

# WHISTLEBLOWING POLICY

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<b>THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON OUR LADY IMMACULATE CATHOLIC ACADEMIES TRUST</b>			

## Contents

1

1 Introduction .....	3
2. Scope.....	3
3. Legal Framework .....	3
4. Definitions .....	3
5 Qualifying Disclosure .....	4
6. Principles .....	4
7. Raising the Whistleblowing Concern .....	5
8. Whistleblowing Procedure .....	6
8.1 Investigating the Whistleblowing concern.....	6
8 .2 Outcome of the investigation.....	6
8.3 Escalating concerns external to the Trust.....	7
9 Malicious or vexatious allegations .....	8

## 1 Introduction

- 1.1 The Trust is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination through the Trust community which includes all of the academies that form part of the Trust.
- 1.2 The Trust strives to cultivate a culture of staff feeling able to discuss their concerns with either their Headteacher, other colleagues or a member of the Trust central team. In the first instance all staff are encouraged to raise any serious concerns within the school/Trust rather than overlooking the problem causing it to grow or choosing to 'blow the whistle'. However, the Trust understands that there may be occasions when a member of staff chooses to raise a concern directly outside the school community.
- 1.3 This Whistleblowing policy provides a mechanism by which either an employee or a worker can report a concern or wrongdoing that they have witnessed at work that they believe could affect the general public; legally this is known as 'making a disclosure in the public interest'<sup>1</sup> or alternatively 'blowing the whistle'.
- 1.4 This policy complies with the Trust's Funding Agreement and Articles of Association and has been informed by the Academy Trust Handbook, ACAS<sup>2</sup> and legislation (see below).

## 2. Scope

This policy applies to all employees within the Our Lady Immaculate Catholic Academies Trust (the Trust) and its academies/schools. It also applies to other workers who provide services to the Trust in any capacity including self-employed contractors/consultants and, agency workers.

The policy aims to reassure staff that their concerns will be taken seriously, can expect a response to their concerns and be informed how to take the matter further if not satisfied.

Employees using this policy need to have a reasonable belief that the information disclosed is evidence of wrongdoing and such a disclosure is in the public interest.

This policy is not intended to be used where other more appropriate Trust policies/procedures are available; this includes the Trust grievance policy, Safeguarding procedures, Trust complaint policy.

## 3. Legal Framework

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ACAS 'Whistleblowing At Work'

## 4. Definitions

**OLICAT** – Our Lady Immaculate Catholic Academies Trust (The Trust)

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<sup>1</sup> Public Interest Disclosure Act 1998,

<sup>2</sup> ACAS – Advisory, Conciliation and Arbitration Service

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**Whistleblowing** - is a process where a genuine concern is raised about an issue that is included as a 'qualifying disclosure' and is in the public interest.

**Whistleblower** – is the person who has raised a genuine concern about an issue that is included as a 'qualifying disclosure' **and** is in the public interest.

**Recipient** – The senior member of staff who has received the written concern from the 'Whistleblower' (see section 7 below)

## 5 Qualifying Disclosure

These are workplace 'wrongdoings' as defined in law about which a whistle blower can raise genuine concerns with the belief that such a disclosure is in the public interest; they include:

- Criminal offence or breach of law (e.g. fraud, corruption, theft)
- Health and safety risks & danger whether it affects staff, pupils or the public
- Failure to comply with a legal or a statutory requirement e.g. safeguarding
- Breach of financial procedures e.g. unauthorised use of public funds
- Miscarriage of justice e.g. employee dismissed that was actually a computer error
- Damage to the environment e.g. Pollution of local rivers
- Attempts by others to cover up any of these issues or any other wrongdoing

## 6. Principles

6.1 Employees are protected by legislation from day one of employment, that is, they cannot be unfairly dismissed or suffer a detriment for whistleblowing (providing the correct procedure is followed and the disclosure qualifies and is in the public interest)

6.2 All staff should be aware that any employee making a disclosure in good faith will be protected from reprisals or victimisation, however any vexatious or malicious concerns would be dealt with in accordance with the Trust's disciplinary policy.

6.3 Staff should consider if their concern should actually be addressed by either the Trust grievance policy or Trust complaints policy before following the whistleblowing policy. Cases that include bullying, harassment, discrimination are only covered by Whistleblowing if the wrongdoing is in the public interest; personal experiences and concerns regarding individual employment contracts should be addressed in accordance with the Grievance policy. Further guidance on differentiating between grievance or whistleblowing is provided by 'Protect', UK's Whistleblowing charity <https://protect-advice.org.uk>

6.4 All concerns will be treated in strictest confidence and identities will be protected where possible but on occasions the Trust may not be able to guarantee total confidentiality and anonymity.

6.5 Anonymous issues of concern, whereby no name is provided, makes it more difficult for the Trust to investigate thoroughly and would remove the ability to provide any feedback on the outcome. Anonymous concerns will still be considered but factors including the seriousness of the issues raised, credibility of the concern and likelihood of the allegation being confirmed by attributable sources will be included in the Trust's consideration of the concern.

6.6 Employees can be accompanied by a companion to any meetings who is either a Trade Union representative or a willing work colleague.

**THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON THE TRUST**

6.7 Staff who raise concerns about potential wrongdoings, but the outcome of the investigation is that no malpractice or wrongdoing is found, providing the concerns were raised in good faith, there will be no action taken against the employee who raised the concern. However, if the outcome finds that the concerns raised by the employee were deliberately invented, malicious or vexatious the Trust may consider disciplinary action.

## **7. Safeguards**

### **7.1. Harassment or Victimisation**

7.1.1. The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect employees when they have acted in good faith.

7.1.2. This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

### **7.2. Confidentiality**

7.2.1. We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trust will make every effort to protect an employee's identity.

7.2.2. As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed and agreed with the employee and their representative before their name is disclosed

7.2.3. All parties should respect the confidentiality of the disclosure and any subsequent investigation.

### **7.3. Employee Support**

7.3.1. It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate to both the employee(s) raising the concerns and any employee(s) subject to investigation. Employees may wish to seek advice from their trade union or professional representative.

## **8. Raising the Whistleblowing Concern**

8.1. Staff should raise concerns as a first step with their immediate line manager as the earlier a concern is raised the easier it is to resolve.

8.2. If the concern is about the immediate line manager, then the concern should be raised to the Headteacher or Strategic Executive Lead if it concerns a member of the central Trust team.

8.3. Concerns should be made in writing, wherever possible and include names of those allegedly committing wrongdoings, dates, places and as much evidence and context as possible. Staff raising the concern should also include details of any personal interest in the matter.

8.4. All concerns should be reported as per the table below:

<b>Matter of concern is regarding</b>	<b>Report concern to (The 'Recipient')</b>
Any member of school staff	Headteacher of the school
A Headteacher	Trust Strategic Executive Lead
Member of the central trust staff	Trust Strategic Executive Lead
Operational Procedures or Controls	Trust Strategic Executive Lead
Trust Strategic Executive Lead	Chair of the Board of Directors

## **9. Whistleblowing Procedure**

### **9.1 Investigating the Whistleblowing concern**

The 'Recipient' will undertake an investigation as follows:

9.1.1 Meet with the individual who is raising the concern within a reasonable time (this would normally be within 10 working days). The individual raising the concern may be accompanied by a trade union, professional association representative or willing work colleague

9.1.2 Ensure as much detail as possible about the concern is collated during this meeting and record the information. It is important to identify the grounds for the belief of the wrongdoing, malpractice or danger at work. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure

9.1.3 Reiterate, at this meeting, that the individual is protected from any unfair treatment, risk of dismissal or detriment as a result of raising the concern, however, if the concern is found to be malicious or vexatious, disciplinary action may be taken.

9.1.4 Establish if there is sufficient cause for concern to warrant further investigation. If the decision is that there are the following steps are required:

- i) The recipient will take steps to notify as appropriate those in the leadership and Board governance structure that an investigation is underway.
- ii) Initiate a further investigation involving those within the leadership and Board governance structure as appropriate, and if deemed necessary an external, independent body to investigate. It may be necessary to report the matter to the police
- iii) If another meeting with the individual raising the concern is required, they can be accompanied by either a trade union representative or a willing work colleague; the meeting may also be held at another Trust site or neutral location.
- iv) The individual who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

### **9.2 Outcome of the investigation**

8.2.1 Upon completion of the investigation (or further investigation if required) the Recipient (investigating person) will prepare a report detailing the findings and confirming one or more of the following outcomes:

- Matter to be further investigated internally
- Matter to be investigated by external auditors (where appropriate)
- Matter to be reported to the Police, LADO and/or other external agencies (where appropriate) •  
Alternative procedure should be followed e.g. grievance, complaints
- No further action required – this includes:
  - There is no evidence on the balance of probabilities, of any wrongdoing, malpractice or danger at work has occurred, is occurring or is likely to occur;
  - The person raising a concern is not acting in good faith;
  - The matter is already (or has been) the subject of proceeding under another of the Trust's policies/procedures.
  - The matter concerned is already the subject of legal proceedings or has already been referred to the external auditors, Police, LADO or other external agency.

9The Recipient will write to the individual who raised the concern as soon as reasonable possible but certain details may be restricted due to confidentiality.

9The desired outcome may not always be the outcome sought by the individual who raised the concern, but the Trust will manage any concerns fairly, consistently and appropriately.

### **9.3 Escalating concerns external to the Trust.**

9.3.1 The Trust encourages all staff to raise their concerns internally in the first instance as it is believed that the Trust's internal mechanisms are sufficient to address any matter. However, it is recognised that individuals may choose to raise their concerns to an external body. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external.

Such bodies include:

- The Local Authority's Designated Officer (LADO)
- Health and Safety Executive
- NSPCC
- Environment Agency
- Information Commissioner
- The Police
- Office for Standards in Education, Children's Services and Skills (Ofsted)
- Office of Qualifications and Examinations Regulation (Ofqual)

9.3.2 There is a list of prescribed people and bodies on GOV.UK which can be found [here](#).

9.3.3 If an employee chooses to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party

## **10 Malicious or vexatious allegations.**

10.1 Staff who raise concerns about potential wrongdoings, but the outcome of the investigation is that no malpractice or wrongdoing is found, providing the concerns were raised in good faith, there will be no action taken against the employee who raised the concern.

10.2 If the outcome finds that the concerns raised by the employee were deliberately invented, malicious or vexatious the Trust will consider disciplinary action.

## **11 Monitoring and Review**

The SEL and Board of Directors will be responsible for monitoring the implementation and effectiveness of this policy/procedure. This Policy will be reviewed every three years or sooner in response to changes in employment legislation.