Whistleblowing Policy & Procedure

This policy applies to all of the schools within The Frassati Catholic Academy Trust

Policy Ratified on: 7th October 2019
Committee: Full Board
Signed Chair/Vice Chair of Directors:
Next Review: Autumn 2020
WISTLEBLOWING POLICY AND PROCEDURE

1  Preamble

1.1 The Frassati Catholic Multi Academy Trust is founded by and forms part of the Catholic Church. In addition to the Church’s funds which established the five schools, it is sustained in its mission by receipt of public monies. Accordingly, it is accountable to the Catholic community of which it is a part, and which provided the schools, and also to the public whose funds it expends.

1.2 The Frassati Catholic Multi Academy Trust as an employer, is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect members of the public, employees and others who working at the trust, who have serious concerns about any aspect of the work of any employee, a worker for the Frassati Catholic Academy (including Seconded employees) or a member of the public to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.3 This policy is intended to encourage and enable employees, or members of the public to raise serious concerns they may have within The Frassati Catholic Academy Trust. In doing so, the Directors wish to make it clear that individuals can inform their employers without fear of victimisation, discrimination or disadvantage as a result of their ‘whistleblowing’.

2  Legislative Background

2.1 The Public Interest Disclosure Act 1998 (known as the ‘Whistleblowers Act’) protects employees against any detrimental treatment or dismissal if, in the interest of the public, they disclose to their employer matters concerning the conduct of The Frassati Catholic Academy and its personnel that would normally be regarded as confidential.

2.2 This policy has been created with regard to the following guidance:

- DfE (2014) ‘Whistleblowing procedure for maintained schools’

2.3 It does not apply to any grievance that an employee may have about his/her own employment for which The Frassati Catholic Academy have already established statutory procedures to enable them to seek redress under the provisions of the School Staffing (England) Regulations 2003, Regulation 6 (1)(b)1.
3 Aims and scope of this policy

3.1 This policy is intended to cover any major concerns that qualify for protection as ‘qualifying disclosures’ and fall outside the scope of other statutory procedures adopted by The Frassati Catholic Academy. Qualifying disclosures are disclosures of information which a member of the public, or employee reasonably believes to show one of the following matters is happening now, took place in the past or is likely to happen in the future:

- conduct which is an offence, a breach of the law or contrary to Church teaching;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public or Church funds;
- possible fraud and corruption;
- abuse of pupils;
- any other unethical or immoral conduct;
- the deliberate covering up any malpractice listed above.

3.2 Thus, any serious concerns that any member of the public or employee may have about malpractice in any aspect of service provision or the conduct of employees or academy local governors representatives or directors within the trust or others acting on behalf of the trust can be reported under this policy.

3.3 The conduct in question may be something that makes an employee feel uncomfortable in terms of known standards, his/her experience or the values, beliefs and standards to which The Frassati Catholic Academy Trust subscribes, is against the Object of the Frassati Catholic Academy or it falls below established standards of practice; or amounts to improper conduct.

4 Safeguards for Whistleblowers

4.1 The Frassati Catholic Academy will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees or members of the public when they raise a concern in good faith.

4.2 Qualifying disclosures may be made to the employer or via internal procedures.

4.2.1 A qualifying disclosure will be a protected disclosure when:

- it is made to the employer either directly or by procedures authorised by the employer for that purpose;
- or
- it is made to another person whom the worker reasonably believes to be solely or mainly responsible for the relevant failure;
- and
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- the employee acts in good faith.

43 Qualifying disclosures may be made to a **prescribed person**.²

4.3.1 A qualifying disclosure will be a protected disclosure where:

- it is made to a person or body which has been prescribed by the Secretary of State for the purpose of receiving disclosures about the matter concerned;
- the employee believes that the matter falls within the description of matters for which the person or body has been prescribed;
- the employee reasonably believes that the information and any allegation it contains are substantially true;
- the employee makes the disclosure in good faith.

44 Qualifying disclosures may be made to a **legal adviser**.

4.4.1 A qualifying disclosure will be a protected disclosure where:

- It is made to a legal adviser in the course of obtaining legal advice;

45 Qualifying disclosures may be made to a **Government Minister**.

4.5.1 A qualifying disclosure will be a protected disclosure where:

- it is made by an employee of a Government appointed organisation such as a non-departmental public body to a Government Minister either directly or via departmental officials
- it is made in good faith

46 Qualifying disclosures may be made to **others** not listed above.

4.6.1 A qualifying disclosure will only be a protected disclosure where:

- the employee reasonably believes that the information and any allegation it contains are substantially true;
- the employee makes the disclosure in good faith;
- the employee does not act for personal gain
- the employee reasonably believes that he/she would be subjected to a detriment by his/her employer if disclosure were to be made to the employer or to a prescribed person;
- in the absence of an appropriate prescribed person the employee reasonably believed that the disclosure to the employer would result in the destruction or concealment of information about the wrongdoing;
See Appendix 2 for a list of prescribed persons and the matters for which they are prescribed

- the employee had previously disclosed substantially the same information to his employer or to a prescribed person;
- it is reasonable for the employee to make the disclosure

47 Qualifying disclosures may be made about **exceptionally serious failures** and in these cases, employees or members of the public do not need to go through the normal channels and can publicly 'blow the whistle' straight away.

4.7 However, it is not enough for something to be an 'exceptionally serious failure' in the employee’s opinion alone e.g. if he/she does not agree with a working practice. It must be a matter of fact that something is a genuinely serious failure. An example could be an exceptionally serious health and safety issue that is putting employees or others' lives at risk.

4.7.2 Making a public disclosure e.g. to the media, is a serious matter and employees should get professional advice to confirm that the matter could be classed as an 'exceptionally serious failure' before taking such action.

4.7.3 A qualifying disclosure will be a protected disclosure where:

- the employee or member of the public reasonably believes that the information and any allegation it contains are substantially true;
- the employee or member of the public makes the disclosure in good faith;
- the employee or member of the public does not act for personal gain;
- it is reasonable for the or member of the public or worker to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made.

48 Any investigation into allegations of potential malpractice will not influence employees or be influenced by any disciplinary or redundancy procedures that might affect them.

49 Any provision in an agreement between employee and employer which would prevent the employee from making disclosures protected by the new provisions is void.

4.10 Employees do not have to raise a grievance in order to make a protected disclosure. The statutory minimum grievance procedures apply to a protected disclosure only if the employee actually intends that the disclosure constitutes raising the matter with his employer as a grievance.

# 5 Confidentiality

5.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee’s or member of the public’s identity if they so wish. At the appropriate time, however, he/she may need to come forward as a witness. Employees reporting concerns also have a duty to observe this confidentiality.
6 Anonymous Allegations

6.1 Employees or members of the public are encouraged to put their name to their allegation wherever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school. In exercising this discretion, the factors to be considered will include:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

7 Untrue Allegations

7.1 It should be noted that in making a disclosure the employee or member of the public must have reasonable belief that the information disclosed tends to show a relevant failure as listed in paragraph 3.1 above.

7.2 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her.

7.3 If, however, an employee makes an allegation frivolously, maliciously, or for personal gain, disciplinary action may follow.

8 Raising a concern

8.1 If an employee reasonably believes that he/she has discovered serious malpractice within the trust or trust school he/she should ideally raise these concerns with his/her line manager who would take the matter to the Headteacher of the school concerned or to the Chief Executive Officer if it concerns the Shared Services Team or the Headteacher of the trust school.

8.2 If it is about a person that is not employed by the trust, but reasonably believes that he/she has discovered serious malpractice within the trust or a trust school he/she should ideally raise these concerns.

8.3 When raising concerns, the details should include:

- Name (unless the wish to be anonymous)
- Details of who has committed the alleged serious wrong doing
- Details of what the nature is regarding the alleged serious wrong doing
- Confirmation if the person making the disclosure is employed by company
- Name of the entity involved; school, Shared Services Team
- Is the person disclosing a student, pupil, member of the public?

8.4 However, if, for whatever reason this is not possible or appropriate, the employee should contact the Headteacher or Chief Executive Officer directly.
If the employee suspects that the Headteacher or the Chief Executive Officer may be involved in the malpractice, then he/she should contact one of the named personnel in Appendix 1.

If the employee also suspects involvement by the Chair of the Board / Academy Committee, then he/she should one of the contacts listed in the Appendix 1.

Employees will be given the opportunity to discuss their suspicions with the appropriate investigating officer who will arrange for an investigation to take place.

Who the investigating officer might be, will depend upon the circumstances of the concern and the individual(s) whom the employee suspects may be involved. If the concern has been raised with the Headteacher or the Chair of the trust, they will seek advice from the Chief Executive Officer and an appropriate investigating officer will be appointed. This may be a Headteacher, an Academy Committee representative, a Director, an officer of the Diocese, a Senior leader or other qualified person. This could be from the school or another school within the Frassati Catholic Academy.

Within ten working term time days of the initial meeting, the investigating officer will write to confirm the details of the concern and that an investigation will take place.

Throughout the investigation, the complainant will be kept informed of progress and will normally be advised of the eventual outcome, subject to third party rights.

All correspondence will be addressed to the complainant’s home.

If a meeting is needed, it may be arranged off site if desired, and a union representative or a friend may accompany the complainant.

Although records will need to be kept as the enquiries progress, these will be of an anonymous nature.

There can be no prescribed time limits for completion of the investigative process, but it will obviously be in the interests of all concerned if the issue is resolved without delay.

If the complainant has any concerns about the way in which the investigation is being handled, then he/she should raise this with the designated investigating officer in the first instance. If the complaint remains unresolved then the complainant may contact the Diocesan Director of Schools with his/her concerns.

When the investigation is complete a report will be presented to the Academy Local Board of Governors and/or the Board of Directors (if appropriate) which will decide upon the appropriate course of action.

Subject to any relevant legal constraints, the complainant will be informed of the action to be taken. If the complainant does not agree with the outcome, then he/she will have seven days in which to make his/her concerns known to the Chief Executive Officer.

If the complainant remains dissatisfied with the response from The Frassati Catholic Academy, then he/she may consider contacting the Secretary of State for Children, Schools and Families, who has the power to intervene if the academy appears to be acting unreasonably. The complainant should be aware, however, that this course of action could have serious
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implications.

Appendix 1

List of Contacts

<table>
<thead>
<tr>
<th>Entity</th>
<th>Name</th>
<th>Role</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>St Mary’s Catholic Primary Maidenhead</td>
<td>S. Barry</td>
<td>Headteacher</td>
<td><a href="mailto:sandra.barry@stmarys-maidenhead.org.uk">sandra.barry@stmarys-maidenhead.org.uk</a></td>
</tr>
<tr>
<td>St Francis Catholic Primary School South Ascot</td>
<td>R. Miccoli</td>
<td>Headteacher</td>
<td><a href="mailto:r.miccoli@stfrancisprimary.org">r.miccoli@stfrancisprimary.org</a></td>
</tr>
<tr>
<td>St Margaret Clitherow Primary Bracknell</td>
<td>D Masters</td>
<td>Headteacher</td>
<td><a href="mailto:head@smc-bracknell.com">head@smc-bracknell.com</a></td>
</tr>
<tr>
<td>St Edmund Campion Primary Maidenhead</td>
<td>T Opalko</td>
<td>Headteacher</td>
<td><a href="mailto:patricia.opalko@st-edmund.org.uk">patricia.opalko@st-edmund.org.uk</a></td>
</tr>
<tr>
<td></td>
<td>J Camp-Overy</td>
<td></td>
<td><a href="mailto:jennifer.camp-overy@st-edmund.org.uk">jennifer.camp-overy@st-edmund.org.uk</a></td>
</tr>
<tr>
<td>St Teresa’s Catholic Primary Wokingham</td>
<td>N Peters</td>
<td>Headteacher</td>
<td><a href="mailto:head@st-teresas.wokingham.sch.uk">head@st-teresas.wokingham.sch.uk</a></td>
</tr>
<tr>
<td>1 Board of Directors</td>
<td>Hans Daems</td>
<td>Chair</td>
<td><a href="mailto:h.daems@gmail.com">h.daems@gmail.com</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Frassati Catholic Academy</td>
<td></td>
</tr>
<tr>
<td>2 Board of Directors</td>
<td>Stephen Poulson</td>
<td>Foundation Vice Chair</td>
<td><a href="mailto:stephen.poulston1968@gmail.com">stephen.poulston1968@gmail.com</a></td>
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<tr>
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<td></td>
<td>The Frassati Catholic Academy</td>
<td></td>
</tr>
<tr>
<td>4 Senior Management Team</td>
<td>Jacqui Lemaitre</td>
<td>Chief Executive officer</td>
<td><a href="mailto:jacqui@jlemaitre.co.uk">jacqui@jlemaitre.co.uk</a></td>
</tr>
</tbody>
</table>
APPENDIX 2

LIST OF PRESCRIBED PERSONS AND THE MATTERS FOR WHICH THEY ARE PRESCRIBED

The Public Sector Audit Appointments Ltd
The proper conduct of public business, value for money, fraud and corruption in local government.

PSAA Limited 3rd floor
Local Government
House Smith Square
London SW1P 3HZ

The Charity Commissioners for England and Wales
The proper administration of charities and of funds given or held for charitable purposes.

whistleblowing@charitycommission.gsi.gov.uk

Children’s Commissioner
Matters relating to the views and interests of children.

Children’s Commissioner for England Sanctuary
Buildings 20 Great Smith Street
London SW1P 3BT

Health and Safety Executive
Matters which may affect the health and safety of any individual at work; matters which may affect the health and Safety of any member of the public arising out of or in connection with the activities of persons at work.

Health and Safety Executive
19 Ridgeway
9 Quinton Business
Park Quinton
Birmingham B32 1AL

Information Commissioner
Compliance with the requirements of legislation relating to data protection and to freedom of information.

The Office of the Information Commissioner Wycliffe House
Water Lane
Wilmslow SK9 5AF 01625 545700

Advisory, Conciliation and Arbitration Service (ACAS) – ACAS operates a national network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law.

The relevant Local Authority - Under section 18 of the Health and Safety at Work Act 1974 will investigate matters which may affect the health and safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work.