1. How to make a disclosure under the procedure**

- 1.1 Whistleblowing disclosures should be notified in the first instance to their line manager (unless the line manager is connected to the disclosure or for some other valid reason), then it would be their line manager. This is illustrated in 4.4 on page 4.
- 1.2 Concerns may be raised verbally, or in writing, if the whistleblower is making a written report there is a standard reporting form for this purpose, this is attached at **Appendix 1**. In any event, the concerns/disclosure should make clear the following information:
- the nature, background and history of the concern (giving relevant dates wherever possible),
  - the reason why you are particularly concerned about the situation,
  - names of those alleged to be involved in the concerning issue
- 1.3 The earlier the concern is raised the easier it is to take action, as it will be easier to gather information.
- 1.4 Although the whistleblower is not expected to prove, beyond doubt, the truth of an allegation, they will need to demonstrate to the manager/leader that there are reasonable grounds for concern.

#### **2. How the Trust will respond**

- 2.1. The Trust will respond to the whistleblowers concerns and the receipt of your report will be acknowledged, in writing, within 5 working days. You should be

aware that further enquiries may be made, possibly leading to a formal investigation, but this does not indicate that your concern has been either accepted or rejected. The Trust will take an objective and fair view, until clear evidence emerges.

- 2.2. Where appropriate, following initial enquiries, the matters raised may:
- be investigated by a specially constituted panel, any appropriate leader as expressed in 4.4, internal audit, HR, using the disciplinary procedure or other appropriate procedure/process
  - be referred to the police
  - be referred to the Trust auditor
  - be referred to an independent external provider, specially appointed to carry out investigations. Arrangements will be made as required, depending upon the nature and circumstances of the case.
  - form the subject of an independent inquiry by an appropriate body, depending upon the nature and circumstances of the case.

### **3. Action by the Receiving Officer**

- 3.1 Within five working days of a concern being raised, the receiving officer will write to you:
- acknowledging that the concern has been received; indicating how it is proposed to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling you whether any initial enquiries have been made;
  - supplying you with information on available support, where appropriate, and
  - telling you whether further investigations will take place and if not, why not.
- 3.2 Following this, the amount of contact between the officers 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, the officers considering the matter will seek further information from you.

### **4. Other Officers to be informed by the Receiving Officer**

- 4.1 The receiving officer will be responsible for informing other appropriate officers (treated with confidentiality), within 5 working days, or sooner if stated below, as follows:
- In the case of legal or financial concerns, the Chief Financial Officer should be informed immediately.
  - Trust Strategic HR Manager
  - In all cases, the chair of Directors, for monitoring purposes (Unless the complaint refers to the Chair of Directors, then it would be the Vice Chair of Directors).



- 4.2 Some concerns may be resolved by agreeing action without the need for a detailed investigation. If urgent action is required, this will, wherever possible, be taken by the Head of School.

## **5.0 Representation and Advice at Meetings**

- 5.1 During any meetings/interviews, as part of the whistleblowing complaint both the complainant and the subject of the complaint will be advised of their right to be accompanied by a companion. This companion may be a trade union official or a willing work colleague. The attendance of any representative or witness who is an employee of the Trust will require the prior approval of his/her line manager for absence during his/her normal working hours.
- 5.2 The Trust will take steps to minimise any difficulties, which the whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for them to receive advice and support about the procedure.

## **6.0 The Responsible Officer**

- 6.1. The Chair of Directors (or Vice Chair of Directors.), along with the HR Department, has overall responsibility for the maintenance and operation of this policy. The Head of School or when appropriate the Trust will maintain a record of concerns raised and the outcomes (but in a form which does not endanger the confidentiality of the whistleblower or other persons).

## **7. Assistance from External Agencies**

- 7.1. If, for any reason, the whistleblower does not feel comfortable speaking to someone in the Trust, about their concerns, the **Hull and District Citizen's Advice Bureau (CAB)** is one place that they may seek advice. If they are part of a trade union, they may seek confidential advice from their representative, there may also be other confidential bodies who can offer advice/support.
- 7.2 In addition, the Audit Commission has a confidential anti-corruption hotline, which employees may use.

## **8. How the Matter can be taken Further**

- 8.1. This procedure is intended to provide the whistleblower with an avenue within the Trust to raise concerns. The Trust hopes the whistleblower will be satisfied with any action taken. If they are not, or if they feel it is right to take the matter outside the Trust, they are reminded of the following are possible contact points:
- Hull Citizen's Advice Bureau

- the Audit Commission's hotline
- your trade union
- relevant professional bodies, of which you may be a member, such as the Institute of Management, Institute of Personnel and Development
- relevant regulatory organisations, such as the Health and Safety Executive where, for example, the issue involves a health and safety matter.

# Confidential Reporting Whistleblowers' Disclosure Form

Please complete this form and return it to your line manager or their line manager if they are involved in the complaint (or a person as suggested in 4.4 on page 4). They will acknowledge receipt of this within 5 working days and inform you of the next stage in the procedure.

**Your name:** .....

**Your job title:** .....

**The school you work for:** .....

**Email address:** .....

**Evening telephone number:** .....

Please give concise details of the nature, background and history of your concern (providing relevant dates where possible):

Please give the reason why you are concerned about this particular issue:

Please provide the names of people involved in the concerning issue:

*You may continue on separate paper, or attach additional documents, if you wish.*  
Please detail the number of Additional pages attached =

**Your signature:** .....

**Date:** .....

**School use**

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

**Complaint referred to:**

**Date:**

# Whistleblowing Flowchart

Is this an issue that falls within the scope of the Whistleblowing Policy?

**YES**

- Criminal offences
- A miscarriage of justice
- An act creating a health and safety issue
- Safeguarding issue
- An act causing damage to the environment
- A breach of any other legal obligation

**NO**

The Trust has a number of policies to effectively manage issues such as employee grievances (e.g. issues relating to an employee's own pay, working hours, working conditions or volume of work), bullying and complaints, located on the Trust's website.

Do I know who to talk to or where to take this?

**You can raise the issue with either:**

- Your line manager
- Head of School
- COO
- CFO
- CEO
- Chair of Directors
- HR

**Guidance:**

You should only escalate the issue to more senior staff/Director if you feel others are potentially involved in the issue, and you do not trust that your issue will be heard and responded to appropriately and that you

What will happen when I raise a whistleblowing issue?

You will be heard and supported. The matter will be Investigated. This may result in formal action being taken, such as a formal investigation, potential disciplinary action and external bodies may also be notified (e.g. government or HSE).

You will be heard and supported. The matter will be investigated. This may **not** result in formal action. You will be advised of the outcomes. The intention is that we learn and improve. Informal actions might resolve the issue.

If you wish to remain anonymous we will explore with you how we might do this, without affecting our ability to address the issue effectively. This may not always be possible (you will be kept informed)