



'Christ at the centre, children at the heart'

Our Lady of Walsingham Catholic Multi-Academy Trust will deliver outstanding educational, spiritual and moral outcomes for all children regardless of their faith or backgrounds within an ethos based on full inclusion, high expectations, innovation, outstanding teaching and learning, and a relentless focus on the needs and potential of every child. Our vision is that every Academy within the Trust has a reputation for excellence in their local communities and beyond.

**Our Lady of Walsingham Catholic MAT**

**Company No: 08444133**

**Registered Office: Fordham Road, Newmarket, Suffolk, CB8 7AA**

## **WHISTLEBLOWING POLICY**

## OLW CMAT (THE MAT) WHISTLEBLOWING POLICY

The MAT strives to cultivate a working environment in which all staff feel able to discuss problems or concerns that they may have with other colleagues, management, CEO or the Headteachers. We would always hope that issues can be resolved within the individual academies and fully support the principles of openness, integrity and accountability. The Directors Body encourages staff to raise serious concerns in the first instance **within** the Academy rather than overlooking a problem or 'blowing the whistle' outside, and would rather that you raised the matter when it is just a concern rather than waiting for proof.

Don't think what if I'm wrong – think what if I'm right

However, we do understand that there may be situations when, for whatever reason, a member of staff wishes to raise a concern directly with authorities outside the academy and this policy provides staff with some guidance on what to do if they wish to raise a concern.

### Introduction

- The Public Interest Disclosure Act 1998 and Enterprise and Regulatory Reform Act 2013 were enacted to bring about a climate of greater openness between employees and employers so that irregularities could be identified and addressed quickly and strengthen employment rights by protecting responsible workers who “blow the whistle” about wrongdoing or failures in the workplace. This Policy sets out the application of those statutory provisions to the administration of the academy.
- Employees are often the first to realise that there may be something seriously wrong happening within the academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the academy. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- Each academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees who have serious concerns about any aspect of the academy's work are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- This Policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns within the academy rather than overlooking a problem or “blowing the whistle” outside.
- It is recognised that an employee may wish to seek advice and be represented by their trade union when using this Policy.

## Aims and Scope of the Policy

This Policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to take the matter further if you are not satisfied with the academy's response.
- Reassure you that you will be protected from reprisals or victimisation for any disclosure that you have made in good faith.

This Policy is intended to cover any serious concerns that you may have about any aspect of the academy in regard to malpractice and wrong doing which fall outside of the scope of other procedures.

These include:

- A criminal offence or a breach of law (e.g. fraud, corruption, theft).
- A miscarriage of justice has been or is likely to occur.
- Health and safety risks, including risks to students, the public and other employees has been or is likely to occur.
- Damage to the environment has been or is likely to occur.
- The unauthorised use of public funds.
- Possible fraud and corruption.
- The academy's governance arrangements have been or are not being observed or are being breached by students or staff.
- Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children).
- Unethical or improper action or conduct has been noted.
- Discrimination is occurring to any member of staff or service recipient on the grounds of
  - i. Age
  - ii. Disability
  - iii. Gender reassignment
  - iv. Marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
  - v. Pregnancy and maternity
  - vi. Race – this includes ethnic or national origins, colour or nationality
  - vii. Religion or belief – this includes lack of belief
  - viii. Sex
  - ix. Sexual orientation

Information relating to the above is being deliberately concealed or attempts are being made to conceal the same.

This Policy is not intended to be used where other more appropriate procedures are available, for example:

- Grievances
- Harassment
- Complaints of misconduct against governors
- Safeguarding

### Safeguards

Each academy is committed to good practice and high standards and wants to be supportive of employees. It recognises that the decision to report a concern can be a difficult one to make and will respond sensitively (see how the academy will respond later in this document).

Each academy will take appropriate action to protect you when you raise a concern in good faith. It will not tolerate any harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If however a situation arises where a concern cannot be resolved without revealing your identity (e.g. you are required as a witness in court) the academy will discuss this further with you before proceeding.

### Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible, as concerns expressed anonymously are much less powerful but will be considered by the academy; the following factors will be taken into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources
- The academy's best interests
- The protection of the academy's assets

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and to provide you with feedback.

## Untrue Allegations and claims made for personal gain

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

However, if you make an allegation which the investigation indicates may have been made frivolously, maliciously or for personal gain, disciplinary action will be considered and may be taken against you.

The policy does not cover claims made for personal gain.

## How to Raise a Concern

As a first step, you should normally raise concerns with your immediate line manager. The earlier a concern is expressed the easier and sooner action can be taken.

If your concern is about your immediate line manager approach the Headteacher.

Concerns may be raised verbally, but it is good practice to record any concerns in writing at an early stage to ensure that all details are correct. A written report should be in the following format:

- The background and history of the concern (giving relevant names, dates and places where possible).
- The reason why you are particularly concerned about the situation.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient and reasonable grounds for your concern.

Alternatively, if your concern is that something seriously wrong is occurring at a senior level within the academy, you may prefer to approach the MAT CEO, one of the Directors or the Chair of the academy Local Governing Body or the Diocesan Academics Commissioner at the Roman Catholic Diocese of East Anglia.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## How the Academy will respond

The academy will respond to your concerns.

If the concern is raised verbally, you may be asked to put it in writing as soon as is practicable. You will be asked to indicate if the concern is to be treated in confidence.

The person receiving the information will ensure that, in the most serious of concerns, at least the Headteacher and if necessary the local governing body receives adequate details of the employees using this policy, for the purpose of corporate recording and monitoring.

Once you have informed your line manager of your concern, they will initially assess what action should be taken. This may involve an internal inquiry or a more formal investigation. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made on a sensitive basis and confidentially where possible. If your concern falls within another

policy of the MAT (for example the Grievance Policy) or within specific procedures (for example Child Protection) they will be referred to the relevant Policy or procedures.

You will be informed of who will be handling the inquiry, how you can contact them and whether your further assistance may be required.

After initial enquiries to assess the seriousness of the matter, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process.
- Be referred to the police.
- Be referred to the external auditor.
- Form the subject of an independent enquiry.

Some concerns may be resolved by agreed action with you without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person looking into the concern will write to you:

- Acknowledging that the concern has been received.
- Indicating how the Local Governing Body or Directors proposes 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.
- Telling you whether further investigations will take place and if not, why not.
- Supplying you with information on support available to you.

The amount of contact between the person 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 academy will seek further information from you. The academy will keep you informed of what is happening as far as is practical.

If any meeting is arranged, you can be accompanied by a trade union or professional association representative or a friend, and you have the right to request that this be away from your place of work.

The academy will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the academy will arrange for you to receive advice about the procedure.

The academy accepts that you need to be reassured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## How can the Concern be taken Further?

We understand that there may be situations when, for whatever reason, a member of staff wishes to raise a concern directly with authorities outside the academy.

If you are unsure whether to use the MAT's Whistle Blowing Policy or you want independent advice at any stage, you can contact:

- Your relevant trade union or professional association.
- The independent charity Public Concern at Work. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

This policy is intended to provide you with a way within each academy to raise concerns. The academy hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to question the matter further, in the first instance you should address your concerns to the Headteacher. If this response is not satisfactory, you may wish to take the matter outside the academy. The following are possible contact points:

- The Roman Catholic Diocese of East Anglia
- The CEO of the MAT
- Any Director of the MAT
- The Education Funding Agency
- The MAT appointed auditors
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police
- A solicitor or legal adviser
- The Local Government Ombudsman
- The Health and Safety Executive
- The charity Public Concern at Work

If you do take the matter outside the academy, you should ensure that you do not disclose confidential information.

Where you are victimised or dismissed in breach of the relevant Act you may be able to bring a claim to an employment for compensation.

Gagging clauses in employment contracts and severance agreements will be void in so far as they conflict with the relevant Act.

## Corporate Reporting and Monitoring

The Directors Body will ensure it has sufficient internal arrangements to address the requirements of this Policy.

The CFO will maintain the MAT's Whistle Blowing register, containing all concerns that are brought to any academy's attention. The register will not mention any employees, only concerns raised, the number of concerns, the fact that they relate to a academy or other education service and the nature of the job held by the person over whom the concerns have been raised (if not confidential). The register will note any issues arising, with the intention of:

- Preventing the occurrence of similar concerns.
- Consistency of treatment across academies and the education service.

The Corporate Register will be available for inspection by Internal and External Audit, RC Diocese of East Anglia, the Trustees of the MAT or the Department for Education.

#### Named Trustee and Member of Staff

John Tuttle is the named whistleblowing Trustee.

Mark Wilkinson is the named whistleblowing member of staff for the Trust.

Both can be contacted via the Trust office at St Louis Catholic Academy, Newmarket.